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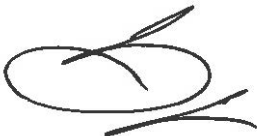
03 August 2020

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday, 11 August 2020 at 6.00pm** via the zoom application.  
(Joining details will be provided separately)

**Under Regulations made under the Coronavirus Act 2020, the meeting will be held virtually. As a member of the public you can view the virtual meeting via the District Council's website at [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk) or via our YouTube channel.**

Yours sincerely



Sandra Lamb  
Director of Corporate Services

## **AGENDA**

### **PLEASE NOTE CHANGE TO PUBLIC PARTICIPATION SCHEME AND DEADLINE**

**SITE VISITS: A Presentation with photographs and diagrams will be given in lieu of site visits.**

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

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

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

Planning Committee – 21 July 2020

#### **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**

Public Participation, as provided for in the Constitution, is suspended temporarily and is replaced with an alternative mechanism for the public to bring matters to the Council’s attention.

Members of the public **WHO HAVE GIVEN PRIOR NOTICE** of their wish to express views, ask questions or submit petitions relating to planning applications under consideration are invited to submit their questions or comments in writing, before **12 noon on Thursday, 06<sup>th</sup> August 2020** by the following means:

**Webform:** [Make your submission here](#)

**Email:** [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk)

**Post:** Democratic Services, Derbyshire Dales District Council, Town Hall, Matlock DE4 3NN

The Committee Team will assist any member of the public without access to electronic means by capturing their concerns over the telephone.

**Phone:** 01629 761133 (working days only 9am – 5pm)

Any such correspondence will be summarised, addressed and published on the website with the committee paper ahead of the meeting. Where appropriate/relevant your comments may be raised and discussed at the meeting.

The public will not be admitted to the meeting through virtual means. All meeting proceedings open to the public will be streamed live on our YouTube channel when all non-exempt items are being considered. Recordings of the meeting will also be available after the event on the District Council’s website.

	<b>Page No.</b>
<b>4.1 APPLICATION NO. 20/00259/FUL (Presentation)</b>	<b>04 – 21</b>
Demolition of existing dwelling and erection of building comprising of 21no. retirement apartments and associated parking at 23 Chesterfield Road, Matlock.	
<b>4.2 APPLICATION NO. 20/00343/REM (Presentation)</b>	<b>22 – 32</b>
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.	
<b>4.3 APPLICATION NO. 20/00387/FUL (Presentation)</b>	<b>33 – 48</b>
Erection of dwelling house (Paragraph 79), 1 no. barn, associated new access and landscape enhancements at Land West of Spend Lane, Ashbourne.	

<b>4.4</b>	<b>APPLICATION NO. 20/00429/FUL (Presentation)</b>	<b>49 - 55</b>
	Retention of additional fishing lake at Birch Farm, Derby Lane, Ednaston.	
<b>5.</b>	<b>INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS</b>	<b>56 - 65</b>
<b>6.</b>	<b>APPEALS PROGRESS REPORT</b>	<b>66 - 72</b>
	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, Sue Bull, Neil Buttle, Sue Burfoot, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Stuart Lees, Joyce Pawley, Garry Purdy and Peter Slack.

### **Nominated Substitute Members**

Jacqueline Allison, Steve Flitter, Helen Froggatt, Chris Furness, Tony Morley, Mike Ratcliffe and Colin Swindell.

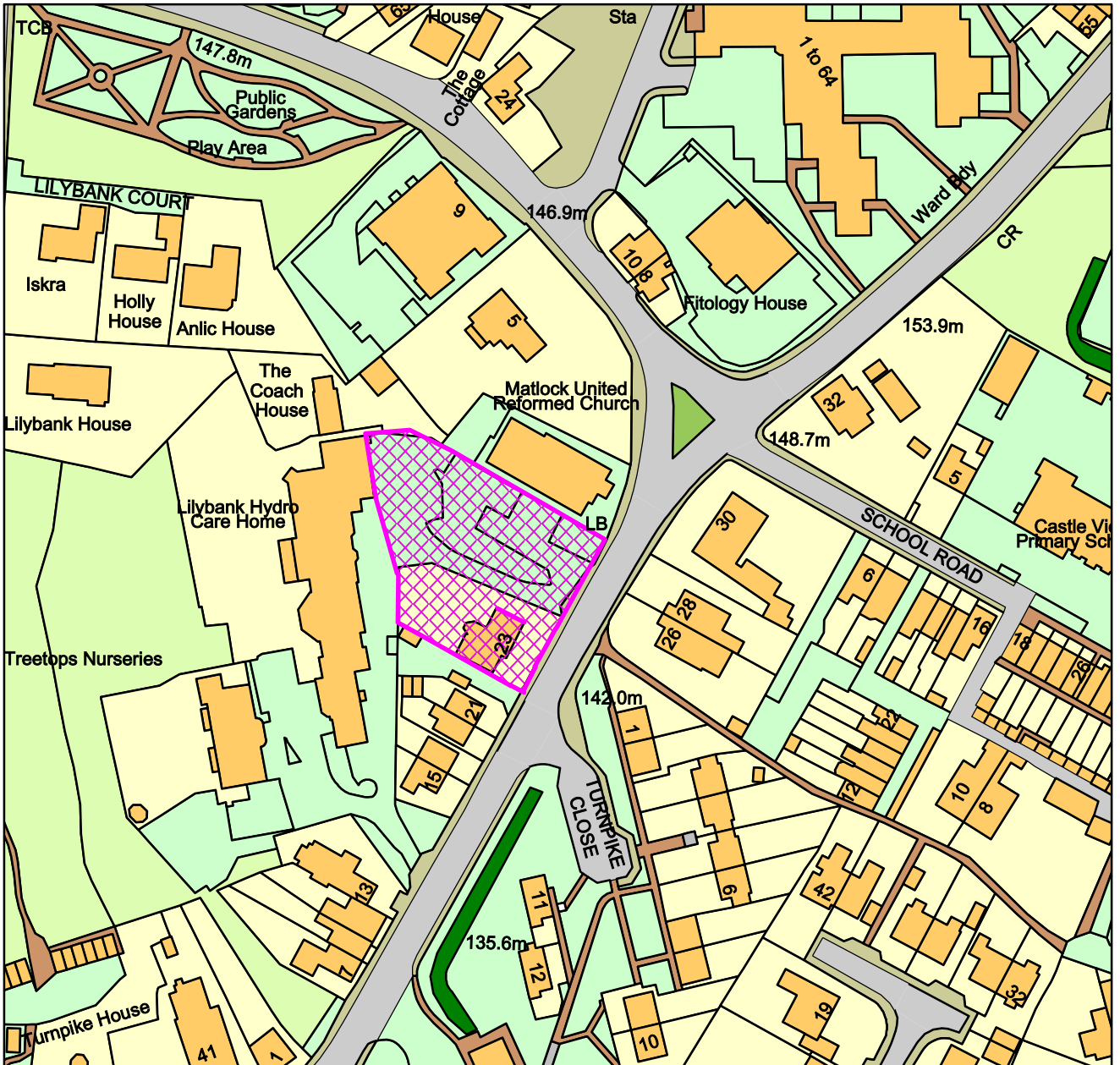
<b>APPLICATION NUMBER</b>		20/00259/FUL	
<b>SITE ADDRESS:</b>		23 Chesterfield Road, Matlock	
<b>DESCRIPTION OF DEVELOPMENT</b>		Demolition of existing dwelling and erection of building comprising of 21no. retirement apartments and associated parking	
<b>CASE OFFICER</b>	Sarah Arbon	<b>APPLICANT</b>	Mr Ali
<b>PARISH/TOWN</b>		<b>AGENT</b>	Mr D Oulsnam
<b>WARD MEMBER(S)</b>	Cllr S Burfoot Cllr M Burfoot Cllr S Wain	<b>DETERMINATION TARGET</b>	17/07/2020
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major Application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Character and appearance of the Conservation Area</li> <li>- Impact on residential amenity</li> <li>- Impact on trees</li> <li>- Highway safety</li> <li>- Drainage and stability</li> </ul>

<b>RECOMMENDATION</b>
Refusal

20/00259/FUL

23 Chesterfield Road, Matlock, Derbyshire



Derbyshire Dales DC

1:1,500

Date: 29/07/2020

100019785

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

## 1 THE SITE AND SURROUNDINGS

- 1.1 The site is partly within the Matlock Bank Conservation Area and partly outside. The modern house, known as No. 23, together with its associated curtilage, is outside the Conservation Area but immediately abutting its boundary. The remainder of the proposed development site is within the Conservation Area, including the adjacent historic buildings of 'Lilybank' care home (1867) to the west and the Assembly of God Church (1901) to the north with both un-listed. The site of No. 23, and the other modern houses, is the former site of a mid-19<sup>th</sup> century Congregational Church (demolished in about 1900). Some of its former stone boundary walls/piers that are stepped/staggered to respect the land topography, to the roadside have remained. The site includes the curtilage of No.23 together with the car parking area to the north. The whole application site is steeply sloping both in a north/south and an east/west orientation with the nursing home approximately 4.5m lower than the site frontage and the church 4.2m higher than No.23. There is a Beech tree in the centre of the site's frontage on Chesterfield Road which is protected by a Tree Preservation Order.



