

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

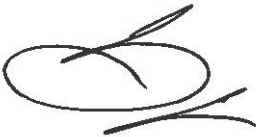
For assistance in understanding or reading this document or specific information about this Agenda or on the "Public Participation" initiative please call the Committee Team on 01629 761133 or email committee@derbyshiredales.gov.uk

25 November 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 03 December 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 2.00pm 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 – 08 October 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. 19/01097/FUL (Site Visit)	05 – 10
Incorporation of land into residential curtilage and two storey rear extension at Top Farm Cottage, Farley Lane, Farley.	
4.2 APPLICATION NO. 19/01159/REM (Site Visit)	11 – 21
Approval of reserved matters for the erection of 4 no. dwelling houses (hybrid planning permission 17/00329/FUL) at Land to the South Of Hallmark Tractors Site, Oak Lane, Sudbury.	
4.3 APPLICATION NO. 19/00996/FUL	22 – 36
Demolition of existing building and erection of 3 no. buildings comprising an office, storage and workshop building with associated parking and hardstanding at Land off Derby Road (A52), Ashbourne DE6 1LZ.	
4.4 APPLICATION NO. 19/01140/VCOND	37 – 47
Variation of condition 22 of planning permission 15/00814/OUT to allow for altered housing mix on any future Reserved Matters Application at Land adjacent to Bakewell Road, Matlock.	
4.5 APPLICATION NO. 19/01208/FUL	48 – 56
Installation of external wall insulation to properties at 55 Overdale, 1 Fairholmes, 35, 37, 85, 114, 116 and 123 Hurst Rise, 41, 60 and 80 Mettesford, Matlock.	
5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS	57 – 64
6. APPEALS PROGRESS REPORT	65 - 92
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 **2.00pm prompt** for the following site visits:

	Page No.
2.10pm APPLICATION NO. 19/01097/FUL	05 – 10
TOP FARM COTTAGE, FARLEY LANE, FARLEY.	
At the request of Officers to allow Members to appreciate the site and impact on the heritage asset as it is a finely balanced case.	
3.15pm APPLICATION NO. 19/01159/REM	11 - 21
LAND TO THE SOUTH OF HALLMARK TRACTORS SITE, OAK LANE, SUDBURY.	
At the request of Officers to allow Members to assess the proposed development in its context.	
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.

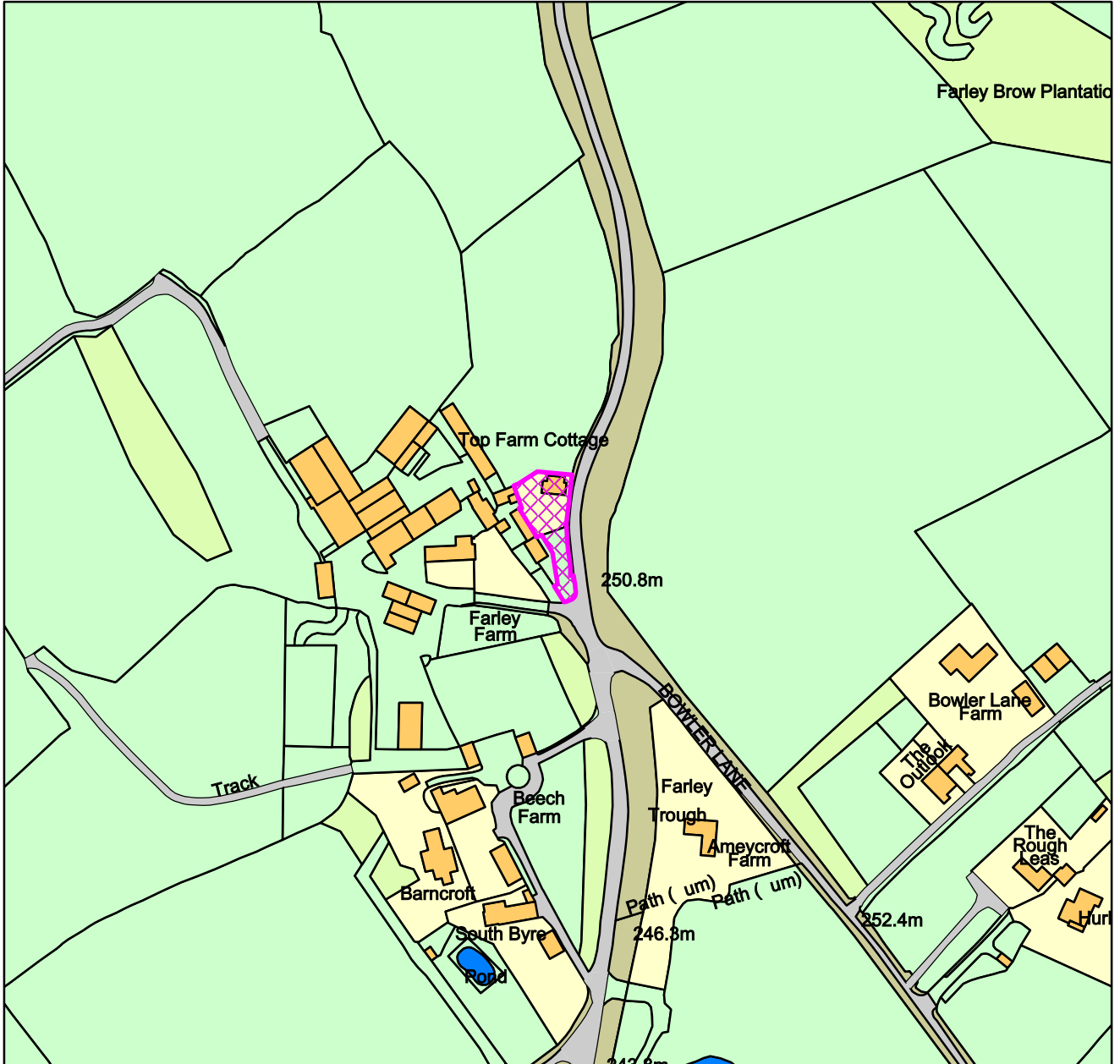
APPLICATION NUMBER		19/01097/FUL	
SITE ADDRESS:		Top Farm Cottage, Farley Lane, Farley	
DESCRIPTION OF DEVELOPMENT		Incorporation of land into residential curtilage and two storey rear extension	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr J Waters
PARISH/TOWN	Darley Dale	AGENT	Mr M Tucker
WARD MEMBER(S)	Cllr A Statham Cllr J Atkin Cllr M Salt	DETERMINATION TARGET	20/11/19
REASON FOR DETERMINATION BY COMMITTEE	Called in by Cllr Atkin	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and impact on the heritage asset as it is a finely balanced case.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of development - Impact on visual amenity - Impact upon heritage assets

RECOMMENDATION
Refusal

19/01097/FUL

Top Farm Cottage, Farley Lane, Farley



Derbyshire Dales DC

1:2,500

Date: 21/11/2019

100019785

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

1 THE SITE AND SURROUNDINGS

- 1.1 The property is an historic cottage (built circa. 1870) in a prominent and relatively raised location adjacent to Farley Lane. Adjacent to the west of the property is a Grade II listed farmhouse and its attached outbuildings. The prominence of the building is clear from the approach from the south and from the north. It is built entirely from coursed stonework with a natural slated roofs. The stone porch to the south elevation is a later 20th century addition. On the north elevation of the building is a projection (2.3m deep) with a distinctive and characteristic 'catslide' roof (and stone stack).



2 DETAILS OF THE APPLICATION

- 2.1 The proposal is to demolish the original rear projection (with its 'catslide' roof & stack etc.) and replace it with a new northern extension on a larger footprint/projection. It will project 5m maximum. This will require absorbing approx. 3.5 m of the adjacent agricultural field to the north (into domestic curtilage) to accommodate the extension. This field is steeply sloping and the boundary between the cottage and field is a traditional drystone wall.
- 2.2 The new extension is to take the form of a two-storey gabled projection (with dual pitched roof over) of 5m at 90 degrees to the principal part of the property. Attached to this gabled extension, to its west, turning 90 degrees, is a further two-storey gabled extension, also with a dual pitched roof over.

3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - S4: Development in the Countryside
 - PD1: Design and Place Making
 - PD2: Protecting the Historic Environment
 - HC10: Extensions to Dwellings
 - HC19: Accessibility and Transport
2. National Planning Policy Framework
National Planning Practice Guidance

4 RELEVANT PLANNING HISTORY:

None

5 CONSULTATION RESPONSES

Parish / Town Council

- 5.1 Darley Dale Town Council has no objections.

Derbyshire County Council (Highways)

- 5.2 No objections.

Design and Conservation Officer (Derbyshire Dales)

- 5.3 The loss of the catslide and replacement to create a traditional 'L' shape to the property is considered acceptable, however, it is the complex double pile roof which conflicts with the simplicity of the building that would adversely affect the setting of the grade II listed building.

Environmental Health Officer (Derbyshire Dales)

- 5.4 No Objections.

Environmental Agency

- 5.5 No comment.

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
- Character and appearance and impact upon heritage asset

Principle of Development

The site is located within the countryside and Policy S4 is relevant which allows extensions to existing buildings in accordance with Policy HC10. This proposal involves increasing the curtilage of the dwelling to the north by 3.5m in order to accommodate the proposed extension.

On approaching along Farley Lane, from the north, the rear of the property is particularly prominent based on the existing topography and levels. The extension to the curtilage is not considered to have a significant adverse impact on the landscape character and would not represent excessive encroachment or expansion into the countryside due to the small area involved and as only a 2m area would be left adjacent to the extension. Replacement of the stone wall on the northern boundary would be required by condition. Whilst Policy HC10 states that extensions are acceptable provided that the plot size is large enough to accommodate the extension, the property is set back in the plot close to the rear boundary and an extension to the rear is preferable due to the prominence and character of the front elevation which faces south on Farley Road. On this basis, the extension to the residential curtilage is considered acceptable and in accordance with Policy S4 and HC10.

Character and appearance and impact on Heritage Asset

Policy PD1 requires all development to be of high quality that respects the character, identity and context of the townscape, contributes positively to an area's character in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings. Policy HC10 supports extensions to residential properties provided that the plot size is large enough to accommodate the extension, the height, scale, form and design of the extension is in keeping with the scale and character of the original dwelling (taking into account any cumulative additions), and the site's wider setting and location. Together with provision of sufficient space for parking that would not detract from the character of the area.

Whilst the loss of the distinctive 'catslide' roof element is regrettable it is considered that an acceptable replacement would be the two-storey projecting gabled extension creating a traditional 'L' shape to the property. A suggestion was made that the gable extension could be coupled with a single-storey addition set within the (north-west) 'L' shape corner with a 'catslide' roof over from the two-storey extension (or from the principal part of the property). The form and roofscape would, in that regard, remain traditional and display a simplicity of roof shapes. Furthermore, such a proposal would re-integrate part of the 'catslide' roof to the new extension. The applicant did not want to make this change due to the loss of accommodation.

Therefore, as amendments to the scheme as outlined above were not forthcoming, the scheme has to be assessed as submitted. The proposed form, mass and roof shapes created by the proposed extensions is considered to introduce an untraditional disparity of building forms/shapes (i.e. a part 'L' shaped form and a part double-pile form). The result of this, as the drawings depict, is an over complex roof form/roofscape that is in architectural conflict with the simplicity of the host building. Furthermore, this untraditional complexity is at the loss of the current, distinctive, 'catslide' roof. On other matters, it is noted that the windows to the north gable of the two-storey extension have jamb stones. These are not found on any of the existing windows and are, therefore, an anomaly.

Local Plan Policy PD2 requires proposed extensions to existing buildings that affect a heritage asset to demonstrate how the proposal has taken account of design, form, scale and mass, the use of appropriate materials and detailing, siting and views away from and

towards the heritage asset in order to ensure that the design is holistic, sympathetic and minimises harm to the asset.

The proposed extension would be adjacent to the boundary with Grade II Listed traditional stone farmhouse of the early C18 which was listed in 2004. Of particular importance & relevance, the west elevation would be adjacent to the boundary with the Listed Building which proposes inappropriately over large windows with a 'floating' patio door at first floor. This western elevation of the property would be seen in views of the Grade II Listed building and its attached outbuildings. In this regard, the introduction of the over-complex building form and its associated roofscape, together with the large glazed openings, would to some degree adversely affect the setting of the Grade II Listed building, contrary to Local Plan Policy PD2.

On this basis, the proposed extension form and design is out of keeping with the character of the existing dwelling which is located in a prominent location visible from the Farley Hill and viewed in context with and would adversely affect the setting of the adjacent Listed Building, contrary to Policies PD1, PD2 and HC10.

8 RECOMMENDATION

That planning permission be refused for the following reason.

The proposed extension by reason of its over complex roof form/roofscape and window design is considered to be in conflict with the simplicity of the host building and thus harmful to its character and appearance. The proposal because of its immediate proximity will also have a resulting adverse affect on the setting of the adjacent Farley Farm Listed building, contrary to Adopted Local Plan Policies PD1, PD2 and HC10.

9 NOTES TO APPLICANT:

The Local Planning Authority considered the merits of the submitted application and recommended amendments that would resolve the planning problems with it through negotiation, however the applicant did not wish to amend the scheme. On this basis the requirement to engage in a positive and proactive manner was undertaken by the Local Planning Authority and a decision on the application progressed at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

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 documents:

1:1250 Scale Location Plan
Drawing No's 11411/25, 11411/32, 11411/33

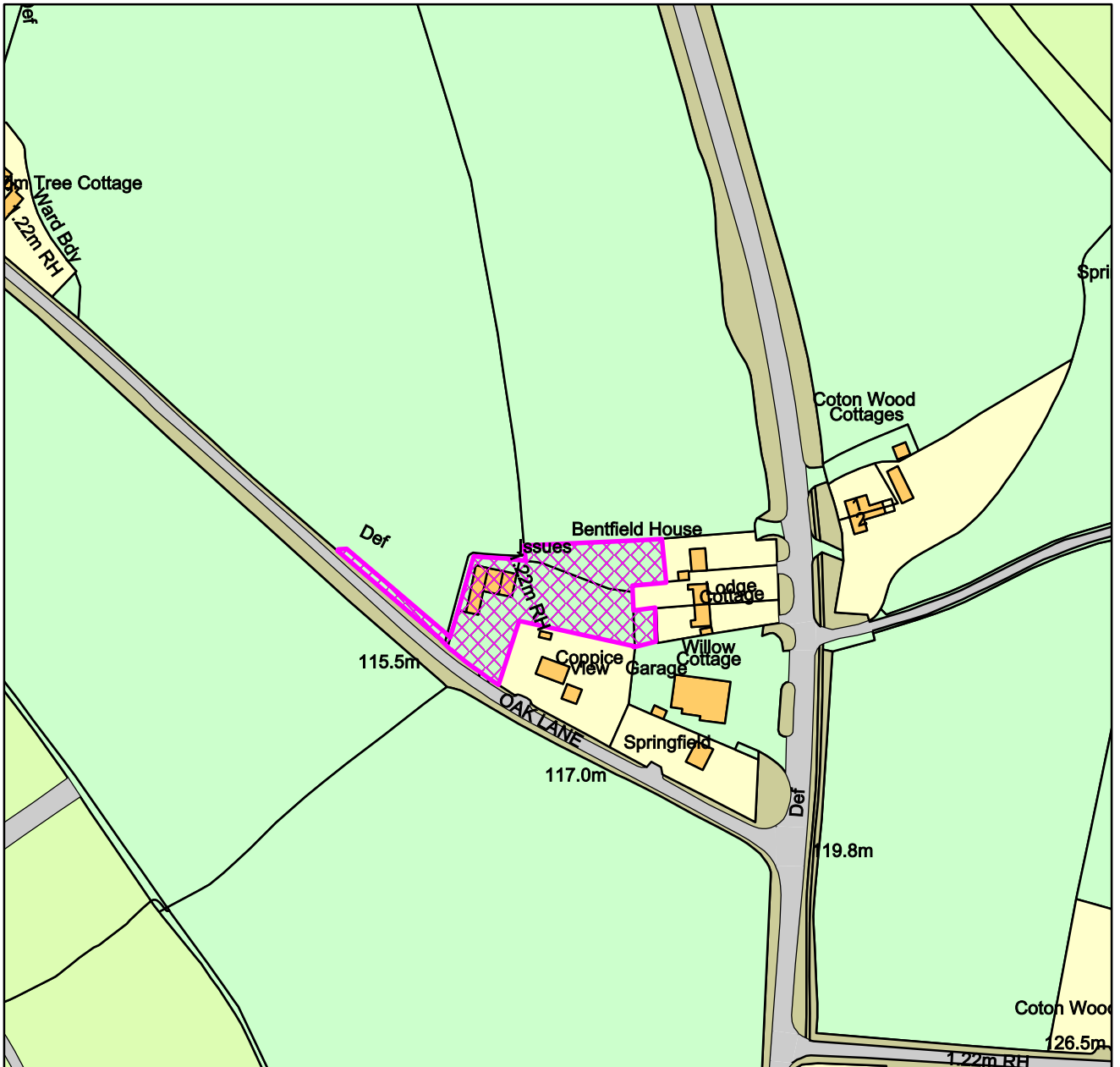
APPLICATION NUMBER		19/01159/REM	
SITE ADDRESS:		Land To South Of Hallmark Tractors Site, Oak Lane, Sudbury	
DESCRIPTION OF DEVELOPMENT		Approval of reserved matters for the erection of 4 no. dwelling houses (hybrid planning permission 17/00329/FUL)	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Matthew James Homes Ltd
PARISH	Sudbury	AGENT	David Granger Design Ltd
WARD MEMBERS	Cllr. Mrs. J. Allison Cllr. A. Morley	DETERMINATION TARGET	6 th December 2019
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the development given the concerns of residents that the development not in keeping with the surrounding properties and plot sizes

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of the development • Impact on the character and appearance of the area • Landscaping and removal of trees • Impact on residential amenity • Highway matters • Drainage

RECOMMENDATION
Refusal

19/01159/REM

Land to the South of Hallmark Tractors Site, Oak Lane, Sudbury



Derbyshire Dales DC

1:2,500

Date: 21/11/2019

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The site is located within a small hamlet within the open countryside set at the junction of the A515 and Oak Lane. This comprises several residential properties, the former Hallmark Tractors Site and the site currently being developed for the relocation of Hallmark Tractors to the north.
- 1.2 The site is a relatively level, L-shaped yard area formerly used by Hallmark Tractors. It is largely surrounded by landscaping and abuts several residential properties to the south and east. The former Hallmark Tractors building lies between dwellinghouses to the south east of the site. To the west is an open field.
- 1.3 There are a few timber sheds on the site and the site is subdivided by a green coloured, metal post, security fence. Access to the site was off the A515 to the east, via the former Hallmark tractors building to the south east, and a further access from Oak Lane to the south.