## 2 DETAILS OF THE APPLICATION

- 2.1 The proposed development which comprises the demolition of an existing later 20<sup>th</sup> century dwelling and the erection of a new building containing 21 retirement apartments and associated parking. The proposed three storey building would accommodate a mix of 15 two-bed and 6 one-bed apartments. 23 car parking spaces are proposed within the site with 12 spaces within an undercroft car park and 11 spaces to the rear. Four spaces would be retained for the care home. The occupation of the apartments would be restricted to persons aged 55 years and older as retirement apartments that would be able to benefit from facilities offered by the care home. The design is a full three storey building of a height to the ridge of 11.8m and width of 31.8m with a gable roof and with two projecting three storey gable roof section linked by a glazed section with a lower roof in the centre of the frontage that is shown in coursed sawn gritstone with the main sections in brick.

### 3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (20)
  - S2: Settlement Hierarchy
  - S3: Development within Defined Settlement Boundaries
  - S10: Local Infrastructure Provision and Developer Contributions
  - PD1: Design and Place Making
  - PD2: Protecting the Historic Environment
  - PD6: Trees, Hedgerows and Woodlands
  - PD8: Flood Risk Management and Water Quality
  - HC4: Affordable Housing
  - HC11: Housing Mix and Type
  - HC14: Open Space and Outdoor Recreation Facilities
  - HC19: Accessibility and Transport
2. Matlock Bank Conservation Area Appraisal
3. Derbyshire Dales Developer Contributions Supplementary Planning Document
4. National Planning Policy Framework  
National Planning Practice Guidance

### 4 RELEVANT PLANNING HISTORY:

19/00727/FUL	Proposed single and two storey extensions, extension to form lower ground floor family room with patio above	REF	14/08/19
18/00796/FUL	Erection of 8 retirement apartments and associated access improvements	PERC	10/10/18
17/01131/FUL	Amalgamation of two dwellings into one and associated alterations and extensions	PERC	02/01/2018
06/00389/FUL	Change of use and conversion of dwelling to 2 no. dwellings	PERC	05/07/2006
0489/0340	EXTENSION TO DWELLING	A	12/05/1989

### 5 CONSULTATION RESPONSES

#### Matlock Town Council

5.1 No response received.

#### Environment Agency

5.2 There are no objections as the site lies fully within Flood Zone 1 with no fluvial flood risk concerns of other environmental constraints associated with the site.

#### Derbyshire County Council (Highways)

5.3 The Highways Authority note that part of the site has been the subject of previous applications, the most recent in 2018 for 8 retirement apartments. As part of this application

9 parking spaces were demonstrated for the apartments, which retained 7 within the parking area for the care home. Improvement to the existing access were also proposed which appear to have included the strengthening of signage to reinforce the one-way system through the site. The current proposals include for 21 retirement apartments and relocating the site egress. The level of parking provided for the apartments is 25, but now leaves only 4 spaces for the care home. Sufficient parking in terms of both numbers, size of spaces and their location has not been provided and the undercroft parking is considered impractical with the frontage parking resulting in vehicles reversing onto Chesterfield Road.

A one-way system is proposed with the new access being the egress. However, sufficient visibility has not been demonstrated and swept path analysis is required. On the basis of the above, there is an objection on highway safety grounds and as such a revised layout is sought.

#### Derbyshire County Council (Strategic Infrastructure and Services)

- 5.4 The preliminary views of Cllr S Burfoot are noted in this response. In summary, these relate to the design and mass of the proposed building being inappropriate in the context of the setting of the historic hydro, obscuring views of this important building. The design is too modern and would constitute overdevelopment and would overwhelm adjacent properties. The building materials would not reflect the local vernacular, the parking spaces proposed is insufficient and the impact on the Copper Beach tree seems to have been overlooked.

The dwellings proposed would have restricted occupancy and therefore are excluded from the County Council's Developer Contributions Protocol (2019) and would not attract an education contribution. The proposal should comply with the design standards with the County Council's Older People's Housing, Accommodation and Support Strategy. Clarification on whether there would be any specific affordable housing units within the scheme is required. An informative regarding the provision of broadband is requested.

#### Derbyshire County Council (Archaeology)

- 5.5 It is considered that the proposal would not have any archaeological impact, however, the impact of the scheme on the setting and significance Matlock Bank Conservation area should be considered by the Council's Conservation Officer.

#### Design and Conservation Officer (Derbyshire Dales)

- 5.6 The proposed building is considered to be inappropriately large & monolithic within its proposed context & setting and its form/layout appears to pay no respect to the topography of the site. On this basis, it is considered that the proposal would neither preserve nor enhance the character or appearance of the Conservation Area and present a negative contribution/introduction to the Area. In that regard, it has failed in the purported desire for 'design excellence' and respect on a key site/position within the Conservation Area.

#### Landscape and Arboriculture Officer (Derbyshire Dales)

- 5.7 Further details that were supplied on the 8<sup>th</sup> July 2020 do not indicate the RPA of the tree in relation to the building. A Tree Protection Plan and Agricultural Method Statement are required to ensure the health of the tree.

Comments on the submitted Tree Survey are as follows:

1. Removal of the existing surfacing – this should be specified to be done using only hand tools rather than plant so as to minimise any potential damage to the roots that may have grown beneath the surface /within its sub-base. There should be instruction that no roots



with a diameter over 50mm should be cut or damaged. Where roots over 50mm are discovered they should be protected from drying through exposure to the air by wrapping in wet hessian until they can be re-covered with top soil which should be within a couple of days at the most.

2. It needs to be specified that the ground level in the areas where the surfacing is removed should be made up using top soil to an appropriate level ie approx. 150mm above the roots. This top soil should be only very lightly consolidated in 50mm layers by walking on it and not by using machinery.
3. There is no detail regarding of how the previously surfaced areas are going to be landscaped.
4. The proposed construction of a new access path through the RPA is not acceptable as proposed. Its route is just far too intrusive into the RPA of a TPO tree and there is too much potential damage to the roots. There is also the potential for future root growth beneath the proposed path to result in damage and trip hazards developing in the path which could result in pressure to undertake root pruning / felling of the tree in future which is not acceptable. Consider accessing the building from a different direction to remove these threats to the tree or maybe an aerial path walkway supported on posts.
5. The indicated proposed position of the temporary tree protection fencing does not enclose the whole of the RPA. It needs to. If this is not possible then there needs to be appropriate temporary ground protection – the proposed plywood/r
6. Gravel is not considered to provide adequate protection against the plant and vehicles likely to be used in the demolition and construction. Large thick steel plates (sometimes called road plates) should be used to be laid on top of the existing areas of unsurfaced parts of the RPA that cannot be enclosed within temporary tree protection fencing.
7. Further detail relating to the proposed routes of underground services are required to show that they are outside the RPA of the retained tree. If they are not outside the RPA then details of how they will be installed need to be provided to indicated that this can be achieved without harm to the tree.
8. Details of any necessary pruning of the retained tree to facilitate access during construction and to avoid contact with the finished building need to be provided to demonstrate that this will not be harmful to the tree or the amenity it provides. There are reservation regarding the future growth of the tree's branches being accommodated with the building so close.

#### Lead Local Flood Authority (Derbyshire County Council)

- 5.8 Objects as further details are required in relation to surface water are requires as listed below:-
- Site plan and impermeable area
  - Topographic survey of the site
  - Appropriate evidence to support how the site will drain, including confirmation of where the surface water will outfall to (photographs / maps / a confirmation letter from a water company)
  - Basic calculations of the greenfield/brownfield runoff and discharge rates, (refer to Point J in the Advisory Notes)
  - A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location
  - Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep (Refer to Point J in the Advisory Notes)
  - Basic ground investigation (desktop survey as a minimum)
  - Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (as per National Planning Policy Framework 165).

These details are required at the early planning stage to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage. The proposed major development requires a detailed drainage strategy to be supplied. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council and as there are anecdotal reports of a small scale watercourse in close proximity to the proposed development this needs to be investigated.

#### Environmental Health (Derbyshire Dales)

- 5.9 There are no objections, however, conditions relating to hours of construction work, dust mitigation, electric vehicle recharge points are recommended.

#### Strategic Housing (Derbyshire Dales)

- 5.10 The Housing Team (DDDC) supports this application due to the current and existing need for such accommodation in the Matlock area. The long term viability of such schemes favours larger developments and so the expansion beyond the original approved 8 units makes good business sense.

### **6 REPRESENTATIONS RECEIVED**

- 6.1 A total of 12 representations have been received. A summary of the representations is outlined below:
- a) Processing an application at this time means that residents of Cavendish Mill could not meet to discuss the scheme and some residents have no internet access and cannot view the plans in the office, disadvantaging them.
  - b) The works within the adjacent site have caused disturbance to residents of Cavendish Mill with tree removals and bonfires.
  - c) There is a concern regarding the deep excavation required for the undercroft car parking area and its impact on the stability of neighbouring buildings together with disruption during construction.
  - d) A private sewer was repaired on the land in 2010 and there is a concern that the development would damage this sewer and may not have sufficient capacity.
  - e) The architectural style is out of proportion with the existing houses on this section of Chesterfield Road and the scale and size would create a dominant effect.
  - f) The proposal would increase congestion on the road and is likely to introduce large vehicles into the area that may park on the road increasing existing issues.
  - g) Concerns regarding the safety of pedestrians especially schoolchildren.
  - h) Loss of aspect to views of Riber Castle and the surrounding area.
  - i) The building would cause a visual obstruction to the existing access and of Smedley Street.
  - j) The proposal is not in keeping with the present surroundings and would be an eyesore.
  - k) Relocating the access to the rear of the existing dwellings would cause extensive excavation and would a further retaining wall be required.
  - l) Previous application for extensions to 23 Chesterfield Road were refused on the grounds of the impact on the Beech tree.
  - m) The proposed building would overwhelm adjacent properties and the Church within Matlock Bank Conservation Area.
  - n) The proposed car parking spaces are too small or inaccessible and the one-way access is narrow and steep with limited space.
  - o) The Root Protection Area of the Beech Tree is 185.5m<sup>2</sup> with a radius of 7m and there are doubts that this is adhered to.
  - p) The garden space proposed would not be useable due to the steep slope and shading from the tree.

- q) There would be overlooking and overshadowing of existing properties especially No. 21 Chesterfield Road, 5 Smedley Street East and the care home.
- r) The proposal would degrade the Hydro building which is presumed to be listed.
- s) The current one-way system of entering via the southern entrance and exit via the northern access should be retained and suitable signage provided.
- t) The proposal is a four storey building as it has undercroft parking, it is misleading to describe it as 3 storey.
- u) A safety impact assessment with input from emergency services should be required in the event of an emergency.
- v) Most existing buildings are stepped up to reflect the steepness of the road.
- w) The implication that the apartments would be linked to the care home is questioned as there could be no means of legally enforcing that residents must enter Lilybank for their residential care.
- x) There was no planning notice placed at the front of the site.

### Matlock Civic Association

The Association has no objection to the principle of redevelopment of this site. However the design is inappropriate and is an overdevelopment of a restricted site. It cannot be made satisfactory by approval with conditions. It should either be refused or referred back for a fundamental redesign for reasons set out below.

1. The proposed design does not meet the Local Plan policy that new development should be in character with, and enhancing, the Conservation Area. It also fails the test in the National Planning Policy Guidance para 122 on character and design.
2. The site is in the Conservation Area designated to protect the character and setting of the historic hydro and associated Victorian development along Matlock Bank. The proposed design largely ignores this character and has a bland 'anywhere' appearance. As one example the square windows are completely out of character.
3. By eliminating the existing view of Lilybank Hydro from Chesterfield Road it actually detracts from the character of the area.
4. Traditionally buildings on sloping sites on Matlock Bank are stepped if running up the slope. Larger buildings run parallel to the slope (like the adjacent Congregational Sunday School). This proposal runs up the slope in a large, single monolithic block with no steps and is completely out of character.
5. The large Copper Beech tree on Chesterfield Road is still not mature but already the canopy has a 6 metre radius. It needs room to grow but this requirement is not met - the new building actually touches the existing canopy of the tree according to the application drawing. Being so close there will inevitably be issues of shading to the apartments, branches brushing against windows and interference of branches with the structure itself in windy conditions. The front of the building should be further back from the road and the design and layout should make use of the tree as a focal point - reflecting the title chosen by the developer of 'Beech Court'.
6. The proposed use of natural gritstone as a major element of the front elevation is welcomed. However the proposed brickwork colour is not clear (the drawings show different colours). There will be large expanses of brickwork and the colour should be subservient to the gritstone and not be a contrast to it - ie it should be a beige/light brown colour. There is a large store of second-hand pink brick in the existing garden which is not appropriate for the external elevations of the new building.
7. The pair of existing gate pillars to the north of the existing house are a distinctive feature of the existing access and should be retained as a key feature in the design although they may need to be repositioned. One of the pillars has a Matlock Civic Association blue plaque recording the history of Lilybank Hydro. This too should be retained in the public view of Lilybank from Chesterfield Road (as previously discussed with the applicant's agent, John Church). See also 8 below.

8. A pedestrian access between the new building and the former Congregational Chapel Sunday School is needed. This should be wide enough and attractive enough to protect the view through to the main entrance of the former Lilybank Hydro from Chesterfield Road.
9. Landscape treatment needs to be in character with the area and make creative use of the Copper Beech tree as a focal point. In particular there should be extensive use of natural gritstone walling (there is a large quantity of gritstone blocks in the garden of number 23 which is hopefully to be used for this purpose). Because our representations, if accepted, require a fundamental redesign of the building and its positioning on the site, a landscape scheme should form part of the resubmission.

Cllr M Burfoot made the following comments:

1. The massing of the proposed building is excessive and out of scale for such an important and prominent site, especially in the context of its sloping streetscape. It will completely dwarf and obscure views of the historic and more significant Lilybank Care Home. The elevations of the building seem to ignore the extent of the change of level from the church down to the access to the rear of the semi-detached houses. This suggests that the lower end of the building will be effectively 'perched' above these houses, to a greater extent than suggested.
2. The elevations also appear to ignore and the design fails to incorporate the present and never mind the future mass of the all important semi-mature Copper Beech tree, whose roots have already been undermined by previous excavations. Furthermore, those excavations indicate the significant - 1.5 to 1.8m - level change between the care home exit drive and the forecourt of the detached house proposed for demolition.

It is considered that the architect has completely ignored the importance of the Beech tree in the surrounding streetscape and failed to design the building around it. Instead, it is hoped that the tree will not harm the front elevation of the building as proposed. However, I cannot believe that it can be protected adequately should the present design be implemented.

3. The proposed design does not impress, although the underground car park is quite imaginative and good use of the level change. In particular, the design and proposed materials are hardly reflective of the local vernacular and Conservation Area character, given the grey-brown stonework of the Lilybank building and adjoining Church. Surely, the proposed orange-tan brickwork merely matches that of the demolished dwelling, so will be completely irrelevant. If brickwork is considered the only option for most of the building, it must be similar to that at Morledge, which sits well into its hillside context.
4. Despite the underground parking spaces (12no) it is considered that the total number of spaces (23no) are insufficient and access to them rather circuitous and vulnerable to accidents and excessive pollution, given the number of visitors and pedestrian movements. The proposed apartments are intended for over 55s and therefore occupants are likely to own at least one vehicle, if not two.

Cllr S Wain comments are as follows:

Having looked at the previously approved smaller application, it was considered to be acceptable and in keeping with the locality. It also allowed sight of the historic Lilybank Hydro to the rear and was not overburdening in relation to vehicle use and parking.

The new application completely obscures the former Hydro and would have an overbearing impact on the neighbouring smaller semi-detached dwellings below.

Being in a conservation area, the current proposal would not compliment the stone built Church above, or the former Hydro behind. There is also a concern regarding the beautiful mature Copper Beech Tree located close to the entrance.

The materials selected for use on the proposed development should be consistent with the locality. The colours and quality of any materials used should complement and not negatively impact on the locality or the amenity of residents.

Regarding access and vehicle use, a letter has been sent to the Highway Authority, as being a regular user of the local road network it is considered that the junctions either side of the application to be somewhat problematic, when accessing and egressing the site.

The number of car parking spaces allocated appears to be insufficient, as it only just covers the requirements of the residents.

As you are no doubt aware, the neighbouring area already has issues with the lack of parking provision and this proposed site must not exacerbate this. Additionally, due to the planned one way system, is it reasonable to allow existing residents in the houses on Chesterfield Road to have an increase in traffic flow, noise and pollution immediately at the end of their rear gardens.

Cllr Hughes made the following comments:

1. On-site parking. Additional parking will be made available within the development. Will the number of spaces be sufficient for the additional occupants and visitors? There are 21 apartments and 23 car parking spaces (12 under the building and 11 outside.
2. Access to on-site parking. Access is behind the houses below the new development and egress beside the house immediately below the development. While speed will be very slow, at weekends in particular I would expect a relatively high number of vehicle movements, and higher levels of pollution from cold engines when starting off. Is this a satisfactory arrangement?
3. The mass of the building. I don't think the drawing of the Chesterfield Road elevation in the Concept and Design Masterplan does the development justice, because it leaves off the tree which is going to be retained and justifies the name of the building. This tree will to some extent justify the mass of the building. But still, the mass is significant in comparison with the houses below. Is there anything that might be done to the design or landscaping to reduce the impact of this change of scale as viewed from Chesterfield Road?
4. The colour of the brickwork. The colour is shown as tan, which may or may not be the same as the house that is going to be replaced. We need to ensure that the brickwork matches as closely as possible to the stone building next door and the boundary walls on both sides of Chesterfield Road. I am not sure that the tan brickwork as proposed does, but that may be a reflection of the computer screen I am using. Ideally, the building would be faced with stone. However, if the developer insists on brickwork, it needs to use high quality materials fully in keeping with the brick and stone of nearby buildings. No red brick!!!
5. The "Planning and Heritage Statement" makes reference to a reply to a pre-application enquiry (19/01277/PREAPP). I fully support the points quoted from the reply, but I fear that the present application has not considered them in sufficient detail. Notably:
  - The design is not what I would call modern in appearance;
  - It does not articulate the junction with the existing houses as the reply recommends; and
  - The tree is not "made the principal feature of the forecourt with the building designed around it to give it sufficient space". I note that from the plan views, the tree branches may well be brushing up against the walls of the building. Also, I am not sure that the tree is in the right place on the plans. But I am going from the pictures, not a measuring tape!

6. I might question also whether it is respectful of the local distinctive character of the Conservation Area as suggested in the Planning and Heritage Statement. I feel that it is similar to other apartment blocks built in the last 20 years in Chesterfield and Ashbourne. I myself am tired of and depressed by developers' cookie cutter approach to design. I would envisage that a more distinctive modern building would be more like the new building next to the Whitworth Hospital or the new apartment block, Parkside, behind the Old Englishe which has won awards. I agree with the reply referenced above that a modern building is more appropriate.

I hope these comments are helpful. Overall, it is good to see a proposal for the site. The house that the developers knock down will not be missed, while I am sure that there is a market for new apartments for over 55 year olds.