2. DETAILS OF THE APPLICATION

- 2.1 Approval of the reserved matters is sought for the erection of four dwellinghouses. This is submitted further to the hybrid application (17/00329/FUL) granted for the residential development of up to 4 no. dwellings and access (outline) and erection of building for B2/B8 use and associated access (full) for the relocation of Hallmark Tractors to the adjacent site. The Hallmark Tractors site has now largely been constructed.
- 2.2 It is proposed that there would be three dwellinghouses fronting the access road (Plot 2, 3 and 4) which is proposed to be set to the rear of The Coppice. These would be set to the west of The other dwelling (Plot 1) would be set to the northwest side of The Coppice, and whilst set forward of the other proposed dwellinghouses, would still set back in the site and front onto Oak Road.
- 2.3 The dwellinghouse are proposed as follows:

Plot 1

- two storey
- to measure 11m wide by 7m deep and 8m high with a rear projection measuring 3.5m deep by 6.9m wide and 7.35m high
- rendered walls with brick plinth, quoins and headers
- plain roof tiles
- half dormers with finial to front and rear
- pitched roof, open porch
- kitchen/dining/sitting area, living room, study, tv room, hallway, wc and utility on the ground floor with four bedrooms, an ensuite and a bathroom on the first floor
- detached garage, of brick and tile construction, measuring 6.45m deep by 3.65m wide by 4.95m high

Plot 2

- three storey
- to measure 12m wide by 6.8m deep and 8.9m high with a rear projection measuring 3.9m deep by 5m wide and 7.9m high
- brick walls with stone plinth and brick and stone headers
- plain roof tiles
- dormer with finial to rear
- lean to, open porch
- kitchen/dining/sitting area, living room, study, hallway, wc and utility on the ground floor with four bedrooms, two ensuite and a bathroom on the first floor and a guest bedroom, dressing area and ensuite in the roofspace

- detached garage, of brick and tile construction, measuring 6.45m deep by 3.65m wide by 4.95m high

Plot 3

- three storey
- to measure 11m wide by 6.45m deep and 9.2m high with a rear projection measuring 5m deep by 6.5m wide and 8.75m high
- attached garage measuring 3.4m wide by 6.45m deep and 4.8m high
- rendered walls with brick plinth and quoins and brick and stone headers
- plain roof tiles
- half dormer with finial to rear and half dormers with finial to east side of rear projection
- lean to, open porch
- kitchen/dining/sitting area, living room, study, tv room, hallway, wc and utility on the ground floor with four bedrooms, two ensuites and a bathroom on the first floor and two bedrooms and a bathroom in the roofspace

Plot 4

- two storey
- to measure 11m wide by 7.5m deep and 8.3m high with a rear projection measuring 6.2m deep by 6.87m wide and 8m high
- brick walls with stone plinth and brick and stone headers
- plain roof tiles
- half dormers with finial to front and rear and to east side of rear projection
- pitched roof, open porch
- kitchen/dining/sitting area, living room, study, tv room, hallway, pantry, wc and utility on the ground floor with four bedrooms, two ensuites and a bathroom on the first floor
- detached garage, of brick and tile construction, measuring 6.45m deep by 3.65m wide by 4.95m high.

- 2.4 It is proposed that all the dwellinghouses would have a 'square' plan, window/door pattern at the front. The windows and doors are all proposed to be upvc. The gables and dormer windows would have barge boards. The rear facing gables to Plots 2, 3 and 4 are to be largely glazed and have glass balustrades to the first floor windows.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S4 Development in the Countryside
- S9 Rural Parishes Development Strategy
- PD1 Design and Place Making
- PD3 Biodiversity and the Natural Environment
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodlands
- PD7 Climate Change
- PD8 Flood Risk Management and Water Quality
- PD9 Pollution Control and Unstable Land
- HC1 Location of Housing Development
- HC19 Accessibility and Transport
- HC21 Car Parking Standards

3.2 National Planning Policy Framework

3.3 National Planning Practice Guidance

3.4 National Design Guide

4. RELEVANT PLANNING HISTORY

- 4.1 17/00329/FUL Hybrid Application - Residential Development of up to 4 no. dwellings and access (Outline) and erection of building for B2/B8 Use and associated access (Full) – Granted.

5. CONSULTATION RESPONSES

Sudbury Parish Council

- 5.1 - no comments received at the time of preparing the Officer's report.

Cubley Parish Council

- 5.2 - no comments received at the time of preparing the Officer's report.

Local Highway Authority (Derbyshire County Council)

- 5.3 - original application (17/00329/FUL) was hybrid with the residential element outline with access for determination
- although the principle of building out the access to achieve visibility was accepted, the Local Highway Authority requested that a detailed scheme be submitted as part of any reserved matters application
 - pointed out that the proposals would potentially impact on a drainage ditch
 - the scheme appears to accord with the original comments but the applicant has demonstrated that the drainage ditch will be culverted which will require the consent of the County Council as Lead Local Flood Authority (LLFA) and, in the event that consent is withheld, the access as submitted could not be formed
 - request that, at this stage, the applicant provides evidence that the culverting of the ditch is a viable option and has the necessary support of the LLFA, along with full construction details which will be required for the Section 278 Agreement.

Lead Local Flood Authority (Derbyshire County Council)

- 5.4 - no comments received at the time of preparing the Officer's report.

6. REPRESENTATIONS RECEIVED

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

- object on the basis of the sheer size of the intended development
- high density building on a very small site
- none of the proposed houses blends with other local houses which are 3 or 4 bedroomed properties with large gardens
- will be out of character and scale with other houses in the near vicinity
- if type and size of dwellings is to be maintained, submit that the density should be reduced to half the number proposed to allow for larger individual plot sizes more in keeping with the surrounding properties and to avoid overcrowding issues
- if density is to stand, would argue that much smaller, affordable house types with fewer bedrooms be allowed or, better still, bungalow designs which would be far less obtrusive and provide more choice
- loss of view and therefore visual impact on neighbours
- understand that all trees and bushes were to be preserved but many have already been removed, uprooted and demolished
- matters of trees were dealt with and approved at the outline application stage - as defined in Article 2 of the T&CP (Development Management Procedure) (England)

Order 2015, the removal of trees is not a reserved matter nor can a reserved matters application override anything agreed with the grant of outline planning permission and approval of the reserved matters would be unlawful

- Coppice view and surrounding properties all have similar size plots, possibly larger, which have 4 bedrooms and large gardens with off road parking - proposed site will feature a possible 19 bedrooms and no garden of any size
- could mean 19+ cars to be parked around the site and totally out of character for the area
- at least two or three cars per household and therefore 8-12 cars housed with no further room for visitors
- vehicles will have to enter and exit off Oak Lane which is single track and is on a slight bend which obscures vision – all verges are already churned up leaving mud on the road
- no public transport
- no local amenities and nearest shop and post office is some 6 miles away
- given climate change emergency declared by the District Council and that this is a material planning consideration, does not seem appropriate that the planning department would support an application of this scale in a remote location with no accessible transport or local amenities
- means creating a busy area surrounding property which did not buy forever home for
- would also like something in writing about the trees surrounding Coppice View for them not to be touched for any reason throughout any development (bought this house for its privacy and not be to surrounded by 4 houses)
- a much smaller development of possibly 2 cottages would be more in keeping
- the site access on a very fast bend, this is a busy road and the more houses you build the more it adds to the danger pulling out on the bend - this needs very carefully thinking about as both the houses near the site access have pets, family cars and also children who can be accessing their own properties
- adverse effect on the residential community causing noise, disturbance and overshadowing
- concerned that as owners of Coppice View were not contacted with respect to the first proposal - would like more communication from everyone and a reason why no one at the Council made contact

7. OFFICER APPRAISAL

Principle of the development

7.1 The principle of the residential development of the application site was accepted in the granting of hybrid planning permission 17/00329/FUL. Therefore, it is only the reserved matters which can be considered which are:

- a) the scale of the development;
- b) the layout of the development;
- c) the external appearance of the development;
- d) access, insofar as the layout of the service road(s) and pedestrian route(s) within the site, and;
- e) the landscaping of the site.

Impact on the character and appearance of the area

7.2 The following consideration is given to the scale, layout and appearance of the development which form three of the reserved matters. The principal policies for consideration are Policies S1 (Sustainable Development Principles), PD1 (Design and Place Making) and PD7 (Climate Change) of the Adopted Local Plan (2017).

- 7.3 Policy S1 advises that all development should seek to make a positive contribution towards the achievement of sustainable development and, in doing so, seek to secure development which are of high quality, locally distinctive and inclusive design and layout and which provides a high standard of amenity for all existing and future occupants of buildings.
- 7.4 Policy PD1 advises that there is a requirement that the new development creates well designed, socially integrated, high quality places and should respond to the challenge of climate change whilst also contributing to local distinctiveness and sense of place.
- 7.5 Policy PD7 advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design. These Policies align with the most recent Government guidance contained in the National Design Guidance published in October 2019.
- 7.6 The site is set in a recessive location between the dwellinghouses, commercial buildings and the open countryside and, as a backland site, it is considered that the development should reflect on this character and context. However, the proposal is for a group of four large, suburban house types which are considered inappropriate in this rural location in relation to the existing dwellinghouses and also the commercial buildings that form part of this site context. The applicant has submitted no justification for the design concept in this respect.
- 7.7 In terms of layout, Plots 2, 3 and 4, whilst being large dwellings, are proposed to be sited in close proximity to each other. This is considered contrary to the prevailing character and appearance of the area where the properties, even the more modest ones, have a sense of space around and between them and are set in reasonable sized curtilages. Plots 3 and 4 have a particularly close interrelationship with a modest gap of 2m between them accentuated with a 'tunnelling' effect stretching some 12.5m from the front to the rear of these properties with the gables and rear projections. The continuation of the faces of the gables into the sides of the rear projections also gives no relief to the mass of walling either side of the paths which lead to the rear of the properties.
- 7.8 Plot 1 has a garage in its foreground and, on passing or entering the site off Oak Lane, the blank side gable to the garage presents a disappointing intervention in the streetscene. The dwellinghouse at Plot 1 is set back on the site and creates a rear garden that is significantly overshadowed by the canopy of trees which the applicant has advised are to be retained on the layout plan, but which it is stated should be 'trimmed as required.' It is considered that this does not give due regard to the value of these trees within the site or provide an appropriate level of amenity to the dwellinghouse.
- 7.9 The applicant has sought to dress the frontage of the dwellinghouses with 'square' plan elevations that may be found as facades to cottages in the wider rural area. However, the scale of the buildings is such that this is not convincing. This is also evidential with the contrasting, more contemporary, large three storey glazed rear projections to Plots 2, 3 and 4 which bring a conflicting appearance between the frontage and rear of the buildings. This dichotomy is also evidenced with the 'ornate' dormer windows on the rear being read contextually the more contemporary rear projections.
- 7.10 In terms of appearance, whilst the dwellinghouses seek to attain some sense of being individual properties, they contain the same features such as the window and door details, dormer windows, porches and garage types that bring a unity to the development. The two brick and stone and two render and brick dwellinghouses proposed would have facing treatments that do not present this modest site as a holistic development, but seeks to introduce variety as one may find on a larger residential estate to offer a choice of

dwellinghouse to the market. It could be advocated that the four dwellinghouses are only read in the context of five existing dwellinghouses and therefore would form a main part of the character and appearance of the group of dwellings. However, this is not considered an appropriate approach towards reflecting upon the existing surroundings and, in fact begins, to add its own, unwarranted, suburban influence to the area.

- 7.11 Therefore, whilst it is considered that four dwellinghouses can be provided on the site, their scale, layout and appearance needs further consideration to better reflect upon the prevailing character and appearance of the surrounding buildings with which they are proposed to interrelate. For example, such development could comprise dwellinghouses that take on a workshop/commercial-like character and appearance where they could reflect on the integration of commercial and residential development which currently forms the context for the site; the site is in a backland area which was previously in commercial use and thus this historical use of the site could inform the basis of the development proposals.
- 7.12 A more contemporary appearance could also allow for design measures that would help towards mitigating climate change in terms of the generation of energy from renewable sources and designing the buildings in order that they reduce likely energy consumption and are resilient to increased temperatures in accordance with Policy PD7 of the Adopted Local Plan (2017); this has not been addressed by the applicant in their submission and may have also assisted in informing the development of the site. Nevertheless, and notwithstanding these comments, it is considered that the development proposed, in terms of its scale, layout and appearance, is inappropriate for the site.

Landscaping and removal of trees

- 7.13 As part of the hybrid planning application, it appears that the applicant indicatively detailed that landscaping would be retained. Officers wrote to the applicant in July 2019 to advise that the demolition of the modest structures associated with the former sign writing business on the western side of the site could take place but that existing landscaping features, such as the trees along the site boundaries, should be retained to help filter views of the development and for biodiversity reasons; it is now evident that some of this landscaping has been removed.
- 7.14 There was no condition of the hybrid planning permission that existing landscaping be retained, just that a landscaping scheme be submitted for approval. Whilst the loss of existing trees and hedging is therefore regrettable, the applicant has detailed planting in those areas in which it has been removed. However, what the applicant has failed to provide are full details of the landscaping proposed. As the reserved matters require this to be submitted, it is considered that the applicant has failed to adequately address this matter. It is also noted that it is the intention to provide 2m close boarded fencing at the front of the site and in and around Plots 2, 3 and 4. It is considered that this will accentuate the suburban character and appearance that the development promotes.

Impact on residential amenity

- 7.15 The dwellinghouses are sited in the context of three dwellinghouses fronting the A515 (Bentfield House, Lodge Cottage and Willow Cottage) and Oak Road (Coppice View). These are set some 25m away from Plot 4 and would look out onto a blank gable wall. It is proposed that two dormer windows to the master bedroom in the side of the rear projection would face towards the existing dwellinghouse. At a distance of some 30m away from the nearest dwellinghouse, this cannot be considered so harmful an impact on privacy as to justify a sustainable reason for refusal, albeit the scheme could be amended by the applicant to replace the dormer windows with rooflights by way of mitigating the sense of a loss of privacy to the neighbours, particularly as the bedroom has its main aspect to the north.
- 7.16 The dwellinghouses at Plots 2, 3 and 4 would face towards Coppice View. There is a distance of some 22.5m from the nearest windows of the facing dwellinghouse at Plot 2 to

the dwellinghouse of Coppice View (Plot 3 is some 23.8m away and Plot 4 some 26m away). These would normally be reasonable distances between dwellinghouses but the introduction of three dwellinghouse directly overlooking the rear garden and windows of Coppice View could be rather an imposition nevertheless. However, there is a tall, intervening conifer hedge between the proposed dwellinghouses and Coppice View, which is advised to be in the applicant's ownership, which could be subject to a condition on its retention, its height retention and its management to screen the development.

- 7.17 During the construction of the development, there will be a degree of general noise, disturbance and dust that arises from construction activities; this is not sufficient a reason to justify refusal of planning permission and would be a temporary impact on the neighbouring residents. There will latterly be some disturbance from the activities of residents of the site. However, this would not be to an extent which could justify a recommendation of refusal and regard has to be given to the commercial use which is being replaced. Therefore, it is not considered justified to refuse the reserved matters on the basis of amenity having regard to the nature and layout of the proposed development.

Highway matters

- 7.18 The Local Highway Authority considered the hybrid application (17/00329/FUL) and raised no objections to access to four dwellings being gained off Oak Road, subject to conditions. However, although the principle of building out the access to achieve visibility was accepted, the Local Highway Authority requested that a detailed scheme be submitted as part of any reserved matters application. It is advised that the scheme appears to accord with the original comments but the applicant has detailed that the drainage ditch will be culverted. This requires the consent of the County Council as Lead Local Flood Authority (LLFA) and, in the event that consent is withheld, the access as submitted cannot be formed. Therefore, the Local Highway Authority has requested that the applicant provides evidence that the culverting of the ditch is a viable option and has the necessary support of the LLFA, along with full construction details which will be required for the Section 278 Agreement.

Drainage

- 7.19 The comments of the Lead Local Flood Authority, as a response to the matter raised by the Local Highway Authority, will need to be reported to the Planning Committee and may represent a further reason for refusal of planning permission.

Conclusion

- 7.20 Whilst the principle of residential development of four dwellinghouses has been approved on the site, it is considered that the scheme presented for reserved matters approval fails to have regard to the site's context and proposes four large, detached dwellinghouses which have the appearance of being rather suburban in their design and scale and cramped in terms of their interrelationship. Therefore, It is considered that the proposals fail to have due regard to this being a backland site and the prevailing character of the area which is comprised of dwellinghouses and commercial buildings that are well spaced to each other and set in relatively large curtilages. On this basis, it is recommended that the reserved matters be refused.
- 7.22 The other matter for consideration is the adequacy of the access. The Local Highway Authority is unable to respond fully to this as the matter of whether the drainage ditch can be culverted had not been resolved at the time this Officer's report was completed. An update on this matter will be reported to Members of the Planning Committee prior to the determination of the application.

8. RECOMMENDATION

That reserved matters be refused for the following reason:

1. The proposed dwellinghouses, by reason of their scale, appearance and layout appear as a suburban form of development which would be out of context with the adjacent properties and the prevailing rural character and appearance of the area in which they are located. As such, the proposals fail to comply with Policies S1, S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

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

Site Location Plan 1:1250 received on 11th October 2019

Drawing Nos. 19.3692.08A, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 and DC2142/DR/100 Rev. P1, 110 Rev. P1, 150 Rev. P1, 200 Rev. P1, 210 Rev. P1, 700 Rev. P1, and 730 Rev. P1 and 740 Rev. P1 received on 11th October 2019.

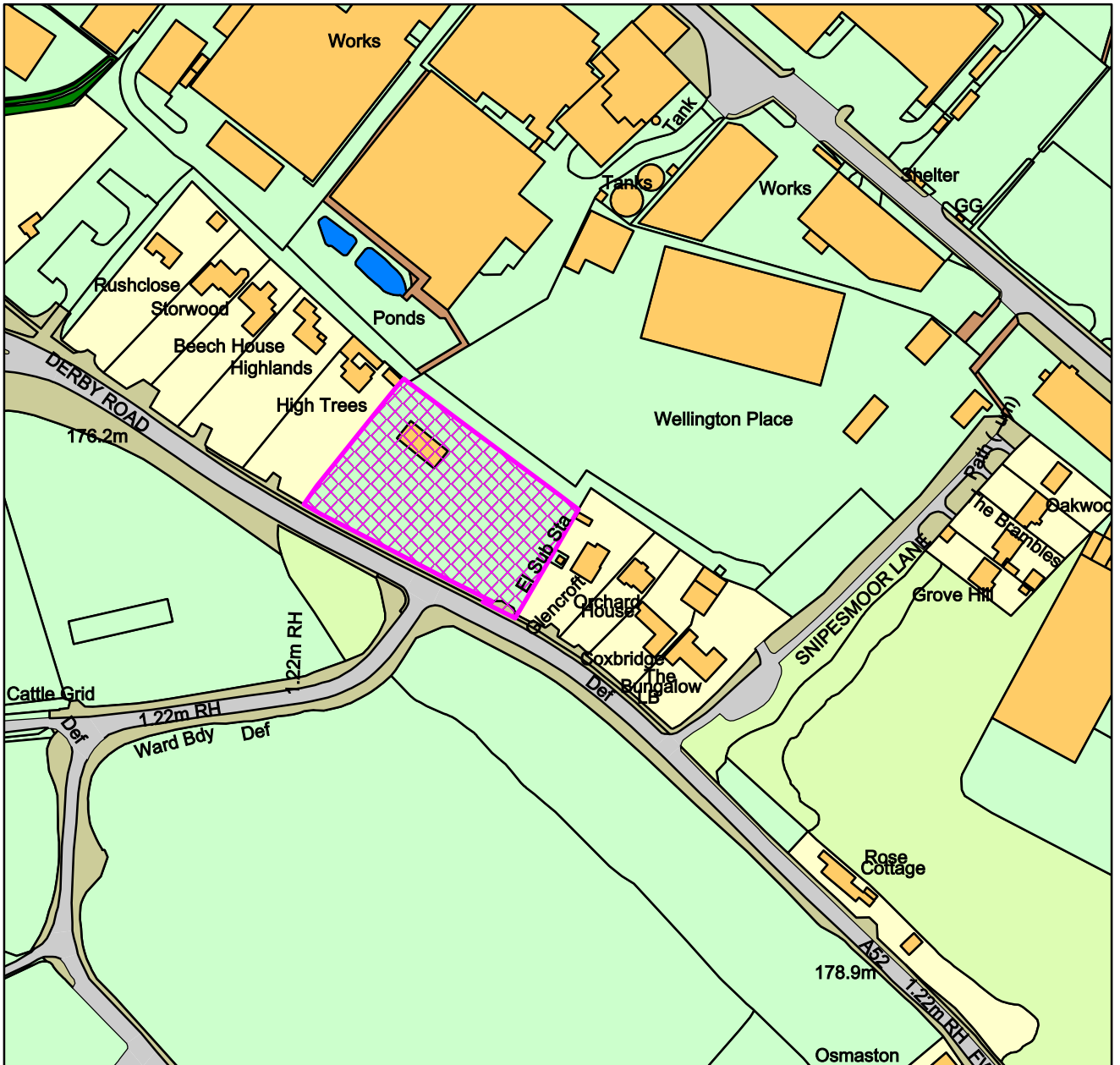
APPLICATION NUMBER		19/00996/FUL	
SITE ADDRESS:		Land Off Derby Road (A52), Ashbourne, DE6 1LZ	
DESCRIPTION OF DEVELOPMENT		Demolition of existing building and erection of 3 no. buildings comprising an office, storage and workshop building with associated parking and hardstanding	
CASE OFFICER	Mr Andrew Stock	APPLICANT	Mr Matthew Wrigley
PARISH	Ashbourne	AGENT	Miss Jessica Moore
WARD MEMBER(S)	Cllrs Donnelley and Archer	DETERMINATION TARGET	13 th January 2019
REASON FOR DETERMINATION BY COMMITTEE	Major application.	REASON FOR SITE VISIT (IF APPLICABLE)	Not required.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • The appropriateness of the proposed use of the site, having regard to its designation and location; • Impact on the character and appearance of its surroundings; • Whether the development would result in a significant loss of amenity for residents of neighbouring properties, and; • Whether there would be any adverse highway safety implications.

RECOMMENDATION
Approval, with conditions.

19/00996/FUL

Land Off Derby Road (A52), Ashbourne



Derbyshire Dales DC

1:2,500

Date: 21/11/2019

100019785

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

1 THE SITE AND SURROUNDINGS

- 1.0 The application site comprises an open area of land which currently contains only a single storey, former airfield building which is set back from Derby Road. The site is accessed directly off the A52 via an existing metal gated access. Abutting the application site to the south-east is Glencroft and to the north-west High Trees which are both residential properties. The land to the rear of the site is part of the Airfield Industrial Estate. This is separated from the site by an earthwork bund and the application site is not accessible from the site at the rear.
- 1.1 The site is within the Settlement Framework Boundary of Ashbourne and the rear third of the site is also designated as part of a Key Employment Site.



2 DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the demolition of the existing former airfield building at the north western corner of the site and erection of 3 no. buildings with associated parking and hardstanding. Submitted plans confirm the buildings will comprise an office, storage and workshop. The uses will all be within Use Class B1 of the Town and Country Planning (Use Classes) Order.
- 2.2 The buildings are proposed to measure as follows:

Building 1 (north west corner)	15.1m (L) x 12m (W) x 6.5m (H), totalling approximately 182 sqm of internal floor space.
Building 2 (centralised)	18.8m (L) x 14.7m (W) x 6.5m (H), totalling approximately 276 sqm of internal floor space.
Building 3 (north east corner)	23.2m (L) x 20m (W) x 5.5m (H), totalling approximately 464 sqm of internal floor space.

- 2.3 The buildings are proposed to be constructed with a red brick base with insulated grey cladding above, set under metal profiled roofing material.
- 2.4 The application site would be accessed via modifying the existing vehicular access directly off Derby Road (A52). A total of 32 no. parking spaces (inc 2 no. disabled parking spaces) would be provided to serve the development in front of the proposed buildings.
- 2.5 An acoustic fence will be erected along the western and eastern boundaries. Further planting is proposed along those boundaries. A mesh fence and gate are proposed at the site entrance which is to be widened to 20m fronting the A52 with the gates being 7m wide and set 10m to the rear of the highway.

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
- S9 Ashbourne Development Strategy
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodlands
- PD7 Climate Change
- PD8 Flood Risk Management and Water Quality
- HC19 Accessibility and Transport
- EC1 New Employment Development
- EC3 Existing Employment Land and Premises
- EC4 Retention of Key Employment Sites

3.3 Other

National Planning Policy Framework (2019)
National Planning Practice Guidance

4 PLANNING HISTORY

- 4.1 16/00162/FUL Demolition of light industrial building and erection of new office and storage / workshop buildings, modifications to access and associated parking and hardstanding – Approved.

5 CONSULTATION RESPONSES

5.1 Ashbourne Town Council:

Members agreed to object to the application. Members feel that as this is in the middle of a residential area, with an Industrial Estate in close proximity, and the proposed future development taking place there, means it is un-necessary. They feel it will cause an un-necessary increase in traffic on a heavily over-subscribed road, which is soon to have two additional junctions added and the proposed new roundabout. Members also agree with the Archaeologists report that a historic buildings appraisal should be undertaken in order to assess the archaeological and historical significance of the building, which is due to be demolished. This requirement is in line with NPPF para 198 which requires developers to establish the significance of any heritage assets which will be affected by their proposals. We should be re-consulted on the application when the required document has been produced.

- 5.2 Derbyshire County Council (Highways):
No objections, subject to conditions.
- 5.3 Environment Health Officer:
No objections, subject to conditions. However, I would recommend B1 use be conditioned as applied for. Hours of operation as previous application and also I would recommend implementation of the noise assessment conclusions from the previous application.
- 5.4 Derbyshire County Council (Development Control Archaeologist)
The proposal area relates to three Derbyshire Historic Environment Record entries. The site itself lies within the wider footprint of the former Ashbourne World War Two airfield (DHER no: 333) which was used for flying training between 1942 and early 1945. At its height the airfield included three runways and 'frying-pan' dispersals areas. Four T2 hangars were built on the airfield and as well as a technical site, alongside the A52, off which was the main gate. Dispersed accommodation and amenities were supplied for 2555 personnel, RAF and WAAF's of all ranks to the south-west of the airfield. The surviving building on this site, a standing brick structure, was a target store (DHER no: 383). An adjacent larger structure to the south-east (DHER no: 384), which was a clothing and respirator store and associated workshops, has since been demolished.
The proposal will therefore affect non-designated heritage assets, particularly the surviving structure, and we would not support its demolition in the absence of further information. Taking this into account we would recommend that an historic buildings appraisal be undertaken in order to assess the archaeological and historical significance of the building. This requirement is in line with NPPF para 198 which requires developers to establish the significance of any heritage assets which will be affected by their proposals. We would recommend that the work is undertaken by a Chartered Institute of Archaeology Registered Organisation and can give guidance on such specialists who might undertake this work. We should be re-consulted on the application when the required document has been produced.
- 5.5 Derbyshire Wildlife Trust:
No objections, subject to conditions.
- 5.6 Economic Development Officer:
It is noted that the scheme has been modified since the original planning approval to include three buildings comprising office and industrial use. The application indicates that Buildings 1 and 2 are for use by the applicant business. However, it is unclear whether Building 3 is to be let and this should be clarified. The scheme includes yard space and roller shutter doors serving the industrial units which is welcomed and aligns with demand in the area. However, the design of Building 1 is limited to a single story storage unit only. With regard to a potential future use the design would be improved with the option to include a mezzanine floor. From an Economic Development perspective there are no objections.
- 5.7 Trees and Landscapes Officer:
No objections, subject to conditions.
- 5.8 Environment Agency:
No formal comments to make.
- 5.9 Force Designing Out Crime Officer:
No objections, subject to conditions.

6 REPRESENTATIONS RECEIVED

- 6.1 None received.

7.0 OFFICER APPRAISAL

- 7.1 Having regard to the policies of the Adopted Derbyshire Dales Local Plan (2017) the main issues to assess are:
- The appropriateness of the proposed use of the site, having regard to its designation and location;
 - Impact on the character and appearance of its surroundings;
 - Whether the development would result in a significant loss of amenity for residents of neighbouring properties, and;
 - Whether there would be any adverse highway safety implications.

The appropriateness of the proposed use of the site, having regard to its designation and location

- 7.2 The application site is located within the defined Settlement Boundary of Ashbourne which is designated as a first tier settlement, within Policy S2 of the Adopted Derbyshire Dales Local Plan (2017). Tier 1 settlements are identified as the District's main towns which are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres. They will continue to provide significant levels of jobs and homes, together with supporting community facilities and infrastructure to meet their economic potential in the most sustainable way, consistent with maintaining or enhancing key environmental attributes.
- 7.3 Policy S3 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with development within defined settlement boundaries and states that planning permission will be granted for development where the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located, the access would be safe and the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development; it would have a layout, access and parking provision appropriate to the proposed use, site and its surroundings; and it does not conflict with any other relevant policy of this Local Plan.
- 7.4 Policy EC1 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with new and existing employment development and advises that the District Council will encourage the redevelopment, intensification and more efficient use of existing sites where they are either not fully utilised or unsuited to modern employment requirements.
- 7.5 It has been previously resolved that planning permission be granted for the redevelopment of part of the site, (application code ref: 16/00162/FUL) for the demolition of the light industrial building and erection of new office and storage / workshop buildings with modifications to the existing access and associated parking and hardstanding, approved in July 2016. The permission has not been implemented.
- 7.6 The application site is partly designated as part of a Key Employment Site, Ashbourne Airfield Industrial Estate (EC4a), as defined within the Adopted Derbyshire Dales Local Plan (2017). Policy EC4 seeks to retain B Class employment uses within defined key employment sites, such as Ashbourne Airfield Industrial Estate.
- 7.7 It is considered that the principle of redevelopment of the site for uses within Use Class B1 of the Town and Country Planning (Use Classes) Order has been established and in broad terms the reuse in the way proposed is acceptable.

Impact on the character and appearance of its surroundings

- 7.8 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, development on the edge of settlements to enhance and/or restore landscape character, contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.9 Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017) seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape.
- 7.10 The buildings are typical, modern industrial buildings reflective in their design and use of materials. Whilst these are an intervention between residential properties, the site has had quasi industrial buildings to the rear for many years and there is a clear interrelationship with the industrial estate to the rear of the site. It is considered that the buildings have a relatively modest scale and form for commercial buildings and would not be overbearing in the context of the nearest neighbouring dwellinghouses, namely Glencroft to the south-east and High Trees to the north-west. The materials proposed will need consideration in terms of their appropriateness contextually and clarity on the type of brick used and the exterior cladding. An appropriately worded condition will be attached to any approval requesting such detail.
- 7.11 Following amendments to the originally submitted landscape proposal acoustic fence is now proposed to extend down both the eastern and western boundaries. Further planting is proposed along these boundaries towards the front of the site. There will be a requirement to realign the existing boundary hedge to provide the appropriate visibility splay and will require an existing bus stop to be relocated. This is considered to have some impact in the streetscene but a reasonable requirement to enable redevelopment of the site.
- 7.12 The landscape details are considered to be acceptable. However, preference would be for a diverse mix of native trees and shrubs that provide good biodiversity benefits as well as being appropriate to the local landscape, providing visual interest and providing screening of the site. An appropriately worded condition will be attached to any approval requesting such detail.
- 7.13 In conclusion, subject to careful consideration of materials, the proposed development in terms of size, scale, form, design and massing is considered not to appear overly dominant or disproportionate in context to its locality and would not result in a detrimental impact on the character and appearance of the immediate and wider area.

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

- 7.14 The application site backs on to Ashbourne Airfield Industrial Estate. However, it is acknowledged the site lies between two residential dwellings, namely Glencroft to the south-east and High Trees to the north-west.
- 7.15 The proposals have been assessed by the District Council's Environmental Health Section who have raised no objection to the proposal. This is subject to conditions on the hours of operation being restricted, noise assessment mitigation measure and the use of the buildings restricted to B1 Uses.
- 7.16 Given the proximity to residential properties it is recommended that the hours of operating be restricted to 07:00 – 19:00 Monday to Saturday and no operations on Sundays or Bank Holidays. This is considered reasonable for the business operations and it is not considered that such a level of activity will significantly harm the amenity of the neighbouring residents

given the level of activity associated with the airfield industrial estate and vehicles driving along Derby Road.

- 7.17 It is considered by Officers that there is a reasonable requirement for acoustic fencing and landscape buffers along the eastern and western boundaries to assist with noise reduction and provide screening to the activities of the application site and vehicle headlights in winter months. Details of boundary treatments will need to be submitted for approval as a condition on any grant of planning permission.
- 7.18 Given the location of the site which backs on to Ashbourne Airfield Industrial Estate the proposed redevelopment of the site for B1 use is considered to be compatible with neighbouring land uses and would not result in a significant loss of privacy to the occupants of existing residential dwellings.

Whether there would be any adverse highway safety implications

- 7.19 The application is accompanied by a Transport Statement which is an addendum to the originally submitted Transport Statement considered under application code ref: 16/00162/FUL. The Local Highway Authority comment that the scale of development is still such that further transport analysis is not warranted. The content of the Transport Statement is noted. The Addendum does not raise any specific highway safety issues that would be exacerbated by the development proposals.
- 7.20 The Local Highway Authority has advised of no in principle objection to the proposal, subject to conditions. Sufficient on-site parking (totalling 32 no. spaces) and manoeuvring space would be provided on site, following clarification from the applicants' agent who confirms the land in control of Building 3 would not be gated, as illustrated on submitted revised plans. Furthermore the applicants do not expect articulated vehicles onto the site as the uses of the buildings do not require deliveries of this nature and it is anticipated that a rigid 12 truck would be more probable.
- 7.21 The Local Highway Authority conclude that the principle of development on the site has been accepted previously and based on the information submitted, and subject to conditions it is unlikely that the Highway Authority would be in a position to refuse the application on sustainable highway safety grounds.

Other matters

- 7.22 The application is accompanied by a Preliminary Ecological Appraisal. Derbyshire Wildlife Trust comment that the report provides a clear description of the existing habitats at the site together with the likelihood of their use by protected species and the survey work has followed good practice guidelines. Surveys in 2016 and 2019 found no evidence of roosting bats in the building.
- 7.23 The current application is for a broadly similar scheme, but for a slightly larger area of land and comprising three new buildings rather than the previous two. Impacts are anticipated to be much the same as those identified for the 2016 scheme, namely the loss of existing areas of vegetation and associated risk to nesting birds depending on timing of clearance works. Derbyshire Wildlife Trust has advised of no objection, subject to conditions.
- 7.24 The comments of the Town Council are noted with regard to the potential archaeological and historical significance of the existing building. The County Council Development Control Archaeologist advise that the site itself lies within the wider footprint of the former Ashbourne World War Two airfield (DHER no: 333) which was used for flying training between 1942 and early 1945 and that the surviving building on this site, a standing brick structure, was a target store (DHER no: 383).