## **7 OFFICER APPRAISAL**

The following material planning issues are relevant to this application:

- Principle of development
- Character and appearance of the Conservation Area
- Impact on residential amenity
- Impact on trees
- Highway safety
- Drainage and stability
- Local infrastructure provision and developer contributions

### Principle of development

- 7.1 The site is located within the settlement boundary of Matlock and within Matlock Bank Conservation Area therefore Local Plan Policies S3 and PD2 are relevant. Matlock is one of the main towns within the District where Policy S2 considers towns to be the primary focus for growth and development, providing significant levels of jobs and homes.
- 7.2 Within settlement boundaries Policy S3 allows development that:- 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, retains existing buildings that make a positive contribution to the area and the proposed access and parking provision is appropriate.
- 7.3 The evidence that underpins the housing policies contained within the Adopted Derbyshire Dales Local Plan (2017) indicates that the population of people aged 60 plus is anticipated to rise by 32% over the period to 2033 and as such there is a need to provide housing for older people as part of the future mix of new housing in the plan area. Policy HC11 supports the provision of specialised housing accommodation that meets the needs of the elderly and that which includes a broad range of accommodation for older people. This policy also seeks to ensure that new residential development meets the needs of the future population of Derbyshire Dales by seeking to deliver essentially smaller sized dwellings. This proposal is for retirement apartments adjacent to an existing nursing home and the Council's Housing Section supports the proposal as there is a local need. However, the policy requirements relate to the internal requirements of the building and the care packages provided. The applicant has inferred that future occupants could benefit from the care within the care home, however, the arrangements of care are not specified. Any permission would seek to restrict the occupancy of the units to over 55s by condition in order to secure the specific provision.
- 7.4 Policy HC4 seeks to maximise the delivery of affordable housing and therefore requires all development of 11 dwellings or more to provide 30% of the net dwellings proposed as affordable housing. The proposal for retirement apartments and the need identified by Policy HC11 does not, however, negate the need for provision of affordable housing as the proposal does involve provision of market housing albeit with a restriction on occupancy in

relation to age. No affordable housing has been put forward either in relation to on-site or off-site provision, contrary to this policy.

- 7.5 The principle of residential development is considered acceptable in this sustainable location. It is acknowledged that the proposed removal of No23 Chesterfield Road could provide a betterment to the street scene in this area. However, the scale, layout and design of the building proposed is not considered to be in keeping with the character of the area. The site levels drop significantly with existing buildings stepped down along the Chesterfield Road frontage. The proposal would not utilise the existing levels by having a single finished floor level that would be 1m below that of the central road level and set back 9m from the road frontage. The mass and height of the building measuring 31.5m across the frontage of a height of 11.5m is excessive when viewed in context with the Church to the north east and semi-detached dwellings to the south west. The existing Lilybank nursing home is a three storey building with rooms in the roofspace, however, its ground level is such that it is 4.5m lower than Chesterfield Road at the bottom of the slope. Cavendish Mill is also three storey to the rear with rooms in the roofspace but utilises the slope as it is two storey on Smedley Street East.
- 7.6 Policy PD1 requires development to be of a high quality that respects the character and context of the area, contributes positively to an area's character in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.7 The design proposed is of a large monolithic building with a large gable roof. The central gables with glazing feature fail to break up the mass and rather accentuates it. The land level slopes steeply to the rear and the bank would be used to provide under-croft parking rather than seeking to use the slope to reduce the mass to the rear. The rear elevation fails to show the access to the undercroft. The proposed approach is not considered appropriate in the context of the character of this area of Chesterfield Road, does not respect the topography of the site and would appear dominant and detrimental to the visual amenity of the streetscene. The proposal is therefore considered to be contrary to Policies S3 and PD1.

#### Conservation Area

- 7.8 Policy PD2 requires proposals in Conservation Area to demonstrate how the proposal has taken account of the local distinctive character and setting of the Conservation Area including open spaces and natural features and how this has been reflected in the layout, design, form, scale, mass, use of materials and detailing, in accordance with Character Appraisals where appropriate.
- 7.9 Whilst part of the proposed development is outside the Conservation Area a large part of it is within and the following comments are made on the impact of the development on the Conservation Area and on the setting of the Conservation Area.
- 7.10 The Matlock Bank Conservation Area Character Appraisal identifies key elements in relation to its setting to be:
- *Glimpses between buildings both of landmarks within and views beyond the conservation area. Large unbroken blocks of development within the conservation area would be inappropriate.*
  - *Views into Matlock Bank from across and within the Derwent Valley. These could be affected by dominant, large blocks of development in the valley bottom or on the hillside alongside the conservation area, which could compete with and detract from the landmark former hydros, as much as by development actually blocking views.*
- The key threat to the setting of the conservation area is from development blocking the views both into and out of the conservation area.*
- This could include:*

- *Glimpses of major landmarks, in particular former hydros – County Hall, the former Smedleys Hydro and Rockside former hydro - and All Saints Church.*
- *Views out of the conservation area towards the surrounding hills and key landmarks - Riber Castle and High Tor.*

7.11 The submitted Planning and Heritage Statement (PHS) fails to include an assessment of setting in relation to the Character Appraisal and only states that “*the architects have afforded significant weight to the need to provide for design excellence on a site that is in a key position within the Matlock Bank Conservation Area*”. Furthermore, the PHS states that the submitted design is “*respectful of local distinctive character and the importance of this part of the Conservation Area*”. It is considered that there is a clear conflict between these statements and the submitted proposals for the new apartment building. The proposed site plan indicates the size and scale of the footprint in the context of adjacent buildings and the proposed streetscene elevation clearly indicates the proposed scale, mass and bulk of the proposed building. The height and mass of the proposed building would cramp and obscure views of Lilybank Hydro from Chesterfield Road, diminishing its setting and obscure views of it to the detriment of the character and appearance of the conservation area.

7.12 It is considered that the streetscene elevation displays a proposed new building that is inappropriately large and monolithic within its proposed context and setting and its form/layout appears to pay no respect to the topography of the site or, indeed, the use of that significant topography or the Beech tree to formulate a design / shape / form / massing / layout complimentary to the site and context. The ‘design’ of the building is boxy, bland and un-imaginative incorporating features/elements such as the ‘fake’ mansard type roof form and size, punctuated windows giving an institutional and almost defensive/in-personal character. In its monotony and prosaic character, with token inclusion of some stonework dressings and no contextual affinity or correlation to/with its sloping site, it is considered that it is a building that would neither preserve nor enhance the character or appearance of the Conservation Area and present a negative contribution / introduction to the Area. In that regard, it has failed in the purported desire for ‘design excellence’ and respect on a key site/position within the Conservation Area. On this basis, the proposal is considered to have failed to take account of the local distinctive character and setting of the Conservation Area, contrary to Policy PD2. The harm identified is considered to be less than substantial, however, the level of harm is at the higher level having a negative impact on the significance of the Conservation Area and therefore would not be outweighed by the public benefit of the provision of 21 private apartments for over 55 year olds, contrary to NPPF paragraph 196.

### Residential Amenity

7.13 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. The nearest property to the proposed building is the existing Nursing Home. The proposal would be a three storey building with a total of 26 main room windows overlooking the rear elevation of the existing building at a distance of 15- 18 m and a land level 4.5m higher than this building. It would also have a ridge level 1.2m higher than the existing nursing home building. Whilst, the nursing home is owned by the applicant, the building would dominate and overlook all of the rear bedroom windows of the existing occupants which is not considered ‘good planning’. However, as the site is within the same ownership and the applicant may consider the relationship acceptable, a refusal on this basis could not be sustained at appeal.

7.14 Cavendish Mill is a residential apartment block with its rear aspect facing south west. This building would be at a higher land level than the site and the nearest proposed window would be 55m away from the rear elevation of this building. This is considered an acceptable relationship in terms of overlooking. No. 5 Smedley Street East to the north has a higher land level and due to its position in the plot and orientation in relation to the proposed building



would not be significantly overlooked. It is also set behind the existing Church. On this basis, this relationship is considered acceptable.

7.15 No. 21 Chesterfield Road is a two storey semi-detached property that would be both adjacent to the proposed exit point and the side elevation of the building. Full height glazing is proposed in this elevation which would serve the kitchens of the apartments together with en-suite windows. The land level of the proposed building would be approximately 0.5m higher which would mean a 10m high building 7m from the boundary. Whilst, the building is to the north, overshadowing would not be significant. However, there is a significant overlooking and overbearing impact in relation to this property. The 10m high gable would dominate the rear of the dwelling and the windows would cause a significant sense of overlooking across the rear elevation and rear garden. Such a tall building with full height main room windows would have a significant adverse impact on residential amenity of these properties, contrary to Policy PD1.

#### Impact on Protected Tree

7.16 The Copper Beech Tree located in the centre of the site's frontage is protected by a Tree Preservation Order (DDDC No.183). Policy PD6 requires trees of value to be retained and integrated within development where possible. The Council's Tree and Landscape Officer has reviewed the submitted Tree Survey. There are concerns regarding the proposed construction of a new access path through the Root Protection Area (RPA) as its route is intrusive and potentially damaging to the roots. There is also the potential for future root growth beneath the proposed path to result in damage and trip hazards developing in the path which could result in pressure to undertake root pruning / felling of the tree in future which is not acceptable. The indicated proposed position of the temporary tree protection fencing does not enclose the whole of the RPA and it needs to. Gravel is not considered to provide adequate protection against the plant and vehicles likely to be used in the demolition and construction. Large thick steel plates (sometimes called road plates) should be used to be laid on top of the existing areas of unsurfaced parts of the RPA that cannot be enclosed within temporary tree protection fencing.

7.17 Further detail relating to the proposed routes of underground services are required to show that they are outside the RPA of the retained tree. If they are not outside the RPA then details of how they will be installed need to be provided to indicate that this can be achieved without harm to the tree. Details of any necessary pruning of the retained tree to facilitate access during construction and to avoid contact with the finished building need to be provided to demonstrate that this will not be harmful to the tree or the amenity it provides. There are reservations regarding the future growth of the tree's branches being accommodated with the building so close.

7.18 The agent in responding to these comments has not provided amended plans or an amended Tree Survey, he has offered the following:-

It is acknowledged that the beech tree is subject to a Tree Preservation Order and there is no intention that its longevity be harmed. Confirmation of the use of top soil and a suggestion that the building can be moved back within the site, if it is considered essential, so that the 1200mm wide path to the front entrance of the building is then beyond the roots of the tree. It is confirmed that temporary protective fencing will be positioned to enclose the whole of the RPA of the tree, in accordance with the applicable British Standard. It is stated that all mains services for the new building would be taken down to the new access road to the south of the building and taken into the basement area next to the lift to be then taken up the centre of the building. The foul drainage will follow the same route down the access road.

7.19 Whilst the building itself is outside the RPA of the tree it is immediately adjacent to it and there is a concern that the proposed access path is too intrusive and the future growth of the tree would be limited. The suggestion that the building could be moved and path located

outside the RPA is noted, however, an amended plan has not been supplied. It was not considered expedient to request this due to the significant issues in relation to the layout, scale, mass and design of the building as outlined above. Whilst, there are reservations due to the proximity of the building to the tree and the works within the RPA, it appears with further negotiation these could be overcome and works that follow the BS5837:2012 requirements be implemented. On this basis, with agreement of the further information in relation to landscaping, access construction, services installations, surfacing, ground level changes, positions of scaffolding, how the tree relates to use of cranes etc during construction, etc within the RPA and details of temporary tree protection fencing positions, signage and type; the health of the tree and its longevity could be secured in accordance with Policy P6.

### Highways Issues

- 7.20 Policy S3 requires development to have a layout, access and parking provision appropriate to the proposed use, site and its surroundings. Policy HC19 seeks to ensure that development can be safely accessed in a sustainable manner and adequate parking is provided. With regard to the proposed 25 spaces, 11 are provided in the rear car park, 12 are provided in an under-croft car park and 2 are provided at the front of the proposed building, utilising part of the existing access.
- 7.21 The Highway Authority considers 4 parking spaces retained for the nursing home is not sufficient and no evidence has been provided for the reduced number. The under-croft parking is considered impractical, the layout is tight with some spaces measuring only 2.2m in width with no increase (above the minimum 2.4m) for spaces located adjacent to walls. Access into the under-croft is single width and at an acute angle, providing no intervisibility between vehicles entering and leaving, and the manoeuvring space within the parking area is tight. Two visitor spaces are demonstrated at the front of the property, measuring an overall width of 4.5m and with no specific widening adjacent to walls. Whilst utilising part of an existing access, the tight layout shown would increase the likelihood of vehicles reversing onto Chesterfield Road (A632).
- 7.22 The existing access to the north of the site is wide and appears to operate as both an entry and exit point. The proposal includes provision of a one-way system although there are no details of signage or lining to prevent misuse. Swept paths should be provided to demonstrate that service, delivery and emergency vehicles are still able to access through the site.
- 7.23 The proposed egress and the existing access both emerge onto Chesterfield Road within the 30mph limit at a point where the road is straight and the fronting footway is of a uniform width. The width would appear to be less than 2m. The visibility at the proposed egress is likely to be similar to the existing access. In view of the significant increase in unit numbers, the new egress should demonstrate improved visibility. Positioning the proposed egress immediately adjacent to the neighbouring property restricts the achievable visibility to the right. The proposed egress should be located away from the boundary to achieve this, whilst a 2.4m parallel sightline should be demonstrated across the rest of the sight frontage. There are no measurements on the existing fronting boundary wall, but this would in part appear to exceed 1m above the adjacent carriageway level and would require lowering to deliver the visibility. On the basis of the above, there is an objection on highway safety grounds and as such a revised layout is sought. It was not considered expedient to request revised drawings in light of the layout, design and mass not being acceptable and that significant changes were required in terms of the location of the egress and the layout of the under-croft parking and frontage parking. The layout as submitted would present a highway safety concern and as such is contrary to Policies S3 and HC19.

### Drainage and stability

- 7.24 Objection letters have referred to drainage issues within the site which are dealt with by Building Regulations and Severn Trent approvals. Local Lead Flood Authority considers that insufficient information has been provided in terms of surface water drainage. The application is a major development there is a requirement for proposals to demonstrate adequate drainage can be provided on site together with space for surface water storage. A surface water drainage strategy is required and has not been submitted, contrary to Policy PD8.
- 7.25 In terms of stability of adjacent properties due to excavation, it is acknowledged that the building is large and on a sloped site, however, the construction methods of the building and their impacts does not fall within the remit of planning permission and is considered by Building Regulations legislation.

### Local infrastructure provision and developer contributions

- 7.26 Policy S10 deals with Local Infrastructure Provision and states that the District Council will work with partners to ensure that infrastructure will be in place at the right time to meet the needs of the District and to support the development strategy. Policy HC4 requires that 30% of the dwellings created on site comprise affordable dwellings. Whilst the proposal may increase the burden on the local health services, it is not at the threshold (50+ dwellings) stated within the Council's Developer Contributions Supplementary Planning Document and as such a contribution cannot be secured. In terms of contributions to Public Open Space provision due to the location and nature of the end users it is not considered pertinent to pursue as it would only secure a modest contribution to existing facilities. A Draft Heads of Terms was not submitted with the application. On the basis of the principle of the proposed building not being acceptable it was not considered pertinent to undertake any abortive S106 negotiation.

### Conclusion

- 7.27 The proposal is considered to be overdevelopment of this constrained site and is wholly inappropriate in terms of its design, layout and mass in this sensitive area. The design fails to respect the context of the site and would have a harmful impact on the Conservation Area both in terms of the inappropriate nature of the proposed building but also in diminishing the setting of Lilybank Hydro. Adequate parking and access visibility has not been provided to the detriment of highway safety. The residential amenity of a neighbouring property would be significantly affected and adequate surface water drainage details have not been provided. The proposal also fails to provide affordable housing provision, contrary to Policy HC4.

## **8 RECOMMENDATION**

That planning permission be refused for the following reasons.

1. The proposal is an over-development of this site and the building by reason of its design, scale and layout would not respect the character, identity or context of this part of Chesterfield Road, the topography of the site or the Beech Tree and would appear dominant and be detrimental to the visual amenity of the streetscene. By visually cramping and diminishing views of the former Hydro building it would also harm the character and appearance of this part of Matlock Bank Conservation Area. The development would therefore be contrary to Policies S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan 2017 and guidance contained within the National Planning Policy Framework (2019).

2. The proposal fails to provide adequate access visibility for the new egress and parking provision in relation to the existing nursing home. The frontage parking would increase the likelihood of vehicles reversing onto Chesterfield Road (A632) and the under-croft parking is considered impractical, the layout is tight and access would be single width and at an acute angle, providing no intervisibility between vehicles entering and leaving, to the detriment of highway safety, contrary to Policy S3 and HC19 of the Adopted Derbyshire Dales Local Plan 2017.
3. The proposal would result in the overlooking of and have a significant overbearing impact on 21 Chesterfield Road by reason of its proposed kitchen windows, height and proximity. The 10m high gable would dominate the rear of the dwelling and the proposed windows would overlook the rear windows and all of the rear garden area to the detriment of the residential amenity of the occupants of this property, contrary to Policy PD1 of the Adopted Derbyshire Dales Local Plan 2017.
4. Insufficient information is provided in order to demonstrate adequate drainage can be provided on site together with space for surface water storage, contrary to Policy PD8 of the Adopted Derbyshire Dales Local Plan.
5. The proposal fails to take account of the requirement for the provision of affordable housing, open space and health care contributions, contrary to Policies HC4 and HC14 of the Adopted Derbyshire Dales Local Plan 2017 and the guidance within the Derbyshire Dales Developer Contributions Supplementary Planning Document (February 2020).

## 9 NOTES TO APPLICANT:

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.