7.25 The subject building is not statutory listed or curtilage listed. Whilst it is appropriate to record its details to update historic records it would not, it is considered, be appropriate to insist on its retention or adaptation as this is unlikely to prove cost affective or attractive and in any event its relationship to the airfield has long since vanished with the intervention of the airfield industrial estate. Furthermore it would be difficult for the Local Planning Authority to resist its demolition when considered against Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 which permits its total demolition. The applicant has agreed, via condition, to submit an historic buildings appraisal, as requested by the County Council Development Control Archaeologist, to appropriately record the buildings significance for future records. An appropriately worded condition will be attached to any approval requesting such detail.

Conclusion

7.26 It is considered that the re-use of this site for commercial purposes in this sustainable location would bring benefit the local economy and would comply with the site designation as being part of a strategic employment site. The design and scale of the buildings is considered appropriate in the context of the residential properties and the industrial development to the rear and B1 use can co-exist with residential properties without leading to a significant loss of amenity.

7.27 Taking the above into consideration the application satisfies the relevant provision of the Adopted Derbyshire Dales Local Plan (2017). Accordingly the application is recommended for approval.

8. OFFICER RECOMMENDATION:

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

Reason:

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

2. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority 21st November 2019.

Reason:

For the avoidance of doubt.

3. There shall be no external storage on the site unless in accordance with details to be otherwise first agreed in writing by the Local Planning Authority

Reason:

To safeguard the character, appearance and amenity of the site and its surroundings to comply with Policies S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

4. Prior to demolition of the existing building an historic buildings appraisal shall be submitted to an approved in writing by the Local Planning Authority.

Reason:

To safeguard the identification and recording of features of historic and/or archaeological interest associated with the site in accordance Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

5. Notwithstanding the details submitted in the application documents, samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before installation. The development shall be constructed in accordance with the approved details.

Reason:

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

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

Reason:

To ensure a satisfactory external appearance of the development in accordance with Policies S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

7. Notwithstanding the details submitted in the application documents, no development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-
 - a) measures for the protection of retained vegetation during the course of development;
 - b) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - c) details of the replacement frontage hedge;
 - d) details of all means of enclosure
 - e) details of the acoustic fence; and
 - f) details of lighting units.

Reason:

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

8. 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 S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

9. The use of the premises is restricted to those contained within Use Class B1 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015. The use of the premises shall also be restricted to the hours of 07:00 – 19:00 Monday to Saturday, with no operations on Sundays or Bank Holidays, or any plant or HGV movements into or on the site outside these hours.

Reason:

In the interests of preserving the amenity of neighbouring residents in accordance with Policies S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

10. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan / statement shall be adhered to throughout the construction period. The statement shall provide for:
- i. Parking of vehicles of site operatives and visitors,
 - ii. routes for construction traffic,
 - iii. method of prevention of debris being carried onto the public highway from the construction site,
 - iv. proposed temporary traffic restrictions,
 - v. arrangements for turning vehicles
 - vi. roadside hoarding / security fencing.

Reason:

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

11. Before any other operations are commenced on site a scheme shall be submitted to and approved in writing by the Local Planning Authority indicating suitable alternative locations for the bus stop, together with appropriate construction details to support its relocation. The works being laid out and constructed strictly in accordance with the approved details, in association with the formation of the modified access, the subject of condition 12 below.

Reason:

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

12. Before any other operations are commenced on site the existing access shall be modified in accordance with drawing number F15234/01 Rev B, laid out 6.75m wide with 10m junction radii and provided with a 2.4m x 125m visibility splay to the north west of the modified access point and a 2.4m x 130m splay to the south east, the area in advance of the sightlines remaining free from any obstructions to visibility over 1m high (600mm in the case of vegetation) relative to the nearside carriageway channel level, and be maintained as such thereafter for the life of the development.

Reason:

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

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

Reason:

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

14. Any gates at the proposed access point, whether temporary or permanent, shall not be located within 10m of the highway boundary and shall be physically prevented from opening outwards over any part of the public highway, all as may be agreed in writing with the Local Planning Authority. The gates shall remain open throughout the duration of the daily operating hours of the site.

Reason:

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

15. The development hereby permitted shall not be occupied until secure cycle parking facilities for staff and visitors to the development have been fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason:

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

16. The development hereby permitted shall not be occupied until vehicle parking and manoeuvring areas have been laid out in accordance with the application drawings and constructed as may be agreed in writing with the Local Planning Authority. The parking shall be appropriately marked out and the parking and manoeuvring areas thereafter remaining free from any impediment to their designated use, for the life of the development.

Reason:

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

17. No building or use hereby permitted shall be occupied or use commenced until the facilities for loading, unloading, circulation and manoeuvring of heavy goods vehicles have been completed in accordance with the approved drawings. Thereafter, these areas shall be kept free of obstruction and available for these uses.

Reason:

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

18. Details of any external lighting for the site shall be submitted to and agreed in writing with the Local Planning Authority prior to installation. Details shall include luminance levels and spread of light together with measures to prevent glare to users on the adjoining public highway.

Reason:

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

19. Demolition and vegetation clearance shall be undertaken during the period October to February (inclusive) to avoid the main bird nesting season or else preceded by a check for nesting birds by a suitably experienced ecologist. Any active nests must be left in situ and undisturbed until the young have fledged.

Reason:

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

20. Prior to any ground works, details of suitable protective measures for retained hedgerows and mature trees shall be provided to and approved in writing by the Council. The approved measures shall be adhered to in full.

Reason:

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

21. Prior to any ground works, a landscape and ecological enhancement plan shall be submitted to and approved in writing by the Council. This shall include details of retained and new planting and associated management regimes, together with location and specifications for all features such as bird boxes, bat bricks and hedgehog access in site boundaries.

Reason:

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

22. Prior to any ground works, an updated root protection area (RPA) of the rooting system of the elm tree and the hedge alongside Derby Road should be calculated according to the guidelines of BS5837:2012 and shown on a Tree Constraints Plan shall be submitted to and approved in writing by the Local Planning Authority before installation. The development shall be constructed in accordance with the approved details.

Reason:

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

FOOTNOTES:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application.
2. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
3. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
4. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Economy, Transport and Communities Department at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
5. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from David Nicholson, Traffic Management - telephone 01629 538685.
6. 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).
7. 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.
8. The application proposals are affected by a Prescribed Building Line under the Road Improvement Act 1925 (Reference No 83B). Whilst it is an offence to undertake building works in advance of this line, it may be possible for the applicant to apply to rescind the line. The applicant is advised to write to the Strategic Director Economy, Transport and Environment at County Hall, Matlock, DE4 3AG, at least 6 weeks before commencing works

requesting that the line be removed and confirming that they will meet the Authority's administrative / legal costs if the removal is approved.

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

10. This Decision Notice relates to the following documents:
 - Planning Design & Access Statement
 - Preliminary Ecological Appraisal – Whitcher Wildlife Ltd
 - Transport Statement Addendum – Bancroft Consulting
 - Flood Risk Assessment – Julia Williams
 - Site Location Plan 104-001
 - Existing Plan 104-002
 - Building 1 Elevations 007A
 - Building 1 Floor and Roof Plan 104-004
 - Building 2 Floor and Roof Plans 104-005
 - Building 2 Elevations 104-008A
 - Building 3 Floor Plan 104-006
 - Building 3 Elevations 104-009A
 - Access Visibility Splays 104-011
 - Site Elevation 104-010A
 - Proposed Site Plan 104-003B

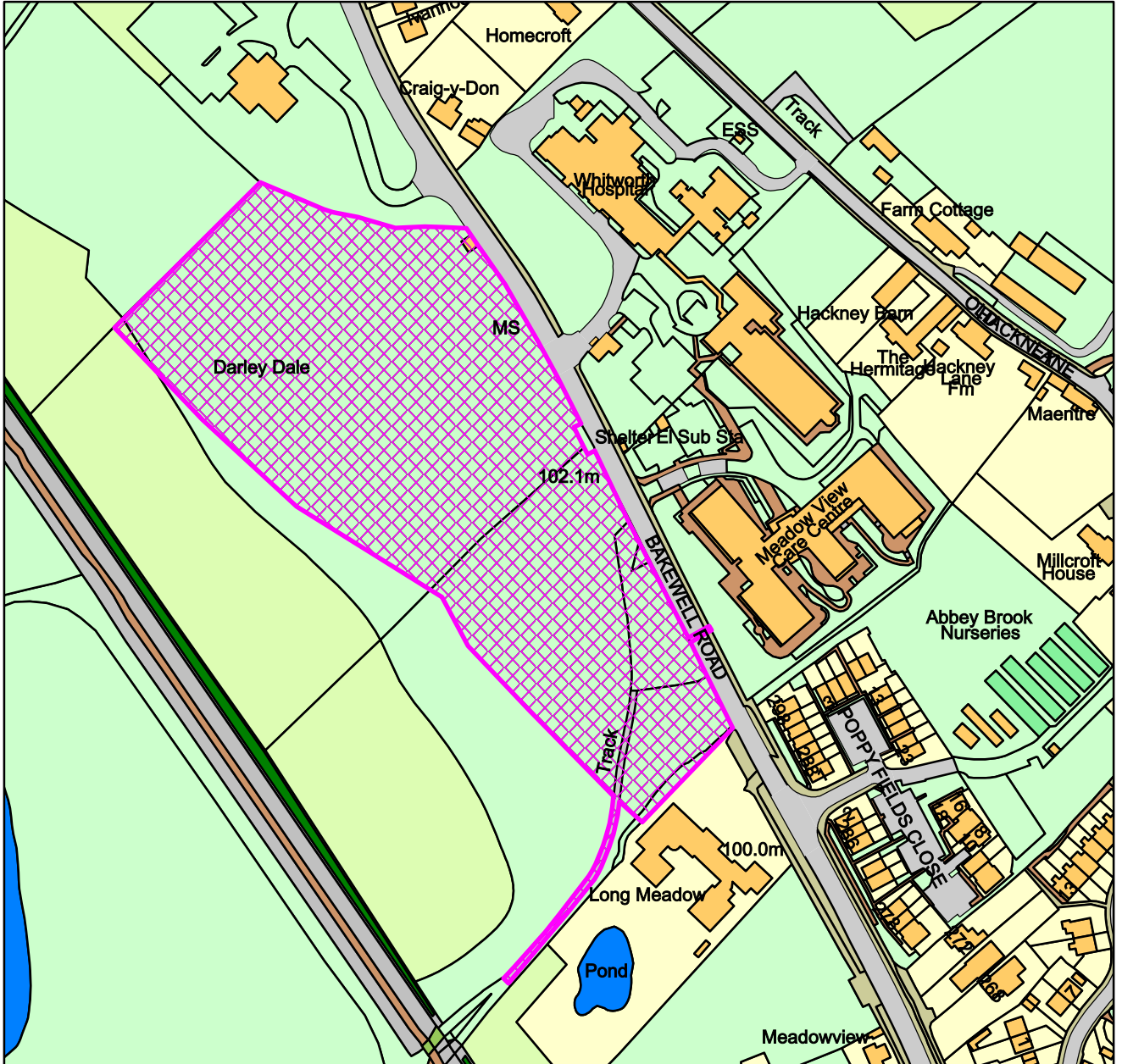
APPLICATION NUMBER		19/01140/VCOND	
SITE ADDRESS:		Land Adjacent to Bakewell Road, Matlock	
DESCRIPTION OF DEVELOPMENT		Variation of Condition 22 of planning permission 15/00814/OUT to allow for altered housing mix on any future Reserved Matters Application	
CASE OFFICER	Sarah Arbon	APPLICANT	Chevin Homes Ltd
PARISH/TOWN	Darley Dale	AGENT	Mr Richard Pigott
WARD MEMBER(S)	Cllr Andrew Statham Cllr Jason Atkin Cllr Mark Salt	DETERMINATION TARGET	6 th January 2020
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 - Affordable Housing Provision

RECOMMENDATION
Approval

19/01140/VCOND

Land Adj Bakewell Road, Matlock



Derbyshire Dales DC

1:2,500

Date: 21/11/2019

100019785

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

1 THE SITE AND SURROUNDINGS

The site comprises of two fields with a combined area of 2.2 hectares located to the south western side of the A6, opposite the Whitworth Hospital. The land slopes down from the road towards the railway. The site is grazing pasture with wet grassland occupying the lower fields below the site near the railway. There are mature trees within the fields and along the site frontage, with a established hedgerow dissecting the site. The site is on the outskirts of Matlock where existing development is concentrated on the north eastern side of the road.

The landscape character is of settlement valley pastures landscape type of the Dark Peak landscape character areas. Key features include the stone roadside wall with associated Grade II Listed Milestone, the dividing hedgerow, mature field, roadside and embankment trees.

2 DETAILS OF THE APPLICATION

- 2.1 Outline planning permission (15/00814/OUT) was granted in January 2017 and this included a requirement under condition 22 to provide 30% affordable housing and 20% Specialist Housing. This application proposes to vary condition 22 to require 50% of the total number of homes delivered on the site to be affordable housing. Reference to specialist housing would be deleted from the scheme, but the applicant has confirmed that they will provide 11 bungalows to M4(3) accessibility standard as part of the affordable housing.

The draft head of terms for the change to the S106 are below:-

Affordable Housing contribution of £32,450 to be omitted
All reference to 'Specialist' housing to be omitted

50% Affordable housing with the mix below:

- 2 x 2 bed houses (68m²)
- 2 x 3 bed houses (80m² minimum)
- 17 x 2 bed bungalows (70m²)
- 2 x 3 bed bungalows (83m²)
- 6 x 1 bed bungalows (50m²)

A total 29 dwellings would be affordable out of the total of up to 57 with 28 dwellings private.

The tenure proposed for the affordable housing is 80% Affordable rent and 20% shared ownership.

3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S4: Development in the Countryside
 - PD1: Design and Place Making
 - PD3: Biodiversity and the Natural Environment
 - PD5: Landscape Character
 - PD6: Trees, Hedgerows and Woodlands
 - PD7: Climate Change
 - PD10: Matlock to Darley Dale A6 Corridor
 - HC4: Affordable Housing
 - HC19: Accessibility and Transport

- 3.2 National Planning Policy Framework
National Planning Practice Guidance

4 RELEVANT PLANNING HISTORY:

15/00814/OUT – Residential Development of up to 57 dwellings (Outline), Granted 23.01.2017

19/01188/REM – Approval of Reserved Matters for the erection of 57 No. dwellinghouses (Outline Planning Permission 15/00814/OUT) – Currently under consideration.

5 CONSULTATION RESPONSES

Parish / Town Council

- 5.1 Darley Dale Town Council objects to this variation as the original application was passed on the basis that the split of houses was essential and needed for the area. It is stated that the development is not viable should the split go ahead however it is not stated as impossible merely more difficult. The development itself goes against Local Plan Policies PD5, PD7 and PD8. It is clear that the development will be detrimental to views across the valley, the land at present is a soakaway and the building on the land will increase flooding. The original criteria gave the impression that the requirements for this housing outweighed the above considerations therefore the Town Council request the development either abide by the original agreed criteria or have the planning consent revoked.

Strategic Housing Officer (Derbyshire Dales)

- 5.2 The original planning restriction relating to specialist housing has significant viability implications. The proposed changes would result in an increase in overall affordable housing numbers and is therefore acceptable. If the restrictive condition is not varied as proposed the development is unlikely to be delivered.

6 REPRESENTATIONS RECEIVED

- 6.1 One letter has been received which considers that the housing mix should retain the way the original proposals blend the building heights into the slopes of the land. If the four storey elements were proposed up the slope this would create an urban rather than rural scene. There are concerns that the change in housing mix may have implications on car ownership and traffic generated.

7 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of Development
- Affordable Housing and Specialist Housing

Principle of development

The principle of development was established on this site in the granting of Outline planning permission for up to 57 dwellings in January 2017. A subsequent Reserved Matters application (19/01188/REM) was submitted in October 2019. The outline is therefore an extant permission whereby the Reserved Matters has been submitted within the 3 year timescale stipulated in Condition 1 of the outline consent.

Affordable Housing and Specialist Housing

This variation seeks to vary the wording of condition 22. Any permission would not result in an extension to the timescale of the original outline permission and all other conditions attached to permission 15/0814/OUT would remain unchanged.

The existing wording of Condition 22 reads as follows:-

The housing mix in the reserved matters submission shall incorporate 30% affordable housing and in addition include a further 20% of the housing on site as specialist housing to meet the needs of the disabled. The build standards and future occupancy of the housing shall be controlled in accordance with schedule 1 of the legal agreement dated 12th January 2017.

The amended wording would read:-

The housing mix in the reserved matters submission shall incorporate 50% affordable housing with 20% of the affordable dwellings meeting the M4(3) standard. The build standards and future occupancy of the housing shall be controlled in accordance with schedule 1 of the legal agreement dated

Therefore, the proposal would achieve a higher percentage of affordable housing on site together with securing 20% to the standard of M4 (3) which is the Building Regulations 2010 (as amended) wheelchair user dwellings. The requirements include detailed specifications for compliance for internal areas together with external and communal spaces in association with the dwellings.

It is the applicant's intention to ultimately sell the site to a Registered Provider with discussions at an advanced stage. However, the Specialist Housing requirement stipulated in Condition 22 has proved to be extremely problematic for Registered Providers as it would prevent them obtaining a mortgage. Therefore, the variation of condition would allow the possibility of securing a higher percentage of affordable dwellings even above the high level of 50%, without a reduction in the percentage that would be wheel chair user compliant.

The proposal includes negotiating a revised Section 106 agreement to secure the higher level of affordable dwellings and percentage of dwellings at the M4(3) standard.

In conclusion, the variation of condition is an improvement on the terms of the original permission as the minimum of 50% of the units will meet the identified needs for affordable dwellings with the Council exercising allocation rights and incorporate much needed accessible bungalows within that mix. As a consequence the application is supported.