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:

Site Location Plan 02

Proposed Site Plan 98419\_06

Existing Topographical Survey Plan 98419\_07

Proposed Site Block Plan 98419\_08A received on the 8<sup>th</sup> July 2020

Proposed Ground Floor Plan 98419\_09A received on the 8<sup>th</sup> July 2020

Proposed First Floor Plan 9819\_10A received on the 8<sup>th</sup> July 2020

Proposed Second Floor Plan 9819\_11A received on the 8<sup>th</sup> July 2020

Proposed Street Scene Elevation 98419\_12

Proposed Elevations 98419\_13A received on the 8<sup>th</sup> July 2020

Proposed Basement Floor Plan 98419\_14A

Existing Site Sections 98419\_15 and 98419\_16

Proposed Site Sections 98419\_17 and 98419\_18

BS5837: 2012 Tree Survey by C.B.E Consulting dated 13<sup>th</sup> May 2020  
Planning and Heritage Statement  
Design and Access Statement  
EA Flood Map

John Church's email dated 8<sup>th</sup> July 2020

Amendments to submitted Building Design Statement received on the 8<sup>th</sup> July 2020

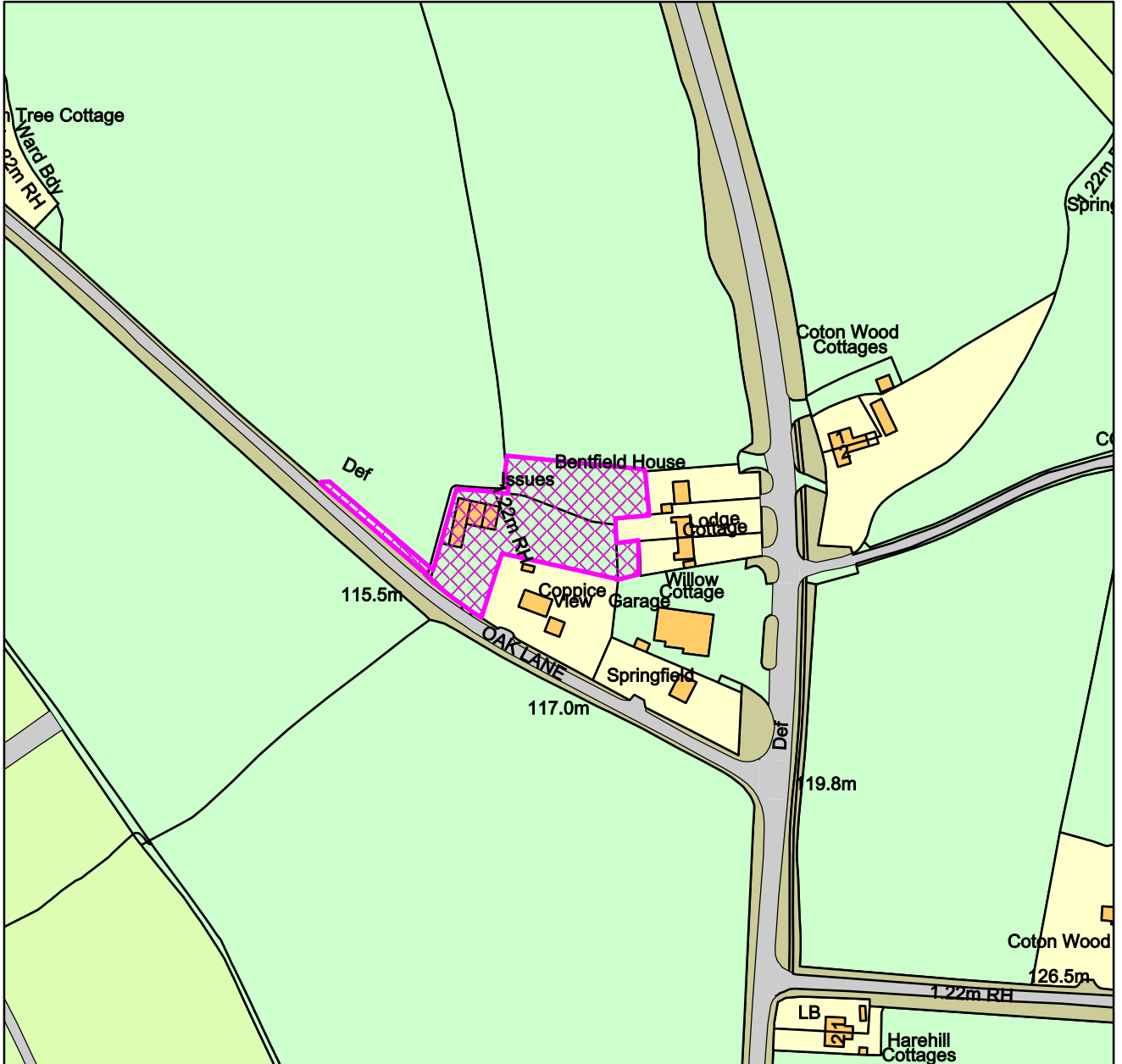
<b>APPLICATION NUMBER</b>		20/00343/REM	
<b>SITE ADDRESS:</b>		Land To South Of Hallmark Tractors Site, Oak Lane, Sudbury	
<b>DESCRIPTION OF DEVELOPMENT</b>		Approval of reserved matters for the erection of 4 no. dwelling houses (hybrid planning permission 17/00329/FUL)	
<b>CASE OFFICER</b>	Mr. G. A. Griffiths	<b>APPLICANT</b>	Matthew James Homes Ltd
<b>PARISH</b>	Sudbury	<b>AGENT</b>	Fisher German LLP
<b>WARD MEMBERS</b>	Cllr. Mrs. J. Allison	<b>DETERMINATION TARGET</b>	24.6.2020
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Requested by Ward Member and the number of objectors to the proposal	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	N/A

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

<b>RECOMMENDATION</b>
Approval

20/00343/REM

Land to South of Hallmark Tractors, Sudbury



Derbyshire Dales DC

1:2,500

Date: 29/07/2020

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 were a few timber sheds on the site which have now been removed. Access to the site was both 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, two storey 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 (Plots 2, 3 and 4) which is proposed to be set to the rear of Coppice View. These would be set to the north east of the other dwelling (Plot 1) which would be set to the northwest side of Coppice View, and whilst set forward of the other proposed dwellinghouses, would be slightly set back in the site and front onto Oak Road.
- 2.3 The dwellinghouses were initially 2.5 storey at Plots 1 and 2 and two storey at Plots 3 and 4. Given concerns raised by Officers, all plots have been amended to be two storey dwellinghouses and the dwellinghouses are proposed as follows:

### Plot 1

- to measure 11.2m wide by 7.5m deep and 8.7m high with a rear projection measuring 5m deep by 6.6m wide and 8.6m high
- two gables to the front elevation;
- pitched roof, open porch;
- all elevations in brick with a tiled roof
- kitchen/dining/sitting area, living room, study, tv room, hallway, wc and utility on the ground floor with four bedrooms (two ensuite) and a bathroom on the first floor; and
- detached garage, of brick and tile construction, measuring 6.44m wide by 6.45m deep and 4.95m high.

## Plot 2

- to measure 12.2m wide by 6.8m deep and 8.8m high with a rear projection measuring 3.9m deep by 5m wide and 7.9m high
- all elevations in brick with a tiled roof
- two gablets with finials to the front elevation;
- lean to, open porch
- kitchen/dining/sitting area, living room, study, hallway, wc and utility on the ground floor with four bedrooms (one with ensuite and dressing room) and a bathroom on the first floor; and
- detached garage, of brick and tile construction, measuring 6.44m wide by 6.45m deep and 4.95m high.

## 2.4 Plots 3 and 4 are proposed to be link detached as follows:

- to each measure 11m wide by 7m deep and 8.05m high with a rear projections measuring 3.5m deep by 6.87m wide and 7.925m high (one handed to the other);
- attached garage measuring 3m wide by 6.4m deep and 4.8m high
- all elevations in brick with a tiled roof
- two gablets to the front elevation and one to the 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 (one with ensuite and dressing room) and a
- a linked single garage to each dwelling of brick and tile construction, each measuring 6.45m deep by 3.65m wide by 4.95m high.

## 2.5 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 facing materials have been confirmed to be brick and the roofs are proposed to have plain tiles throughout the development. The gables are detailed to have barge boards.

## 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

### 2. National Planning Policy Framework

### 3. National Planning Practice Guidance

## **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.
- 4.2 19/01159/REM Approval of reserved matters for the erection of 4 no. dwelling houses (hybrid planning permission 17/00329/FUL) - Withdrawn

## **5. CONSULTATION RESPONSES**

### Sudbury Parish Council

- 5.1 - object  
- size of buildings out of keeping with the area  
- smaller, affordable properties would be preferred to help younger families/first time buyers.

### Local Highway Authority (Derbyshire County Council)

- 5.2 - satisfied with the proposals and the recent information submitted in regards to the drainage ditch  
- however still waiting comments from LLFA so unable to write final comments from the LHA.

### Lead Local Flood Authority (Derbyshire County Council)

- 5.3 - no comments received at time of preparing the Report – comments to be reported to the Planning Committee.

## **6. REPRESENTATIONS RECEIVED**

- 6.1 Representations have been received from six properties in the immediate and wider area objecting to the proposals. A summary of the representations is outlined below:

### Original Drawings

- cannot see any real difference to the previous application which was withdrawn prior to the recommendation of refusal
- error in the supporting document with regard to house type
- little more than a shuffle around of an unsatisfactory scheme motivated by greed
- complete disregard for the character of the surrounding area
- there are no properties greater than four bedrooms or with anywhere near the same footprint
- there are no properties of greater height
- layout is cramped and not in keeping with the surroundings
- inappropriate appearance – would bring a housing estate feel to a rural area
- due to the age and history of the area, each property is unique, a quality which would be destroyed
- immediate area contains properties with good sized plots – this could be achieved with smaller properties
- seems to have ignored most of the points made on 19/01159/REM and nothing to address representation
- trees/landscaping have not been shown in the reserved matters submission which is a requirement of the outline permission
- a deviation from the landscape and visual assessment cannot be reasonable
- concern with the felling of a number of mature trees contrary to the terms of the outline planning permission
- unclear how the eastern boundary will be treated

- wider area is characterised by mature trees, filtering views and benefitting biodiversity, which does not appear to be replicated within the development
- concerned that the conifers surrounding Coppice View will be cut down and would like them placed in their ownership
- loss of views would affect neighbouring residents' amenity
- loss to the high degree of privacy
- Plots 3 and 4 only 20m away from the rear structure of Willow Cottage
- Will overlook garden
- noise during construction and when development occupied
- would impact on traffic emerging from Muse Lane easing from Boylestone
- much play in the outline submission that the dwellings were to provide for the expected workforce at Hallmark Tractors but doubt their size would fit into such a category and, if that aim were to be achieved, then it would be sensible to drastically reduce the size and scale to a more affordable level
- nothing to protect residents of the new development from noise/disturbance/ overlooking of the active business sites (Hallmark Tractors and Springfield Garage).