8 RECOMMENDATION

To grant planning permission subject to the signing of Section 106 agreement relating to the provision of 50% affordable housing and the provision of funding for a crossing facility and subject to the following conditions:

1. Application for approval of all reserved matters must be made not later than the 22nd January 2020. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.
2. An application for details of the following matters (hereafter referred to as the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-

- a) the scale of the development;
- b) the layout of the development;
- c) the external appearance of the development;
- d) details of access arrangements;
- e) the landscaping of the site.

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

3. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation"

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

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
4. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.
5. No development shall take place until such time as a surface water drainage scheme that incorporates an appropriate number of surface water treatment stages to protect the receiving waterbody from adverse impacts from the development has been submitted and approved in writing by the Local Planning Authority.
6. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 12th November 2015, Version 2.0 and the following mitigation measures detailed within the FRA :
 - (i) Finished floor levels are set no lower than 94.57m above Ordnance Datum (AOD)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

7. No development, including preparatory works, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
 - (a) A risk assessment of potentially damaging construction activities;
 - (b) Identification of biodiversity protection zones.
 - (c) Practical measures (both physical measures and sensitive working practices), to avoid or reduce impacts during construction (may be provided as a set of method statements). All retained habitats should be protected from damage by the erection of adequate temporary protective fencing for the duration of the works. Species that need to be considered include bats, birds, reptiles and amphibians.
 - (d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - (e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - (f) Responsible persons and lines of communication.
 - (g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person (as necessary).
 - (h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

8. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be created, enhanced and managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organisation responsible for implementation of the plan;
 - h) Ongoing monitoring and remedial measures.

The Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for delivery. The Plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

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

10. Prior to the commencement of development a scheme of bat friendly external lighting for the development shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.
11. Prior to the occupation of the first unit the bus stop to the western side of the A6 to the frontage of the site shall be relocated in accordance with a scheme to be agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed scheme.
12. Prior to the occupation of the first unit a new pavement link to a specification agreed by the Local Planning Authority shall be provided between the pavement at the frontage of the Long Meadow Residential Care Home and the relocated bus stop as required under condition 11 above.
13. Prior to the commencement of development details of the proposed footpath and cycle link to the south western end of the site shall be submitted to and agreed in writing by the Local Planning Authority. These links shall be completed in accordance with the agreed details prior to the occupation of the 10th unit.
14. The submission of the reserved matters shall incorporate open space on the site in accordance with the illustrative masterplan, leaving the area to the south east of the indicative development area free from any development. Prior to the commencement of development a detailed management plan for the provision and long term maintenance of the public open space and children's play area shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details and completed prior to the occupation of the final unit.
15. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading / unloading and manoeuvring of goods vehicles, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.
16. Before any other operations are commenced (excluding condition 15 above) a new vehicular access shall be formed to Bakewell Road located, designed, laid out, constructed and provided with exit visibility splays commensurate with 85th recorded vehicle speeds in both directions, all as agreed in writing with the Local Planning Authority, the area in advance of the sightlines being levelled, forming part of the new street constructed as footway and not forming part of any plot or other sub-division of the site.
17. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
18. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.
19. The proposed access drive to Bakewell Road shall be no steeper than 1:14 for the first 5m from the nearside highway boundary and 1:10 thereafter.
20. Throughout the period of construction, wheel washing facilities shall be provided within the site and used to prevent the deposition of mud and other extraneous materials on the public highway.

21. The premises, the subject of the application, shall not be occupied until the proposed new estate streets within the application site have been designed and laid out in accordance with the County Council's Roads in Housing design guide and constructed to base level to adoptable standards all as agreed in writing with the Local Planning Authority.
22. The housing mix in the reserved matters submission shall incorporate 50% affordable housing with 20% of the affordable dwellings meeting the M4(3) standard. The build standards and future occupancy of the housing shall be controlled in accordance with schedule 1 of the legal agreement dated....

Reasons:

1. This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.
2. The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
3. To ensure appropriate investigation and recording of any archaeology in accordance with Policy PD2 and guidance contained within the National Planning Policy Framework.
4. To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority in advance of full planning consent being granted.
5. To ensure that surface water discharged from the site is managed appropriately to reduce the impacts of sediment, silt and pollutants derived from the site on the receiving waterbody. This may help contribute towards successful delivery of the objectives of the European Union Water Framework Directive (EU, 2000)
6. To reduce the risk of flooding to the proposed development and future occupants.
7. In the interests of protecting species and habitat in accordance with policy PD3 and guidance contained within the National Planning Policy Framework.
8. In the interests of protecting species and habitat in accordance with policy PD3 and guidance contained within the National Planning Policy Framework.
9. In the interests of protecting species and habitat in accordance with policy PD3 and guidance contained within the National Planning Policy Framework.
10. To ensure any external lighting does not adversely impact on bat species in accordance with policy PD3 and guidance contained within the National Planning Policy Framework.
11. In the interests of pedestrian safety in accordance with policy HC19 and guidance contained within the National Planning Policy Framework.
12. In the interests of pedestrian safety in accordance with policy HC19 and guidance contained within the National Planning Policy Framework.
13. To encourage connectivity and promote alternative methods of travel in the interests of sustainability in accordance policy HC19 and with guidance contained within the National Planning Policy Framework.
14. To ensure the provision and maintenance of the public open space in accordance with policy HC17 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

- 15 -21. In the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
- 16 To ensure that the provision of housing on the site includes the affordable housing provision in compliance with policy HC4 and secures disabled persons dwellings as part of this provision to meet local needs in accordance with guidance within the National Planning Policy Framework.

9 NOTES TO APPLICANT:

1. Advise the installation of a domestic sprinkler system, should you choose not to install this recommend a minimum 32mm water supply capable of delivering the required volumes which would an installation to be carried out.
2. The developer should make separate enquiries with broadband providers and ensure that the future occupants have access to sustainable communications infrastructure, giving appropriate choice and availability of providers which can offer high speed data connections: http://www.openreach.co.uk/orpg/home/contactus/connectingyourdevelopment/downloads/developers_guide.pdf
<https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilities-for-home-builders>
3. Recommend building to lifetime homes standards
4. The Environment Agency recommends you seek the comments from the Local Lead Flood Authority regarding the surface water drainage scheme for the development.
5. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any problems with the application and consent was granted without negotiation.
6. With effect from the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 (SI 958/2008) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 21 of the General Development Procedure Order. 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.
7. This planning permission shall be read in conjunction with the accompanying legal agreement under Section 106 of the Town and Country Planning Act 1990 dated
8. This decision notice relates to the following documents:
 - Indicative montage plan received 03.12.15
 - Design and access statement received 03.12.15
 - Planning statement received 03.12.15
 - Site location plan no. 1020-001B
 - Topographical survey received 03.12.15
 - Landscape and visual impact assessment dated November 2015
 - Flood Risk Assessment dated 12th November 2015
 - Arboricultural report received 03.12.15
 - Infiltration SuDs GeoReport received 03.12.15
 - Bat Transect Surveys dated 5th October 2015 received 03.12.15
 - Extended phase 1 habitat survey dated 2nd June 2015 received 03.12.15
 - Reptile Survey dated 11th August 2015 received 03.12.15
 - Great Crested Newt Survey dated 5th June 2015 received 03.12.15

9. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.
10. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment 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 by email: ETENetmanadmin@derbyshire.gov.uk, telephone Call Derbyshire on 01629 533190 or via the County Council's website:

http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp.

11. The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed. 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.

Any works in or nearby to an ordinary watercourse require consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact Flood.Team@derbyshire.gov.uk.

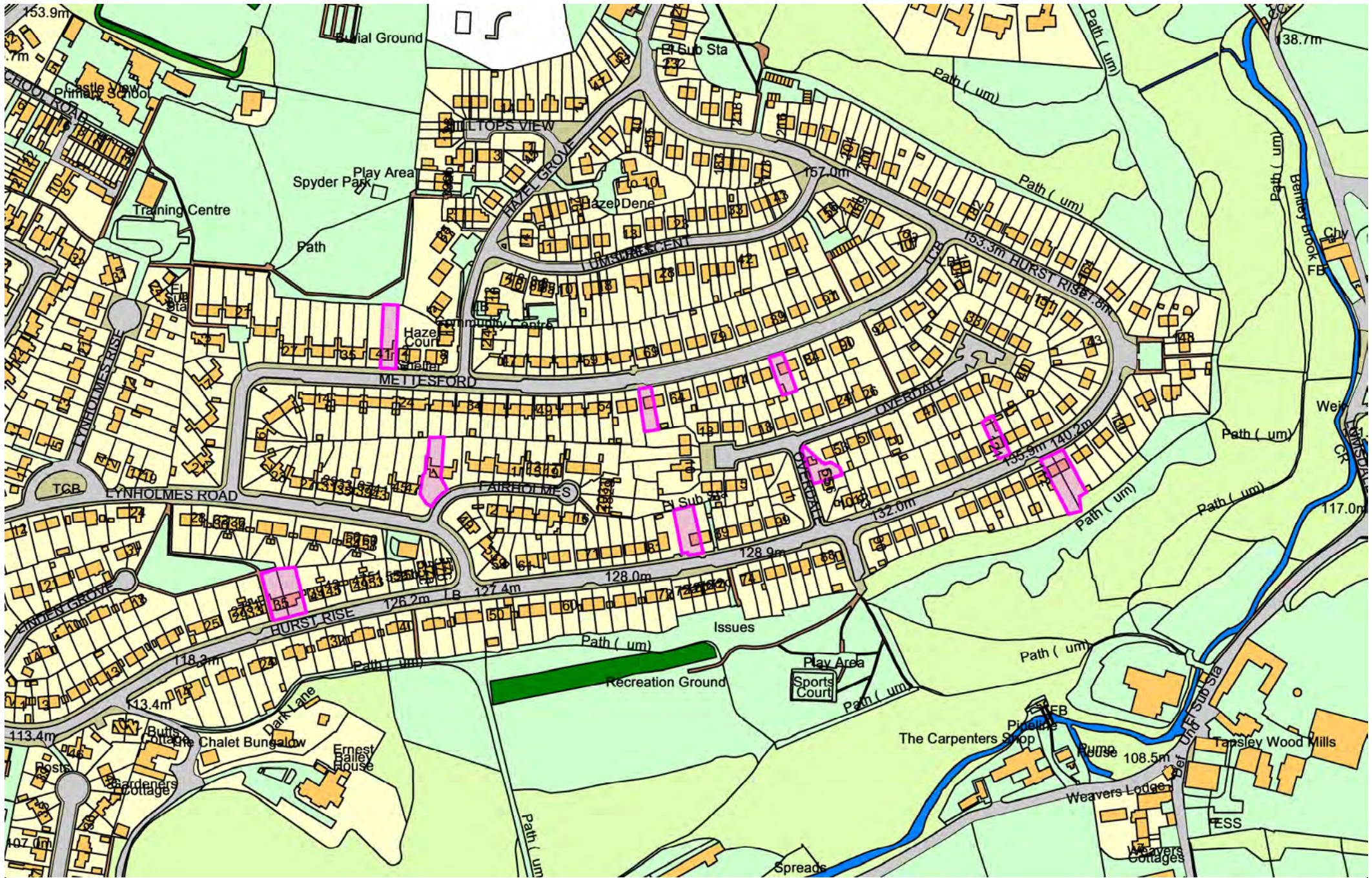
The applicant should ensure that there is sufficient buffer strip in place which will allow for efficient maintenance of any waterbody to take place. We would recommend an easement of approximately 3m if a swale / watercourse is less than 2m in width and 4.5m for swales / watercourses over 2m in width. Whilst this is not stipulated within any legal byelaw the County Council would recommend these distances in order to safeguard access for essential maintenance and inspection purposes.

12. Along with the submission of a landscaping scheme as part of the reserved matters and in order to secure the long-term future and management of the hedgerows and scattered trees, wherever possible, these shall not be incorporated within the curtilage of residential properties but shall be located alongside paths, roads or areas of greenspace. Any new landscape planting shall use native species appropriate to the corresponding landscape character area to be of maximum benefit for wildlife.

APPLICATION NUMBER		19/01208/FUL	
SITE ADDRESS:		55 Overdale, 1 Fairholmes, 35, 37, 85, 114, 116 and 123 Hurst Rise, 41, 60 and 80 Mettesford, Matlock	
DESCRIPTION OF DEVELOPMENT		Installation of external wall insulation to properties	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Derbyshire Dales District Council
TOWN	Matlock	AGENT	N/A
WARD MEMBERS	Cllr. S. Flitter Cllr. P. Cruise Cllr. D. Hughes	DETERMINATION TARGET	19 th December 2019
REASON FOR DETERMINATION BY COMMITTEE	Given the financial interest of the District Council	REASON FOR SITE VISIT (IF APPLICABLE)	N/A

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of the development • Impact on the character and appearance of the area • Impact on neighbours' amenity • Other matters

RECOMMENDATION
Approval



1. THE SITE AND SURROUNDINGS

1.1 The site includes several dwellinghouses on the Hurst Farm Estate in Matlock as follows:

- 55 Overdale
- 1 Fairholmes
- 35, 37, 85, 114, 116 and 123 Hurst Rise
- 41, 60 and 80 Mettesford

The properties are within the Settlement Boundary for Matlock and the southern end of the Lumsdale Conservation Area lies to the south of Hurst Rise.



1 Fairholmes



41 Mettesford



60 Mettesford



80 Mettesford



114 and 116 Hurst Rise



123 Hurst Rise



85 Hurst Rise



35 and 37 Hurst Rise



41 Hurst Rise



55 Overdale

2. DETAILS OF THE APPLICATION

2.1 Full planning permission is sought to clad the application dwellinghouses with the cladding having a render finish. There is a choice of three colours that are proposed to the occupiers of the properties from the NCS colour chart which are:

Buff S 1005 Y30R
Cream S 10 Y20R
Grey S 2502B

2.2 The insulation is proposed to be 90mm thick set on 1.2m by 0.6m boards attached to the face of the building. These are to a Class E flame retardant grade (British Standard EN 13501-1:2002). The render is to be a Wetherby EpsiCoat Silicone 'K' 1.5mm with a textured finish. This will be set in recess at the juncture with those dwellinghouses previously clad with brickwork. It is advised that the works are proposed to improve the appearance of the dwellings and their thermal comfort.

2.3 The applicant, the Head of Housing at the District Council, has submitted a Planning Statement setting out the background to the proposals. It is advised that the District Council is working with residents and partner agencies to provide a wide ranging regeneration project on Hurst Farm. The initiative is approaching its 3rd year and a number of individual projects are being delivered.

2.4 Non-traditional homes built in the 1950s remain an issue for many local authorities. Such homes were built after WW2 at a time of materials and labour shortage. During the 1970s and 1980s it became clear that these system built homes contained inherent defects. Many of these homes were owned by Councils but some properties were bought by tenants under the Government's Right to Buy (RTB) scheme introduced in the 1980s.

- 2.5 In the early 1980s, the Government did provide grants to home owners to fund the improvement and modernisation of non-traditional homes. At that time the cost of improvement was around £18,000. For such properties in Derbyshire Dales DC ownership, it wasn't until the stock transfer in 2002 that sufficient funds could be released to cover the cost of improvements. By that time, improvement costs had risen to £45,000. Improvement works involve propping the roof up, taking down the external walls, providing new foundations and rebuilding the walls. There is also considerable impact on occupiers, who need to decant for several weeks while works take place.
- 2.6 Unfortunately some residents missed the deadline for applying for the grants in the 1980s and some continued to purchase homes under the RTB up to the point of stock transfer in 2002. Non-traditional homes are difficult to heat and cannot benefit from a mortgage, leaving owners at a particular disadvantage. Property values are significantly depressed. When properties come on to the market, they typically sell for cash at auction, usually with a guide price of £70,000. Chesterfield BC commissioned a survey of the non-traditional homes in their ownership in 2014. The defective 'Unity' house types which are the same as those in Matlock, had an estimated reinstatement cost of £51,000 per home. This leaves owners of non-traditional homes in a property with a low market value, high energy bills and reinstatement costs beyond their reach. Even when fully reinstated, such properties still only sell for around £125,000. Taking in to account build cost inflation and other factors, it is likely that the 2019 cost of improvement is closer to £60,000.
- 2.7 There are 43 non-traditional homes remaining on Hurst Farm, all in private ownership, with the majority owner occupied and some owned by private landlords. Visits to half of the properties took place in 2018 with a view to understanding the aspirations of residents concerning their properties. The overwhelming view was that residents were quite happy to remain in their own homes, although they were unsure about how their properties might be modernised. Many of the occupiers are retired and some have complex health issues. The average age of owner occupier residents is 69 years old.
- 2.8 The properties themselves are relatively sound with owners generally keeping the properties in good order. Although some are in poor repair, this is generally due to condition of gardens and windows, etc. The external appearance of the properties is in stark contrast to the other homes on the estate, which have been modernised and have a brick skin finish. It is considered that improving the external appearance of the homes would make a significant contribution to the regeneration of the estate.
- 2.9 The thermal efficiency of the non-traditional buildings is very poor, comparable to solid wall properties built before 1919. Taking into account the age and characteristics of occupiers, many would be considered to be in fuel poverty, i.e. households have required fuel costs that are above average (the national median level), and were they to spend that amount, they would be left with a residual income below the official poverty line.
- 2.10 The Hurst Farm Estate is within 10% of the most deprived wards in England and so there is a strong likelihood that many owners are in fuel poverty. The impact on the health of households in fuel poverty is well documented, with access to health services and admission to hospital often resulting from cold homes, particularly for older people.
- 2.11 There are three potential options available to improve the 43 properties:-
- (i) full modernisation at a cost of £60,000 per property. There simply isn't the capital funding available to undertake such a programme costing over £2.5m;
 - (ii) purchase and repair by Housing Associations. This option has been explored but the same repair costs remain and residents are home owners and the majority have no desire to become tenants again; or

(iii) providing an additional external skin that, whilst not modernising the property, would improve the physical appearance and dramatically improve the thermal comfort. The costs of this option are about £10,000 per property. Other councils have adopted this approach with their own stock. External grants are also available to help towards the overall scheme cost.

Option (iii) has been chosen as the most cost effective way going forward, bringing immediate benefits to occupiers, through reduced energy bills and improving the physical appearance of the wider area.

2.12 The Community Housing Team has sourced a contractor that is able to bring 'Eco 3' funding to the project, equivalent to £1,500 per property. Eco 3 funding comes from taxes on the larger energy companies who are required to make a contribution to energy efficiency schemes. Surveys of 18 homes have taken place but funding is only available for 11 homes. The Eco 3 criteria limit funding to households on certain benefits though the District Council's funding (£100,000) has allowed scope to support additional households.

2.13 It is advised that this initial phase will hopefully lead to further phases in future years. The Community Housing Team is continuing to search for external funding sources that could be used to improve the remaining properties. In order to support this, the Community Housing Team will be working with the Public Health Team at Derbyshire County Council to undertake a Health Impact Assessment of the project. The health and other benefits to occupiers should support future applications to funding bodies.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
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
PD7	Climate Change
HC10	Extensions to Dwellings

3.2 National Planning Policy Framework

3.3 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

4.1 There have been several projects to upgrade buildings within the Hurst Farm estate by Dales Housing and privately.

5. CONSULTATION RESPONSES

Town Council

5.1 No comments received at the time of preparing the report

6. REPRESENTATIONS RECEIVED

6.1 Comments have been received from a local resident which are outlined below:

- Are all the rest of the houses which need the external wall insulation going to get done on Hurst Farm as mine and some of the other houses need the external wall insulation on Mettesford?

7. OFFICER APPRAISAL

7.1 Principle of Development

The principal policies for consideration are Policies S1 (Sustainable Development Principles), PD1 (Design and Place Making) and PD7 (Climate Change) of the Adopted Local Plan (2017).

- 7.2 Policy S1 advises that developments should seek to make a positive contribution towards the achievement of sustainable development which includes improving the economic, environmental and social conditions of the area wherever possible. This Policy also advises of the need to take into account the impact of climate change.
- 7.3 Policy PD1 advises that there is a requirement that the new development creates well designed, socially integrated, high quality places and should respond to the challenge of climate change whilst also contributing to local distinctiveness and sense of place.
- 7.4 Policy PD7 advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design.
- 7.5 The proposals are assessed against the aims of these policies as follows.

Impact on the Character and Appearance of the Area

- 7.6 Whilst it would be preferable for the dwellinghouses to be faced in brick to match those properties which have already been re-faced, the cost of doing so would mean that only 2-3 properties could be re-faced with the monies that are otherwise available for re-facing and insulating 11 properties.
- 7.7 The proposed render finish is considered an enhancement of the existing dwellinghouses to be re-faced and will also bring some interest into the streetscene with the occasional rendered property set within the largely brick faced dwellinghouses and those properties which, to date, have had no re-facing. Whilst three colour finishes are proposed to be provided for each property owner to select from, the colours chosen are considered appropriate in their context. However, with regard to properties 114 and 116, it is advised that these will be of the same colour as they are semidetached properties both being re-faced and the use of the same colour will be more harmonious to these two properties. As such, it is considered that the proposals will be an enhancement to the residential estate.
- 7.8 The boundary of the southern part of the Lumsdale Conservation Area lies some 90m to the south of Hurst Rise. However, for the reasons given above, it is considered that the proposals will provide some enhancement and will therefore preserve the setting of the Conservation Area. As such, it is considered that the proposals will comply with the aims of Policies S1, PD1 and PD2 of the Adopted Local Plan (2017).

Climate Change

- 7.9 The benefits of the proposals are two fold in that they will also insulate existing properties and thus lead to a likely reduction in the energy needed to warm the properties and this will be likely to bring financial benefits to the owners of those properties. As such, it is considered that the proposals will comply with the aims of Policy S1, PD1 and PD7 of the Adopted Local Plan (2017).

Impact on Neighbours' Amenity

- 7.10 It is considered that there will be no significant impact on the amenity of neighbouring residents other than the short period of time when the works take place. It is considered that a condition restricting the hours of work should be attached to ensure that the works are undertaken at reasonably neighbourly hours.

Other Matters

- 7.11 A local resident has asked if the rest of the houses, without external wall insulation on the Hurst Farm estate, will be provided with it – this letter has been passed to the District Council's Head of Housing to respond and this matter is addressed in the Head of Housing's statement submitted as part of this application.

Conclusion

- 7.12 It is considered that the proposals will visually enhance the existing buildings and the streetscenes within which they sit. There are also benefits with the development of introducing greater energy efficiency to the buildings and a financial benefit to the residents in reducing energy costs. It is considered reasonable to attach a condition to restrict the times when the works are undertaken to re-clad the buildings to protect the amenity of neighbours. It is also considered reasonable to attach a condition that the colour of the render to 114 and 116 is the same for both dwellings given their interrelationship. On this basis, it is recommended that planning permission be granted.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Condition ST02a Time Limit on Full

Reason:

Reason ST02a

2. The render colour to the dwellinghouses shall be a single colour selected from the approved colour range detailed in the application documents except for 114 and 116 Hurst Farm which shall be a single colour selected from the colour range and be the same colour for both properties.

Reason:

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

3. The works shall only be undertaken between the hours of 8.00 and 18.00 Monday to Friday and 9.00am to 13.00 on Saturday with no works being undertaken on Sundays or Bank Holidays unless otherwise justified to, and agreed in writing by, the Local Planning Authority.

Reason:

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

NOTES TO APPLICANT:

1. The Local Planning Authority have, during the consideration of this application, engaged in a positive and proactive dialogue with the applicant with respect to seeking additional information on the development proposals.

2. This decision notice relates to the following documents:

Site Location Plans 1:1250 received on 24th October 2019

Project Specification document (Wetherby) received on 24th October 2019

Additional Information received on 15th November 2019.

Ashbourne North

ENF/15/00014	Unauthorised alterations to listed building. Installation of photo voltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN	Sturston Hall Farm Mill Lane Sturston Derbyshire 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/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

Ashbourne South

ENF/17/00038	Unauthorised works to listed building	Avanti Jewellers 2 - 4 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
ENF/18/00164	Unauthorised siting of caravan for residential purposes.	Land To The Rear Of Mayfield Road Cadet Hut Mayfield Road Ashbourne Derbyshire DE6 1AR	Pending Consideration
ENF/18/00222	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/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
--------------	---	--	-----------------------

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/18/00138	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/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/19/00063	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

Carsington Water

ENF/16/00034	Unauthorised erection of Dog kennels	Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ	Notice Issued
ENF/18/00013	Building not built in accordance with approved plans	Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR	Pending Consideration
ENF/18/00175	UNAUTHORISED ERECTION OF A NEW TWO STOREY BUILDING AT BARN 2, WALLANDS FARM, ASHBOURNE ROAD, BRASSINGTON, DERBYSHIRE, DE4 4DB	Wallands Farm Brassington Derbyshire DE4 4DB	Notice Issued
ENF/18/00179	Unauthorised engineering works to facilitate a standing area for farm machinery and produce.	Land And Buildings Off Wester Lane Ashbourne Road Brassington Derbyshire	Pending Consideration

ENF/18/00196	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/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/19/00096	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/19/00148	Unauthorised erection of Car Port.	Henmore Grange Main Street Hopton Derbyshire DE4 4DF	Pending Consideration

Clifton And Bradley

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/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/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

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/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/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/18/00206	Unauthorised use of site for wood processing and storage	Poplars Farm Belper Road Hulland Ward Derbyshire DE6 3ED	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

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/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/18/00077	Unauthorised change of use of buildings from fully self contained holiday cottage.	The Carriage House Building 24 Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ	Pending Consideration
ENF/18/00078	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/18/00140	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/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/19/00086	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/19/00139	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/19/00044	Erection of verandah to top of shed	133 Smedley Street Matlock Derbyshire DE4 3JG	Notice Issued
ENF/19/00091	Alleged change of use of Band Hall to business/domestic storage facility	Hall Jackson Road Matlock Derbyshire	Notice Issued

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/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/19/00015	Formation of access onto a classified road (A615)	The Cottage Alfreton Road The Cliff Matlock Derbyshire DE4 5EZ	Notice Issued
ENF/19/00050	Unauthorised use of residential outbuilding	Kubong-Sa High Tor Road Matlock Derbyshire DE4 3DG	Notice Issued
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/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/17/00156	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/18/00142	Siting of shipping container	Land Off Rodsley Lane Yeaveley Derbyshire	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/19/00034	Erection of Building	The Orchard Audishaw Lane Boylestone Derbyshire	Notice Issued

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.	Mushroom Farm Rodsley Lane Yeaveley Derbyshire DE6 2DT	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/18/00126	Removal of front wall and erection of ply wood replacement	Kenwood Cottage Wash Green Wirksworth Derbyshire DE4 4FD	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/19/00004	Installation of hot tub to front of property	Stowe Cottage 4 New Road Middleton By Wirksworth Derbyshire DE4 4NA	Pending Consideration
ENF/19/00059	Without planning permission the stationing of a caravan on the land for the purposes of human habitation	Land To East Of Kings Lot Wood Longway Bank Whatstandwell Derbyshire	Pending Consideration

Total Open Cases

76

Enforcement Investigations Closed

In the Month Prior to 22/11/2019



Brailsford

ENF/18/00193	Relocation of boundary fence outside of approved residential curtilage (related planning permission 13/00826/FUL)	Land Off Luke Lane Brailsford Derbyshire	Complied Voluntarily	05/11/2019
--------------	---	--	----------------------	------------

Darley Dale

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	Complied Voluntarily	30/10/2019
ENF/19/00156	Collapsed roadside wall	STREET RECORD Sydnope Hill Darley Moor Matlock Derbyshire	Complaint Unfounded	21/11/2019

Matlock St Giles

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	Appeal Allowed	08/11/2019
--------------	---	---	----------------	------------

Wirksworth

ENF/19/00074	Erection of 2m high boundary fence	The Old Tape Works Speedwell Mill Millers Green Wirksworth Derbyshire DE4 4BL	Complied Voluntarily	23/10/2019
ENF/19/00092	Untidy Land	High Peak Trail Near Intake Quarry (Disused) Middleton By Wirksworth Derbyshire	Duplicated Case	05/11/2019
ENF/19/00149	Alleged Unauthorised start of development	Barnes Croft Canterbury Road Wirksworth Derbyshire	Complaint Unfounded	31/10/2019

Total Closed Cases 7

NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 3rd December 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 allowed – a copy of the appeal decision is attached
18/01345/FUL	Agricultural Land off Kniveton Lane, Offcote	WR	Appeal dismissed – a copy of the appeal decision is attached
18/01361/VCOND	Penfold Farm, Hulland Village	WR	Appeal withdrawn
18/01180/FUL	Waldley Manor Farm, Waldley Lane, Doveridge	WR	Appeal dismissed – a copy of the appeal decision is attached
18/00973/CLEUD	The Knockerdown Inn, Knockerdown, Ashbourne	WR	Appeal dismissed – a copy of the appeal decision is attached
Central			
18/00547/REM	North Park Farm, Whitworth Road, Darley Dale	WR	Appeal dismissed – a copy of the appeal decision is attached
19/00148/OUT	Penzer House, Dale Road South, Matlock	WR	Appeal being processed
18/01328/FUL	Bent Farm, Farley Hill, Matlock	WR	Appeal allowed - a copy of the appeal decision is attached
19/00318/FUL	Between 12 and 14 Water Lane, Wirksworth	WR	Appeal dismissed – a copy of the appeal decision is attached

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
19/00115/FUL	13 Main Street, Middleton	HH	Appeal dismissed – a copy of the appeal decision is attached
19/00722/FUL	Rear of Sunnyside Terrace, Farley Hill, Farley, Matlock	WR	Appeal being processed
19/00188/FUL	16 Cobden Road, Matlock	HH	Appeal being processed
ENF/19/00059	Land to the east of Kings Lot Wood, Longway Bank, Whatstandwell	WR	Appeal being processed
19/00507/FUL	150 Cavendish Road, Matlock	HH	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 29 July 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2019

Appeal Ref: APP/P1045/W/19/3229075

Newlands Farm, Sutton Lane, Longford DE6 3DE

- 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 Stephen Duke against the decision of Derbyshire Dales District Council.
 - The application Ref 18/01433/FUL, dated 20 December 2018, was refused by notice dated 18 April 2019.
 - The development proposed is for the conversion of a redundant agricultural building to form a single dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of a redundant agricultural building to form a single dwelling at Newlands Farm, Sutton Lane, Longford DE6 3DE, in accordance with the terms of the application, Ref 18/01433/FUL, dated 20 December 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: B18/12/2, Block Plan 1:500, Location Plan 1:1250.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no alterations/extensions, including to its roof, shall be made to the dwelling hereby approved and no buildings, gates, walls, fences or hardstanding shall be erected within its curtilage.
 - 4) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
 - 5) Prior to occupation of the dwelling hereby approved the site's existing vehicular accesses to Longford Lane shall be provided with emerging visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 103 metres in each direction measured along the nearside

carriageway edge, the area in advance of the sightlines being kept clear, in perpetuity, of any obstructions in excess of 1m (0.6m in the case of vegetation), measured above the adjacent carriageway channel.

- 6) The dwelling hereby approved shall not be occupied until space has been laid out within the site for two cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 7) Prior to completion of works, two general purpose bird boxes shall be attached to the western aspect of the building at eaves level. Photographs of the boxes in situ shall be submitted to the local planning authority to discharge the condition. The bird boxes shall be retained thereafter.

Main Issue

2. The main issue is whether or not the proposal would accord with Policies S1, S4, HC8 and PD1 of the Derbyshire Dales Local Plan 2017 (DDLDP) which collectively seek to control the conversion and re-use of buildings for residential accommodation in the countryside and to achieve a high quality design and, if not, whether any identified conflict with the aforementioned development plan policies is outweighed by other material planning considerations.

Reasons

3. Policies S1, S4, and PD1 of the DDLDP seek, amongst other things, to focus development within or adjacent to existing communities and ensure that development does not affect the character and appearance of the area.
4. Policy S4 relates to development in the countryside and states that planning permission will be granted for, amongst other things, the conversion and re-use of buildings for residential purposes, subject to compliance with Policy HC8. This states that conversion and/or reuse of existing buildings to residential use from other uses will be permitted where four criteria are met.
5. The main parties agree that the proposal meets three of the four criteria set out within Policy HC8 and I have seen nothing that would lead me to a different conclusion. However, there is some dispute regarding criterion (b) which relates to whether the form, bulk and general design of the existing building or group of buildings make a positive contribution to the character and appearance of the area.
6. The proposal seeks to convert an existing single storey concrete frame barn into a dwelling house. The building is in good condition, well maintained and appears to be watertight. The submissions indicate that the building could be converted without significant structural alterations and I note that the Council do not dispute this.
7. The appearance and form of the building is that of a basic utility building. Nevertheless, whilst it does not necessarily enhance the character and appearance of the area, it is not harmful, is clearly functional and overall has a largely neutral effect. **I have had regard to the appellant's comments in relation to the historical context of this type of building.** However, whilst there may be some limited historical significance associated with this, it does not afford the building with any architectural merit or value that would contribute

to the character and appearance of the area as per the requirements of the policy.

8. Although there is no positive contribution to local character, I do not agree with the Council that it has outlived its original purpose and should be demolished. There also appears to be no realistic likelihood of the building being demolished if the appeal is dismissed. Thus, with or without the development taking place, the building would continue to be a feature in the landscape.
9. Furthermore, the proposed modifications are relatively minor, utilising existing openings, recovering the roof and rendering the external walls. The building sits within a yard area to the rear of the host property, there is an existing driveway, lawned area and large pond all of which afford the site and surroundings a domestic feel. Consequently, the proposed conversion would not materially alter the character and appearance of the area. In this regard, there would be no conflict with Policy PD1 which requires new development to be well designed and socially integrated.
10. In conclusion, as the building does not make a positive contribution to the character and appearance of the area, there would be some conflict with criterion b) of Policy H8 of the DDLP and in turn Policies S1 and S4, the aims of which are set out above.

Other Matters and Planning Balance

11. I have identified conflict with the development plan in the context of Policy HC8 (b) because the existing building does not make a positive contribution to the character and appearance of the area. There would also be some consequential conflict with Policies S1 and S4 as a result of the development being outside defined settlement boundaries.
12. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this therefore weighs against allowing the proposal. In considering the weight given to the conflict with the plan I have had regard to the consistency with most elements of Policy HC8 and the likely lack of harm resulting from the **building's retention**.
13. However, in this case there are a number of identified material considerations which outweigh the aforementioned conflict. In particular, I find that the provision of a new dwelling and the beneficial re-use of an existing building would have social, economic and environmental benefits that weigh in favour of the proposal. This would also be consistent with part of Policy S1, which seeks to achieve sustainable development by, amongst other things, making efficient and effective use of previously developed land and buildings. Additionally, the proposal would not result in any harm to the character and appearance of the countryside. In my view, these factors amount to significant material considerations in favour of the development.
14. I acknowledge that the site is outside of the village development limits and that there are limited services and facilities within the immediate area. There are limited bus services from the road end and a primary school approximately 1 mile north east of the site. The site sits on the end of a row of four properties, is well related to existing buildings and is within relatively close proximity to the surrounding villages. In my view, this would not constitute **'isolated' development in the** context of Paragraph 79 of the National Planning

Policy Framework. Furthermore, the proposed dwelling would make a positive, albeit minor contribution towards supporting local facilities and services in the surrounding villages.

15. On balance, I therefore consider that in the circumstances of this particular case, the benefits of providing a new rural dwelling, within an existing building would outweigh the partial conflict with Policy HC8 and consequential conflict with policies S1 and S4 of the DDLP. As such, there are material considerations that would lead me to a decision other than in accordance with the development plan in this case.