#### Amended Drawings:

- see very little change
- major change is the configuration of the properties
- note that have been reduced from 3 to 2 storey but there remain 16 beds on a very small plot totally unsuitable for a small rural community with access onto a narrow lane.
- dwellings are out of context with surrounding properties
- thought they were to benefit the staff of Hallmark Tractors
- loss of trees and hedges

## 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.
- 7.6 The site is set in a recessive location between dwellinghouses, commercial buildings and the open countryside as a backland site. It is proposed that the dwelling at Plot 1 would present itself to Oak Lane, albeit set back and there would be views of Plot 2. Plots 3 and 4 are proposed to be set deeper into the site and would not be visible from Oak Lane but would appear in views between the dwellinghouses fronting the A615 and the new Hallmark Tractors development.
- 7.7 In the submission of this current application, the applicant initially proposed that Plots 1 and 2 provide three storeys of accommodation, the upper floor being contained in the roofscape with the use of dormer windows. This was considered a rather urban design form of dwelling. To this end, the applicant has removed the upper floor and the proposal for these Plots now reflect the two storey, link detached dwellings at Plots 3 and 4, in that these are two storey dwellings and which reflects upon the nature of dwellings in the area. This provides a consistency of design and detail to the building group.
- 7.8 With the previous reserved matters application, the dwellings were considered overly large for their Plots and gave the proposed development a rather cramped appearance. This has been addressed somewhat with the dwellings being smaller in scale and Plots 3 and 4 being re-orientated on the site to act as a visual stop at the end of the access road rather than merely aligning it.
- 7.9 Plot 1 had a garage in its foreground which presented a disappointing intervention in the streetscene. To address this, the dwellinghouse at Plot 1 has been set closer to Oak Lane and the garage set behind it. This also allows the rear garden to be less shaded by the trees on the site.
- 7.10 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. In terms of appearance, the dwellinghouses contain the same features such as the materials, window and door details, porches and garage types that bring a unity to the development. Whilst they are relatively large dwellings, it is considered that a balance has now been struck contextually with the larger and smaller dwellings found in this area.

#### Landscaping and removal of trees

- 7.11 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.
- 7.12 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 some retained and some replacement planting. However, what the applicant has failed to provide are full details of the landscaping proposed. Therefore, a condition will be required for details of the

species and size of trees to be submitted for approval. The boundary with the new Hallmark Tractors site has been detailed as a boundary fence but again no details are submitted and this will need to be addressed as a condition of any planning permission. It is considered that this boundary should be a hedge consistent with the general character and appearance of the wider rural landscape.

#### Impact on residential amenity

- 7.13 The dwellinghouses are sited in the context of three dwellinghouses fronting the A515 (Bentfield House, Lodge Cottage and Willow Cottage). These are set some 28m (minimum) away from Plots 3 and 4. At such a distance, this cannot be considered so harmful an impact on privacy as to justify a sustainable reason for refusal.
- 7.14 The dwellinghouses at Plots 3 and 4 are also set side on to Coppice View which is also screened by an established, high conifer hedge. There is a distance of some 16m from the nearest windows of Coppice View towards the relatively blank, side elevation of Plot 4. Plot 2 faces towards Coppice View but is set some 22m away and there is also the intervening high hedge. Plot 1 is set side on to Coppice View and is again some 22m away. These are all considered reasonable distances from the existing dwellings. However, it is considered reasonable, to ensure the character and appearance of the dwellings are retained, and the amenity of the neighbouring residents, with the removal of permitted development rights further alterations and extensions that may lead to unacceptable imposition on the existing, neighbouring properties.
- 7.15 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.

#### Highway and Drainage Matters

- 7.16 Local Highway Authority (LHA) has advised that is satisfied with the proposals and the additional information submitted with regards to the drainage ditch but were awaiting the comments from Local Lead Flood Authority (LLFA) and were unable to write final comments. In this regard, the comments of the LHA and the LLFA will be reported to the Planning Committee prior to any decision being made on the application.

#### Conclusion

- 7.17 The principle of residential development of four dwellinghouses has been approved on the site and it is considered that this amended scheme now has regard to the site's context and it is recommended that the reserved matters be approved subject to conditions.

## **8. RECOMMENDATION**

That reserved matters be approved subject to the following conditions:

1. The reserved matters hereby approved shall be carried out with the original documents submitted with the reserved matters application except as amended by Drawing Nos. 19.3692.29D, 30B, 32D and 34B received on 8<sup>th</sup> June 2020 and Drawings Nos. 19.3692.31E, 33C, 35C and 36C received on 29<sup>th</sup> July 2020, and in accordance with the additional Drawing No. B20164-PPL-CE-0001 Rev: P1 received on 29<sup>th</sup> June 2020,

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

Reason:

To define the permission, for the avoidance of doubt, and to ensure the satisfactory appearance of the development to comply with Policies SF1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

2. Notwithstanding the details of the planning application, before any facings are applied to the dwellinghouses, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- details/samples of the bricks
- details/a sample of the roofing materials;
- details/a sample of the barge boards;
- details/samples of the woodwork to the porches, to include their finish;
- details of all rainwater goods and pipework; and
- details of all windows and doors, to include the depth of recess in their respective openings.

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

Reason:

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

3. Before being provided, details of the positioning of any metre boxes shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details

Reason:

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

4. Notwithstanding the details on the approved drawings, prior to the works commencing on any dwelling, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include :

- a) indications of all existing trees, hedgerows and other vegetation on the land;
- b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- c) measures for the protection of retained vegetation during the course of development;
- d) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- e) finished site levels;
- f) means of enclosure; and
- g) hard surfacing materials.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

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

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

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

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

## **9 NOTES TO APPLICANT:**

1. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
2. The Local Planning Authority have, prior to and during the consideration of this application, engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which have overcome initial problems with the application relating to the scale and design of the dwellinghouses.
3. This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 29<sup>th</sup> April 2020

Planning, Design and Access Statement received on 29<sup>th</sup> April 2020

Drawing Nos. 19.3692.35B, 36B and 37A and ADC2142/DR/200 Rev: P1 received on 29<sup>th</sup> April 2020

Amended Drawing Nos. 19.3692.29D, 30B, 32D and 34B received on 8<sup>th</sup> June 2020

Additional Drawing B20164-PPL-CE-0001 Rev: P1 received on 29<sup>th</sup> June 2020.

Amended Drawing Nos. 19.3692.31E, 33C, 35C and 36C received on 29<sup>th</sup> July 2020.



<b>APPLICATION NUMBER</b>		20/00387/FUL	
<b>SITE ADDRESS:</b>		Land West of Spend Lane, Ashbourne	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of dwellinghouse (Paragraph 79), 1 no. barn, associated new access and landscape enhancements	
<b>CASE OFFICER</b>	Mr. Andrew Stock	<b>APPLICANT</b>	Mr & Mrs Woodward
<b>PARISH/TOWN</b>	Mapleton	<b>AGENT</b>	Hughes Town Planning Consultancy Ltd.
<b>WARD MEMBER(S)</b>	Cllr. R. Fitzherbert	<b>DETERMINATION TARGET</b>	23 <sup>rd</sup> June 2020
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Departure from the development plan	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	N/A

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• the principle of the development, having regard to its location;</li> <li>• is the proposal truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas;</li> <li>• would the proposal significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area;</li> <li>• whether the development would result in a significant loss of amenity for residents of neighbouring properties, and;</li> <li>• whether there would be any adverse highway safety implications.</li> </ul>

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

20/00387/FUL

Land West of Spend Lane, Ashbourne, Derbyshire



Derbyshire Dales DC

1:4,000

Date: 29/07/2020

100019785

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

## 1 THE SITE AND SURROUNDINGS

- 1.1 The application site is located within open countryside north of Ashbourne and is accessed by an existing agricultural access track directly off Spend Lane. The existing gated vehicular access leads to a steep section of track from Spend Lane, which meanders across agricultural land to the subject parcel of land where the development is proposed.
- 1.2 The site extends to approximately 40 acres and comprises the remnants of a former Dutch barn and a stone barn. The site straddles the ridgeline that runs in a north/south direction with the existing barns set within a natural plateau formed at the top of the ridgeline. An historic ditch/water course runs through the site.
- 1.3 The area is characterised by Settled Farmlands which refer to undulating upland permanent pasture enclosed by hedgerows and occasional walls, and Wooded Slopes and Valleys which are also permanent pasture but include bracken, gorse and woodland areas on the thinner soils of the steeper slopes.
- 1.4 The site is situated within Flood Zone 1, which is assessed as land which has a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).



## 2 33DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the erection of a 4 bedroomed dwellinghouse, a barn, associated new access and landscape enhancements, as illustrated on submitted plans date stamped 28<sup>th</sup> April 2020.
- 2.2 The dwellinghouse itself can be broken down into three components including; Building 1 the stone barn, Building 2 the re-imagining of a Dutch Barn and the Link which would tie the buildings together. The dwelling would be centrally located within the plot, and straddle the existing ditch which would run underneath the link. The total gross internal floor space of the dwellinghouse would be approximately 239 sq.m.