Conditions

16. The conditions set out above are based on those suggested by the Council. Where necessary I have amended their wording, in the interests of precision and clarity and in order to comply with advice in the Planning Practice Guidance (PPG).
17. In the interests of clarity and certainty I have imposed the standard time limit in which the development should be commenced and a condition specifying the approved plans. In the interests of character and appearance, I have also imposed a condition in relation to the submission of materials. It is necessary to make this a pre-commencement condition in order to ensure the development is carried out in accordance with the approved details. This has been agreed in writing with the appellant.
18. In relation to the removal of permitted development rights, the PPG is clear that conditions restricting permitted development rights will rarely pass the test of necessity. However, in order to protect the character and appearance of the countryside location acknowledging the scope for alterations and extensions given the size of the curtilage, I consider it reasonable to ensure that any future changes, including for the erection of any curtilage buildings, new or replacement boundary walls, gates and fences are subject to the control of the local planning authority.
19. In the interests of highway safety, I have imposed a condition to ensure that appropriate parking space is provided on site and another to ensure that the required visibility splays are maintained.
20. Finally, in accordance with para 170 of the Framework which requires planning policies and decisions to provide net gains to biodiversity, I have imposed a condition requiring the installation of bird boxes.

Conclusion

21. For the reasons set out above and taking into account all other matters, the appeal should be allowed.

Julie Hunter

INSPECTOR



Appeal Decision

Site visit made on 20 August 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2019

Appeal Ref: APP/P1045/W/19/3230490

Agricultural Lane off Kniveton Lane, Offcote, Derbyshire DE6 1JQ

- 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 Tony Kemish against the decision of Derbyshire Dales District Council.
 - The application Ref 18/01345/FUL, dated 30 November 2018, was refused by notice dated 28 January 2019.
 - The development proposed is planning application to agricultural access to land previously without access for work which would be covered under Agricultural Permitted Development Part 6, for which a formal prior notification was not served to the local authority.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Section 55 of the Town & Country Planning Act 1990 (as amended) defines **“development” as including “the making of any material change in the use of any building or other land”**. I have not therefore used the term **“retrospective”** in the banner heading above as it is not an act of development.

Background and Main Issues

3. The appellant states that the works would not have required consent under Part 6 (Agriculture and Forestry) of the Town and Country Planning (General Permitted Development) (England) Order (2015) if the correct legal paperwork had been presented to the Council. Nonetheless, this was not carried out and a planning application was submitted. The works could no longer benefit from the Part 6 exception, and therefore I must determine the appeal upon its own merits.
4. Therefore, the main issues in this appeal are the effect of the development on both the character and appearance of the area, and highway safety.

Reasons

5. I understand from the information provided that the access is required to service a parcel of agricultural land due to a change in boundaries. My site visit confirmed that the access point was already in-situ.

Character and appearance

6. The site is located in a rural area, and Kniveton Lane is a narrow, single-track rural road. The approach toward the access point along Kniveton Lane is

characterised by dense vegetation to either side of the highway that frames the highway, creating a traditional vista often seen in rural areas.

7. The loss of a substantial section of this hedgerow, and replacement with surfacing to form the access and fencing to amend the boundary, has caused significant harm to the character and appearance of the rural locality, creating an exposed semi-industrial appearance within this location.
8. I note the comments of the appellant that there are a number of other access points on Kniveton Lane. From my site visit, I did see that there were other access points, but generally these serve agricultural premises, and access points into fields directly from Kniveton Lane are extremely limited.
9. Therefore, I find that the development causes harm to the character and appearance of the area, and is therefore contrary to Policies S4, PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017) (the DDLP), which when taken as a whole, amongst other matters, states that development should protect the character and appearance of the landscape, maintain the aesthetic and biodiversity qualities of the landscape, such as hedgerows and should be retained where possible.

Highway Safety

10. Kniveton Lane is subject to the national speed limit, but from the evidence provided by the Council indicates that vehicle speeds are approximately 20mph. As a result, the Highway Authority have stated that the visibility splays should be commensurate with passing vehicle speeds, which would be 2.4m x 25m in both directions. The Highway Authority have measured the achievable visibility splays at less than 10m due to the obstruction from the high hedges. From my site visit, I would concur with this calculation.
11. The access is therefore substandard, in terms of achievable visibility splays. From the evidence provided, it appears that the land required to allow the correct visibility splays is under the ownership of the appellant, but this would require the removal of a considerable amount of additional hedgerow. I have identified the harm caused by the removal of the existing hedgerow in the other main issue, therefore the loss of additional hedgerow would be totally inappropriate.
12. The appellant has raised the issue that the access is used infrequently, with an indicated use of once a month, as well as pointing out the slow vehicle speeds on Kniveton Lane and the elevated vantage point of agricultural vehicles allowing additional visibility. In addition, the appellant states that the access also allows for a new passing point on Kniveton Lane.
13. The number of times that the access is used cannot be controlled effectively, and while this could be infrequent use, it still remains that correct visibility splays cannot be provided without causing significant harm to the character and appearance of the area. The splays required by the Highway Authority are based on a slower passing vehicle speed of 20mph, whilst the road itself is subject to a national speed limit, which vehicles could reach. I find the requirements of the Highway Authority to be more than reasonable.
14. In addition, it cannot also be controlled that only agricultural vehicles with high vantage points are used in order to increase visibility. The additional passing point provided on Kniveton Lane by the access is not a positive matter in

favour of the proposal and brings into question that levels of traffic are greater than indicated if another passing place is required.

15. To conclude on this issue, I find that the appeal proposal is contrary to Policies S4 and HC19 of the DDLP, which collectively expect development to have a safe access and not impact on the highway network.

Conclusion

16. Therefore, for the reasons above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR



Appeal Decision

Site visit made on 3 September 2019

by Karen Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 09 October 2019

Appeal Ref: APP/P1045/W/19/3231110

Waldley Manor Farm, Waldley Manor, Waldley, Doveridge, Ashbourne
DE6 5LR

- 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 Hayden Whitfield against the decision of Derbyshire Dales District Council.
 - The application Ref 18/01180/FUL, dated 23 October 2018, was refused by notice dated 19 December 2018.
 - The development proposed is the conversion of an existing agricultural building into three residential dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal decision are:
 - Whether the appeal site forms a suitable location for development having regard to the national and local Planning Policies;
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the setting of nearby listed buildings.

Reasons

Location and principle of development

3. The appeal site is an agricultural barn located within a group of buildings of a former farmstead, outside the settlement boundary. Therefore, by definition this would be within the countryside. The proposed development would be a considerable distance away from the settlement itself and is physically separated by the vast amounts of open countryside which surround it. Its isolated location means it would be remote from any local services, facilities including shops and any access to a broad range of jobs.
4. The site is not served by public transport and as I observed on my site visit Waldley Lane is narrow, unlit and has no pedestrian footways, meaning it would be a treacherous and long journey on foot for any future occupiers of the proposed development including families with children to safely navigate the

lane to access the services and facilities in the settlement, as such the development would be likely to heavily rely on the private car. Consequently, it would not amount to a suitable location for residential use and would not accord with the sustainable development principles set out in Policy S1 of the Adopted Derbyshire Dales Local Plan 2017, (DDLPL) and Policy S4 which ensures developments are within sustainable locations without the need to travel and reducing the reliance on the private car.

5. Policy HC8 of the DDLPL allows conversions of buildings within the countryside where they meet certain criteria. This includes buildings of permanent and substantial construction and can be converted without extensive alteration, rebuilding or extension whilst making a positive contribution to the character and appearance of the building and its surroundings. The building is of an open nature, constructed of steel frames with breeze block and sheeted roof. Although located on a concrete base, the building itself, would require substantial construction works to facilitate three new dwellings, including excessive infilling, modifications and a new roof. It would be tantamount to a substantial rebuild and would therefore not meet the policy criteria.
6. For the reasons above, I conclude that the proposed development would create new residential development within the countryside within an unsustainable location and would be contrary to Policies S1, S4 and HC8 of the DDLPL, which together seek to direct new residential development towards settlements and restricts development in the open countryside in order to protect and where possible, enhance the landscapes intrinsic character and distinctiveness; and minimise the need to travel and reduce reliance on the private car.
7. It would also be contrary to Paragraph 79 of the National Planning Policy Framework (the Framework), where decisions should avoid the development of isolated homes in the countryside and Section 9 of the Framework which promotes sustainable transport modes.

Character and Appearance

8. The existing building is of an agricultural appearance, with an open fronted elevation. The steel frame would be enclosed, and open areas would be infilled with timber and cement cladding boarding. There would be a significant number of openings created of an excessive nature with large areas of glazing introduced particularly at the first floor. The proposal would also include large gardens and associated residential parking, taking these together, would over domesticate the building and the site itself.
9. Furthermore, the overall design combined with the materials, including bulky and excessive cladding would create an industrial, utilitarian and dominant appearance to the building and would be at odds with the original simple lightweight agricultural portal framed building. The appellant considers that it will give the building a new lease of life and bring it back into a better state of repair. Whilst the proposal would bring the building back into use, the proposed development would however not represent good design and would create an awkward and prominent building to the detriment of the immediate and wider rural setting.
10. In terms of views into the site, the building can be clearly viewed from Waldley Lane and I would disagree that it is sheltered within its surroundings. I have also had regard to the appellant's proposed landscaping for the site. The

building in its current form represents a typical and simple barn structure associated with its agricultural use and the rural setting. However, the proposed alterations to the building to facilitate residential development would be unduly dominant in appearance, particularly with the contrasting materials and would be a prominent incongruous addition in the landscape. This would be to the detriment of the character and appearance and the positive visual outlook from along this lane.

11. I conclude that the proposed development would be harmful to the character and appearance of the area and would be contrary to Policy PD1 of the DDLP, which requires all development to be of high quality design that respects character; **contributes positively to an area's character, history and identity** in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features.

Significance of Heritage Assets

12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
13. The proposed development would be in close proximity to Waldley Manor and the Barn, both Grade II Listed Buildings (LB). The historic setting and appearance of these LB is clearly established due to the grouping of the former farmstead and relationship to the open countryside. Although the existing agricultural building was originally granted permission, its character and appearance at that time would have represented the original farmstead and needs of the working farm. The proposed development is located at the access to the listed farmhouse and barn and by reason of its design, inappropriate materials, infilling of large areas with cladding, would create an overpowering, dominant and visually unattractive building to the detriment of the character and rural historic setting of the group of buildings, thus causing harm to the setting of these designated heritage assets.
14. Whilst the harm to the heritage assets would be less than substantial, I must nonetheless give this considerable importance and weight in the context of a duty to favour preservation or enhancement.
15. Paragraph 196 of the Framework states that where a development proposal would 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 including, where appropriate, securing its optimum viable use. There would be little public benefit with the provision of the three dwellings, although **they would contribute to the Council's housing land supply, this would be limited** due to the quantum of development proposed. There would be a small social benefit in providing the three housing units and economic advantages would also arise from the construction and occupation of the new houses, however this does not outweigh the harm found to the significance of the LB.
16. For the reasons given, I conclude that the proposed development would cause harm to the setting of the LB, contrary to Policies S1, PD1 and PD2 of the DDLP, which taken together seek to conserve the natural and historic environment, requires development to be of high quality design and respect

and conserve heritage assets in a manner appropriate to their significance; taking into account the desirability of sustaining and enhancing their significance and ensure development proposals contribute positively to the character of the built and historic environment.

17. It would also be contrary to Section 16 of the Framework as it would not conserve the heritage asset in a manner appropriate to its significance, or positively contribute to local character or distinctiveness.

Other Matters

18. The appeal proposal would cause no harm to protected species, would be acceptable in highway terms and archaeological matters could be addressed through a Written Statement of Investigation. Whilst these factors weigh in favour of the scheme, they do not outweigh my overall findings.

Conclusion

19. The proposed development would cause harm to the setting of listed buildings. That is a matter which must attract considerable importance and weight against the proposal. In the parlance of the Framework, the proposal would cause less than substantial harm to the significance of the designated heritage assets affected. I must attach considerable importance and weight to that harm which I find would not be outweighed by any public benefits. Along with the further harm I have identified in terms of the unsuitability of the location for residential development and to the character and appearance of this rural area, I must conclude that the appeal be dismissed.

Karen Taylor

INSPECTOR



Appeal Decision

Site visit made on 2 October 2019

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary

Decision date: 18 October 2019

Appeal Ref: APP/P1045/X/19/3220971

Knockerdown Inn, Knockerdown, Ashbourne DE6 1NQ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr B Fitzsimmons against the decision of Derbyshire Dales District Council.
 - The application Ref 18/00973/CLEUD, dated 29 August 2018, was refused by notice dated 31 October 2018.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is the siting of a caravan for staff accommodation.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is **whether the Council's** refusal to issue a LDC was well-founded. This will turn on whether the appellant has proved on the balance of probabilities that the use of the land for the siting of a caravan for staff accommodation commenced on or before 29 August 2008 and that the use then continued without significant interruption for 10 years.

Reasons

3. Where a LDC is sought, the onus of proof is on the appellant and the standard of proof is the balance of probabilities. If there is no evidence to contradict or **make the appellant's version of events less than probable and** his evidence alone is sufficiently precise and unambiguous, a LDC should be granted.
4. The appeal site comprises an area of land adjacent to the car park associated with the adjacent bar/ restaurant, holiday accommodation and holiday caravan site with associated facilities. It is situated in open countryside and access is gained off the adjacent B5035 via a shared access which serves the public house. At the time of my site visit I noted that the site in question is occupied by a large caravan with a small garden area and septic tanks which I understand to be associated with the other uses on the wider site.
5. The application for a LDC was accompanied by a range of supporting evidence, including a sworn affidavit by Bronya Fitzsimmons, statements from employees who occupied the caravan and aerial photographs from 2007 and 2017. The

affidavit states that a caravan has been sited on the site for at least eighteen years and during that time it has been used as residential accommodation for staff working at the property. However, I have noted that the declaration does not specify continuous use during the period since the material date.

6. The statements of employees are not witnessed and the dates of occupancy are imprecise referring only to years when they occupied the caravan rather than specific dates. Also, there are gaps in the periods of occupancy given. As stated by the appellant, the evidence demonstrates regular occupancy during the ten year period. However; a use can only become lawful if it continued throughout the ten year period, to the extent that the local planning authority could have taken enforcement action at any time¹. It is my opinion that there have been periods during the relevant period when the Council could not have actually taken enforcement action because the property in question was not being occupied as staff accommodation. I understand that it can be difficult to contact former members of staff, but the lack of clear evidence with regard to occupancy dates and the lack of detail regarding the precise nature of occupancy for a continual ten year period is of concern.
7. The aerial photographs dated 2007 and 2017 appear to show a caravan on the appeal site. On close examination of the evidence and my site observations it may well be the same caravan that is on site at present. Irrespective of whether or not that is the case, the photographs do not themselves demonstrate the continual use of the caravan for staff accommodation, but merely the presence of a caravan on the land.
8. In this case I find that the appellant has not shown, on the balance of probabilities, that the use of the land for the siting of a caravan for staff accommodation commenced on or before 29 August 2008 and that the use then continued without significant interruption for 10 years.

Conclusion

9. **For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the siting of a caravan for staff accommodation was well-founded and that the appeal should fail.** I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

A A Phillips

INSPECTOR

¹ R v Thanet DC ex parte Tapp [2001] EWCA Civ 559



Appeal Decision

Site visit made on 8 February 2019

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2019

Appeal Ref: APP/P1045/W/18/3213789

North Park Farm, Whitworth Road, Darley Dale DE4 2HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr G Lowe against the decision of Derbyshire Dales District Council.
 - The application Ref 18/00547/REM, dated 21 May 2018, sought approval of details pursuant to condition No 2 of a planning permission Ref 17/00995/OUT, granted on 19 January 2018.
 - The application was refused by notice dated 15 August 2018.
 - The development proposed is the erection of a dwelling.
 - The details for which approval is sought are: the scale of the development; the layout of the development; the external appearance of the development; details of access arrangements; the landscaping of the site.
-

Decision

1. The appeal is dismissed and the approval of the reserved matters is refused, namely details of the layout of the development; the scale of development; the layout of the development; the external appearance of the development; details of the access arrangements; the landscaping of the site, submitted in pursuance of condition 2 attached to planning permission Ref 17/00995/OUT, granted on 19 January 2018.

Main issue

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

Reasons

3. The proposal is to erect a detached dwelling on grassland to one side of Whitworth Road for which the principle has been accepted through the grant of outline planning permission. In line with condition 9 of that permission, the new dwelling would be 2-storey and traditional in design. This general approach would be acceptable since it would broadly follow the form and height of existing properties in the local area, which otherwise vary considerably in their detailed design, size and general appearance.
4. The new dwelling would stand at a lower level than the adjacent road due to the sloping ground with its principal façade behind a dry stonewall that marks **the site's highway frontage**. Despite this position set back from the highway, the long 2-storey front elevation of the new dwelling would be a significant and

prominent feature in the local street scene. That the submitted design also includes a sizable 2-storey forward projection, a long and largely uninterrupted ridgeline facing the road and substantial gable walls at either end would all combine to visually accentuate the considerable scale and mass of the new built form.

5. The appellant states that the size of the dwelling itself is similar to other nearby buildings and that the plot can accommodate the scale of development proposed. However, the new addition would be a conspicuous feature when seen from numerous vantage points due to its size and position. The submitted layout would also result in modest gaps between the new building **and the site's boundaries on 3 sides**. As a consequence, it would appear overly large and unduly imposing in its context. This impression would be most pronounced from Whitworth Road on the immediate approach to the site in each direction. It would also be evident from nearby properties that occupy an elevated position relative to the site on the opposite side of the highway.
6. I acknowledge that the design of the appeal scheme takes some architectural cues from the features of several existing buildings in the local area, to which the appellant has referred and provided photographs. However, the overall visual effect in this case would be unconvincing because the scale, design and layout of the development would fail to be readily assimilated into the rural landscape that characterises the local area. Taken as a whole, the proposed dwelling would neither reflect the rustic character of buildings in the local area nor create a distinctive form of development of sufficient quality that would stand confidently in the landscape. For these reasons, the proposal would be an incongruous and obtrusive addition to the local area.
7. On the main issue, I conclude that the proposed development would materially harm the character and appearance of the local area. Accordingly, it conflicts with Policies S1, S3 and PD1 of the Derbyshire Dales Local Plan. These policies aim to ensure that new development is of a scale, layout and design that is compatible with the character, appearance and amenity of the local area and conserves if not enhances the natural environment.
8. Interested parties raise several additional objections including highway safety, outlook and landscaping. These are all important considerations and I have taken into account all of the evidence before me. However, given my findings on the main issue, these are not matters on which my decision has turned.

Conclusion

9. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR



Appeal Decision

Site visit made on 23 July 2019

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2019

Appeal Ref: APP/P1045/W/19/3225300

Bent Farm, Farley Hill, Farley DE4 5LR

- 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 M Slack against the decision of Derbyshire Dales District Council.
 - The application Ref 18/01328/FUL, dated 20 November 2018, was refused by notice dated 4 March 2019.
 - The development proposed is hook-up points and surfacing of access track for use in connection with certificated caravan site.
-

Decision

1. The appeal is allowed and planning permission is granted for hook-up points and surfacing of access track for use in connection with certificated caravan site at Bent Farm, Farley Hill, Farley DE4 5LR in accordance with the terms of the application, Ref 18/01328/FUL, dated 20 November 2018, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan; block plan.
 - 3) Notwithstanding any details shown on the approved plans, within one month of the date of this decision details of lighting and hard and soft landscape works should be submitted to and approved in writing by the local planning authority. These details shall include, planting plans and details of all trees and hedges; means of enclosure; hard surfacing materials; lighting; and a schedule of landscape maintenance for a minimum period of five years. All lighting and hard and soft landscape works shall be carried out in accordance with the approved details.
 - 4) Notwithstanding the approved plans, detail of the works, modifications, materials and timescales for the access and track shall be submitted to and approved in writing by the local planning authority within one month of the date of this decision. The development shall be carried in accordance with the approved details.

Procedural Matter

2. At the time of my site visit part of the proposed development was already installed. The hook-up points were in place and are in accordance with the submitted plans and some surfacing of the access track appears to have been carried out. The Council indicate that an enforcement notice has not been fully complied with, and the appeal decision¹ indicates that the track should be restored to its original condition, for the avoidance of doubt I am considering this development proposed only retrospectively in part.
3. I noted on my site visit that there is a wooden structure erected within the enclosed field which serves water and washing facilities. This does not constitute part of the proposed development which forms this appeal decision.

Main Issue

4. The main issue is the effect of the scheme upon the character and appearance of the countryside.

Reasons

5. The appeal site is an enclosed field relatively flat in nature with stone boundary walls, fencing and a gated access. It lies within an area of open countryside from the east of Farley Hill. Residential properties are to the north including Bent Farm. A public footpath directly runs adjacent to the appeal site and is separated from the appeal site by fencing.
6. The 9 hook-up points are positioned around the field and are moderate in size and coloured green. A number of these are positioned adjacent to the dry-stone boundary wall, due to the comparable height with the walls they reduce the hook-up points visual impact on the landscape. The site is visible from the north on Farley Hill and also from the public footpath, the hook-up points themselves, when viewed from these vantage points do not detract from the character and appearance of the wider countryside as they are moderate in size, their colour appears to be neutral when viewed alongside the existing vegetation, walls and fencing, and would blend into the back drop of the rural character, as such they would not appear as an incongruous feature or be excessive in their form, to be a visual intrusion.
7. Although the Council suggest that it may appear unusual to have a field within an area of pastureland dotted with trees/shrubs in an orchard pattern, suitable landscaping which includes additional planting of native species and appropriate boundary treatments other than the post and rail fence around the site could be agreed by a suitable worded condition. This would make the development acceptable and further mitigate the overall visual impact of the hook-ups within the site. This is supported by the **conclusion in the Council's Arboriculture & Landscape Officer's report**. Any lighting associated with the use of the hook-ups could also be dealt with by condition.
8. In relation to the access track I have considered the previous dismissed appeal decision, against an enforcement notice served by the Council. The Inspector concluded that the access track should be reduced in size and remediation works carried out.

¹ (APP/P1045/C/18/3206920)

9. However, the proposed development before me requires planning permission, guidance on permitted development for farm tracks is set out in the National Planning Policy Guidance². The appellant does not disagree that the use of this track is also for the purposes to serve a camping and caravan facility on the appeal site. The access appears to have been established to be acceptable and reasonable in terms of its width in relation to it serving an agricultural purpose, and retention by the Council in its enforcement notice, subject to modifications, I therefore find that I can attach limited weight to the harm on the character and appearance of the area if this access would also serve the appeal site and that the appellant complies with the remediation and modifications as set out by the previous Inspector.
10. I note that the Council are concerned with the type of hardstanding the appellant has used, and that this would be a visual intrusion and not sympathetic to the rural character and appearance of the wider landscape. It does not appear that the Council and the appellant have agreed a suitable finish material for the track. Although, the existing appearance is of a stark finish with tarmac **scalping's**, it would be seen in the context of the surrounding roads, including that of Farley Hill. However, I find that it would be reasonable to impose such a condition that would reduce the overall impact of this track, where a material could be used that is sensitive to its landscape and rural setting, particularly as the area is grassland. As such a suitable condition to agree the hardstanding to minimise any visual impact could be secured as part of a landscaping condition.
11. The Council have concerns over the use of the field as a camping and caravan site and that the hook-ups would facilitate the siting of caravan and camping pitches and increase demand resulting in a change of use occurring. There is no substantive evidence to suggest that this would be the case. The proposed development and evidence before me are not for a change of use of the appeal site.
12. In terms of the extent of agricultural activity at the site, the Council do not argue that the land would not fall under the definition of agricultural land to restrict permitted development rights for the use of a camping and caravan facility, furthermore I have no factual evidence to the contrary that the appeal site and surrounding land is not within agricultural use.
13. Furthermore, as the site could be operated without the need for planning permission to an extent and I consider there is a greater theoretical possibility this could take place (fallback), even if the hook-up points were not installed. In considering the effects of the current scheme on character and appearance, I have taken into account the fallback position and overall the scheme would not harm the character and appearance of the countryside.
14. The scheme would therefore accord with Policies S1, S4, PD1, PD5 and EC9 of the Derbyshire Dales Local Plan, (2017), which together seek sustainable development, development of high quality design and that developments in the countryside should ensure and where possible, enhance the **landscape's** intrinsic character and cultural environment and the setting of the Peak District National Park, whilst facilitating sustainable rural community needs, tourism and economic development.

² (Paragraph: 115 Reference ID: 13-115-20180222)

15. It would further comply with the National Planning Policy Framework 2019 (The Framework), particularly Paragraph 83, where decisions should enable the sustainable growth and expansion of all types of business in rural areas; sustainable rural tourism and leisure developments which respect the character of the countryside. Section 12 and Section 15, respectively relating to achieving well designed places; and contributing to and enhancing the local environment.

Other Matters

16. Objections have been raised on the certification by the camping and caravan site. This would be dealt with under separate legislation and any further licence application, or requirement for future planning permission on any extended commercial use or other facilities would be made to the Council.

17. The matters raised by third parties as to the access, track, permitted use, mitigation and unauthorised works were dealt with by the previous Inspector in his decision³. I find no reason to disagree with the Inspectors findings, I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

18. In terms of ownership issues, these are a private matter between the relevant parties and not within my jurisdiction. Planning permission would also not override any legal rights of access for the nearby public footpath.

19. Although reference was made to the capacity of waste and drainage, there is no evidence before me that the site could not be provided with adequate supplies or drainage. If permission was required for these this would be matters for future consideration by the Council.

20. The concerns about pressure on local infrastructure are not matters which would justify withholding permission and the site is considered to be in a sustainable location with access to nearby services. The access and traffic generation would be satisfactory and there is no evidence that highway safety for the area would be compromised. In regard to noise and disturbance, the use of the site itself would be controlled by other legislation and licencing.

21. The fact that the hook-ups and track have been erected without permission is not a reason in itself to dismiss the appeal. The development should be judged against material planning considerations.

Conditions

22. The Council suggested conditions in the event that the appeal was allowed. They include the standard time limit condition, landscaping and one to restrict the number of caravans using the hook-up points.

23. The time limit and one to identify the approved plans, are necessary in the interests of providing certainty. The condition restricting the number of caravans using each hook-up point is not reasonable and would not be enforceable, as such it would not meet the tests.

24. A re-worded and amalgamated condition relating to hard and soft landscaping to incorporate planting, boundary treatments, hardstanding and includes lighting and I have also included a condition for the appellant to provide details

³ (APP/P1045/C/18/3206920)

of the access track for the avoidance of doubt and in the interests of protecting the character and appearance of the area.

Conclusion

25. For the reasons given above I conclude that the appeal should be allowed.

KA Taylor

INSPECTOR



Appeal Decision

Site visit made on 24 September 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2019

Appeal Ref: APP/P1045/W/19/3233148

Land adjacent to 12 Water Lane, Wirksworth DE4 4DZ

- 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 A Mart against the decision of Derbyshire Dales District Council.
 - The application Ref 19/00318/FUL, dated 14 March 2019, was refused by notice dated 10 May 2019.
 - The development proposed is the demolition of existing garage and erection of a detached dwellinghouse.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for consideration are:
 - The effect of the proposal on the character and appearance of the surrounding area; and,
 - The effect of the proposal on the living conditions of the occupants of 12 Water Lane, with particular regard to outlook and light.

Reasons

Character and appearance

3. The appeal site is located along the northern section of Water Lane where properties are characterised by terraced red brick housing. The site comprises a prefabricated single storey garage building set back from the highway and adjacent to the south of 12 Water Lane. The site marks a transition point on the street from traditional two storey terrace houses to the north and more recent three storey terrace houses to the south.
4. With some variety in their design, which reflect their respective periods of development, the adjacent neat rows of terraced houses provide a positive frontage to the street scene with primary windows and main front doors addressing the street. While not totally uniform, this provides a degree of cohesion and legibility in their design which in turn makes a positive contribution to the street scene.
5. The proposal would see the current garage building demolished and replaced by a two storey detached house with two bedrooms. Owing to the spatial

- constraints of the site, the property would have a width of approximately 4.4 metres. When viewed against the two neighbouring rows of terrace properties it would have an uncomfortably cramped appearance within the street. Its ridge and eaves levels would markedly differ to that of its neighbours resulting in a discordant addition to the street. Moreover, its asymmetric roof design would result in a large and disproportionate roof slope to its principal elevation, resulting in a top-heavy design that would further emphasise its discordant presence within the street scene.
6. Being absent of a main entrance door, **the proposal's street facing elevation** would lack any discernible architectural features that could offer a positive frontage to the street. In combination with its cramped and discordant form, this would result in an illegible and incongruous looking dwelling that would have a significant adverse effect on the character and appearance of the area.
 7. The private amenity space would be somewhat limited in size, further highlighting the limited capacity of the site, however, given its lack of visual prominence, I do not consider this would have an adverse effect on the character and appearance of the area. I note that the size of the property would not significantly differ to that of the size of individual properties in each terrace row. However, this does not mitigate the cramped and discordant appearance of the building, regardless of the separation to either side.
 8. Accordingly, I conclude that the proposal would significantly harm the character and appearance of the surrounding area. As a consequence, it would be contrary to Policies S1, S3 and PD1 of the adopted Derbyshire Dales Local Plan 2017 (DDLPL) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan 2015-2028 (WNDP). Together these policies seek to secure high quality design that improves upon the defining settlement qualities and characteristics of Wirksworth.

Living conditions

9. The proposal would introduce a large two storey blank elevation in close proximity to the shared boundary with 12 Water Lane and projecting beyond the rear elevation of this neighbouring property. The proposed dwelling would be situated to the immediate south of No 12.
10. **The depth of the proposal's projection beyond the rear of No 12** along with its height and proximity to the shared boundary is such that it would have a dominant and overbearing effect on the outlook from the rear facing windows of this property and its rear private garden area. These adverse effects would result in an oppressive form of development that would harmfully restrict the current outlook and result in significant overshadowing. I am also mindful that the rear of the appeal site is situated on higher ground than the rear of No 12 and therefore this would exacerbate these harmful effects. Together, these **effects would significantly diminish the neighbouring occupiers' living conditions**.
11. Given the orientation of the proposal in relation to the rear of No 12, I accept that the loss of direct sunlight would not extend into the late afternoon or summer evenings. However, it would be prevalent from morning through to mid-afternoon which is a significant portion of the day and would be particularly acute during winter months when the sun is on its lowest trajectory in the sky.

12. As a result of the proposed set back from the street, the proposal would not result in any loss of outlook or light to the windows on the south facing elevation of No 12. Nevertheless, this does not outweigh the harm I have identified above.
13. Consequently, the proposed development would significantly harm the living conditions of the neighbouring occupiers at 12 Water Lane, with regard to outlook and light. This is contrary to the requirements of Policies S1, S3 and PD1 of the DDLP which require a high standard of amenity for all existing and future occupants of land and buildings.
14. With regard to this main issue, the Council has also cited a conflict with Policies NP1 and NP2 of the WNDP. These policies are concerned with the setting and shape of the settlement along with ensuring the appropriate quality and character of new development. These policies set no criteria or guiding principles for residential amenity. Accordingly, with regard to this main issue, I find no conflict with these policies.

Other Matters

15. The proposal would be located within the defined settlement boundary of Wirksworth and would therefore enjoy good access to a range of local services. It would also make use of an area of previously developed land, removing a somewhat unappealing building and making a limited contribution to local housing supply. Whilst I am mindful of these benefits, they would not sufficiently outweigh the harm I have found.

Conclusion

16. For the reasons I have set out, the appeal should be dismissed.

Jeff Tweddle

INSPECTOR



Appeal Decision

Site visit made on 29 October 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2019

Appeal Ref: APP/P1045/D/19/3234399

Fountain House, 13 Main Street, Middleton by Wirksworth, Matlock
DE4 4LQ

- 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 Andrew Street against the decision of Derbyshire Dales District Council.
 - The application Ref 19/00115/FUL, dated 21 January 2019, was refused by notice dated 17 July 2019.
 - The development proposed is formation of parking area, removal of section of boundary wall and erection of retaining wall.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Andrew Street against Derbyshire Dales District Council. This application is the subject of a separate Decision.

Procedural Matter

3. I have substituted the description of development for the detail supplied on the **Council's Decision Notice, as it describes the development in a more concise** manner than that set out on the planning application form.

Main Issue(s)

4. The main issues in this case are :-
 - The effect of the development on the Middleton by Wirksworth Conservation Area and the Listed Building; and
 - The effect of the development on highway safety.

Reasons

Effect on Conservation Area / Listed Building

5. The appeal site is located to the rear of the existing property on Main Street, close to the junction of two access roads, The Alley and Hillside. From my site visit, it is apparent that parking space in the locality are at a premium. The proposals would see the removal of a section of stone boundary wall, and the reduction in height of two adjacent sections in order to gain visibility onto the access road. The section removed would be replaced by a sliding timber gate.

6. Policy PD1 of the Derbyshire Dales Local Plan (2017) (the LP) states that, amongst other matters, development should contribute positively **to an area's** character, history and identity, whilst Policy PD2 seeks to protect the historic environment.
7. The Conservation Area is characterised by the predominant use of rubble limestone boundary walls, with limestone and rendered cottages and Staffordshire blue clay tiles roofs. It is a dense area of development, built around the road frontages.
8. The works required to create the parking area would see the removal of a section of stone boundary wall that is curtilage listed with Fountain House, as well as the reduction in height of adjacent sections. I find that this would affect the setting of the Listed property as a whole, as the complete, uninterrupted section of boundary wall adds to the setting of the Listed Building and benefits the character and appearance of the Conservation Area. The removal and reduction of the boundary wall would be detrimental to the character and appearance of the Conservation Area.
9. Paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.
10. Paragraph 196 of the Framework states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this instance, whilst the harm to the significance of the Conservation Area would be less than substantial, there are no public benefits that weigh in favour of the development to outweigh that harm.
11. As a result, I find that the appeal proposals would be in conflict with the design and historic environment aims of policies PD1 and PD2 of the LP, in addition to the heritage aims of the Framework.

Highway Safety

12. The reduction in height of the sections of boundary wall has been proposed in an effort to achieve visibility of a level to satisfy the Highway Authority. However, from the evidence in front of me, it appears that the only way that it could meet the requirements of the Highway Authority would be to reduce the height of the entire wall to 1m, which would further compound the harm caused to the setting of the Listed Building and the Conservation Area.
13. Therefore, I find that the proposals would not achieve sufficient visibility splays that could be considered to be acceptable. Vehicle speeds on The Alley would be very low, but given the lack of visibility available, there would be conflict with other road users. From my site visit, it is clear that visibility would be extremely limited, and compounded with the narrow highway, and proximity of the junction with Hillside, I find the proposals would be in conflict with Policy S3 of the LP, which states that, amongst other matters, access should be safe, and the highway network can satisfactorily accommodate traffic generated by the development.

Other Matters

14. I have noted the comments of the appellant in relation to the issue that planning permission is not required due to a planning consent from 1994 being extant. In this case the interpretation of the Council is correct. From the evidence in front of me, the pre-application conditions were never discharged, and the other work in the consent was started. Therefore those works did not constitute a lawful start, and the 1994 planning permission has lapsed. However, given the passage of time, the other works that were carried out are immune from enforcement action. I find that the letter sent out by the Council in 2016 was erroneous.
15. I have taken into consideration the existing situation on The Alley and Hillside in relation to parking, but I have dealt with this appeal on its own merits and identified the harm in the issues above. I have limited detail in relation to any other applications that may have been made.
16. There may be some merit in being able to remove a vehicle from the main highway, but this would not overcome the harm that I have identified. As a result, I cannot attach any significant weight to the argument of the appellant in relation to this matter.

Conclusion

17. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Paul Cooper

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.