- 2.3 Building 1 (Stone barn) would be single storey and comprise the living room, utility and log store. The barn would predominantly be constructed from a gritstone, with a red brick gable ends, set under a gritstone slate roof.
- 2.4 Building 2 (Dutch Barn) would be two storeys and comprise an integral single bay garage with bin/bike store, storage room, boot room, entrance hall and guest bedroom on the ground floor and 3 no. bedrooms (1 with en-suite) and bathroom across the first floor. The Dutch Barn would be entirely clad in a corrugated corten steel material.
- 2.5 The Link runs through both buildings and would form the main entrance to the house and would comprise the sheltered entrance, guest en-suite, office, W/C, dining area, kitchen and snug. The flat roofed link would be clad with pre-weathered titanium zinc panels in anthracite black colour, set under a sedum roof with roof lanterns.
- 2.6 A modest sized residential curtilage is proposed with access from the north to a yard fronting the dwelling, an enhanced Scots Pine copse will be formed to the north-west of the curtilage, a sheltered kitchen garden to the south-west and informal garden area to the south-east. The garden would be bounded by a mix of hedgerows, post and rail fencing and stone walling.
- 2.7 To the south-west of the dwellinghouse, it is proposed to erect a barn which would used by the applicants to farm and manage the land and would comprise an animal store, sheepfold and machinery/implements store. The barn would be constructed from gritstone, pre-weathered titanium zinc panels, set under a gritstone slate roof.
- 2.8 The application site would continue to be accessed via the existing gated vehicular access directly off Spend Lane, albeit in modified form. It is proposed to remodel and regrade the land to achieve the required visibility splays. A rough track would follow the same path as the existing track to the dwellinghouse. The entrance would be bounded by stone walling and finished with a timber 5 bar gate.
- 2.9 As part of the application a comprehensive biodiversity and landscape proposal will include enhancements of existing landscape features, such as the Scots pine trees within the immediate setting and restoration of the historic hedgerow network and diversity of grassland meadows through the application of traditional management and grazing regimes, as set out in the accompanying Biodiversity and Landscape Management Plan.

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

#### **3.1 Adopted Derbyshire Dales Local Plan (2017):**

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

#### **3.2 National Planning Policy Framework (2019)**

- Chapter 5 Delivering a sufficient supply of homes – Rural housing – Paragraph 79

## 4 RELEVANT PLANNING HISTORY

4.1 None.

## 5 CONSULTATION RESPONSES

5.1 Parish Council  
No objection raised.

5.2 Derbyshire County Council (Highways)  
Initial response –

The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application.

Second response –

No objection, following the submission of additional information with regard to achieving the required visibility splays, and subject to conditions.

5.3 Trees and Landscape Officer  
No objection, subject to conditions - The proposed biodiversity/landscape management plan would also be generally acceptable from my point of view. I conclude that the proposals would be generally acceptable in terms of landscape impact and proposed soft landscaping/planting.

5.4 Environmental Health Officer  
No objection raised.

5.5 Derbyshire Wildlife Trust  
No objections, subject to conditions.

5.6 Urban Design Development Control Officer (Derbyshire County Council)  
The application meets the standard that allows for new isolated dwellings in the countryside. The architecture does compliment the different components of the building and responds to the defining characteristics of the area. The possibility of being truly innovative is perhaps lacking, however, in its holistic attempt to cover all aspects of the policy and in my mind to the pitch perfect response to the site, I am supportive of the application.

5.7 Natural England  
No comments to make on the application.

5.8 Lead Local Flood Authority (Derbyshire County Council)  
Due to the nature and scale of the application we have no comment to make.

## 6 REPRESENTATIONS RECEIVED

6.1 None received.

## 7 OFFICER APPRAISAL

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

### ***The principle of the development, having regards to its location***

- 7.2 The application site is located within the defined open countryside, north of Ashbourne. Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) advises that new development proposal within the open countryside should protect and where possible, enhances the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development.
- 7.3 Policy S2 of the Adopted Derbyshire Dales Local Plan (2017) states proposals for new residential development will be directed towards the most sustainable locations in accordance with the settlement hierarchy to ensure that development reduces the need to travel, promoting sustainable communities based on the services and facilities that are available in each settlement. Residential development will be strictly limited to that which has an essential need to be located in the countryside.
- 7.4 As the application site lies within the open countryside, away from the built framework of Ashbourne, the proposal when assessed against the Adopted Derbyshire Dales Local Plan (2017) would lead to an unsustainable form of residential development within the open countryside where future residents would be reliant on the private car to access day-to-day services, facilities and employment opportunities, contrary to the aims of S2 and S4 of the Adopted Derbyshire Dales Local Plan (2017).
- 7.5 However, whilst Local and National policy guidance does not normally support new isolated dwellings within the countryside, an exception does apply where a proposal is of exceptional architectural quality, such that it meets the requirements of Paragraph 79 of the National Planning Policy Framework (2019).
- 7.6 A proposal must be able to demonstrate that the design is of exceptional quality in that it is truly outstanding or innovative, reflecting the highest standards in architecture; helps to raise standards of design more generally in rural areas; significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area.
- 7.7 As such, whilst the proposal is contrary to the Adopted Derbyshire Dales Local Plan (2017), the principle of new build residential development within the open countryside could be considered to be acceptable, subject to according with Paragraph 79 of the National Planning Policy Framework (2019), specifically criterion (e) which states;

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

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

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

7.8 As part of pre-application discussions it was advised that the application should be assessed, at the applicants' expense, by an independent design review panel. The role of the design review panel is to provide support to Local Planning Authorities in the way of assessing the specific architectural design merits of the proposal in accordance with Paragraph 79 of the National Planning Policy Framework (2019).

7.9 The applicants have instructed The Design Review Panel (TDRP) which comprises a group of independent and multi-disciplinary construction professionals. TDRP is a review panel of professionals who are separate from the application promoter and decision-maker to protect against conflicts of interest. The panel adheres to the Code of Conduct based upon the best practice recommendations of the Nolan Report on Standards in Public Life and the Built Environments (CABE's) Design Councils ten principles of design review.

7.10 Furthermore the Local Planning Authority has consulted with the Urban Design Development Control Officer at Derbyshire County Council for further guidance on the detailed and complex design matters attributed to Paragraph 79 development proposals.

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

7.11 The first criteria of Paragraph 79 of the NPPF requires that proposals should be truly outstanding or innovative.

7.12 The dwellinghouse has been designed to optimise energy efficiency through sustainable construction techniques, use of integrated renewable energy technologies, use of sustainable drainage systems, the generation of on-site renewable energy and the use of water efficiency measures. These concepts are not uncommon in modern developments but are rare to find in a single dwellinghouse development however, they are not considered to be truly innovative, in their own right.

7.13 The accompanying Design and Access Statements acknowledges this, and indicates to that the proposed development is presented as being truly outstanding and, in many ways innovative. The Local Planning Authority will therefore focus on assessing the 'outstanding' rather than 'innovation' test of Paragraph 79 in the NPPF.

7.14 The application is accompanied by a series of supporting documentation including; Design & Access Statement, 3 no. Design Review Panel responses, Arboricultural Report & Impact Assessments, Landscape and Visual Impact Assessments, Biodiversity and Landscape Management Plans and a detailed Architectural and Landscape Proposal workbook to demonstrate that the proposal satisfies the requirements of Paragraph 79.

7.15 It has been advised by the applicant that the design approach of the proposal is a result of rigorous site analysis and the requirements of the applicants which have led to a singular building which draws on the historic field pattern and the pastoral character of the site. In-depth analysis of site context and the surrounding landscapes is set out in the Architectural and Landscape Design Proposals Document which states, in brief, the design of the proposal is in response to the landscape character of the local settlement and historic

boundaries of the former site buildings. The choice of materials includes gritstone, red brick, gritstone slate and corrugated corten metal to respond to the former barns and local distinctiveness.

- 7.16 It is understood that the development has evolved following previous design iterations in light of reviews by The Design Review Panel. The Local Planning Authority will predominately consider the as submitted scheme but will have regard to the details which then fed into the final design proposal. The project's major design move, is a contemporary re-imagining of the Dutch Barn that runs parallel with the reconstructed stone barn, connected via a contemporary link which pierces through both buildings tying the two elements together.
- 7.17 TDRP in their independent assessment of the scheme comments that the location of the existing ruin and Dutch barn is convincing, and the proposed siting of the development is supported by the Panel. The recycling of footprints and the combination of form, detailing and materials would achieve a harmonious design helping to unify the scheme as whole. TDRP felt that this strong design feature is convincing, as it borrows materials from the barn and transports this along its length, introduction Corten windows openings into the stone structure, which helps to unify the three masses. TDRP comments that the functionality of space in plan works successfully, with ancillary spaces being accessed from the main axis link.
- 7.18 Officers agree this is an articulate and authentic response to the site with the form, scale and massing of the proposed barn-like structures, both traditional and contemporary, that creates a responsive design that links future and past. The contemporary link through the building is a clever introduction of bridging the design concepts of the two buildings together. Accompanied with the enhanced detail of the contemporary windows that are minimal yet varied in form, providing a harmonious response to the landscape setting. This is echoed by the Councils Urban Design Officer who comments that the under-stimulated response is refreshing and authentic. The two gable ends aligned strongly facing the landscape is purposeful, but the glazed link and bridge works well, practically acting as a conduit to both barns, being recessive and secondary in form. The proposal is not just a simple understated response, it is also well conceived architecturally which is strongly influenced by the surrounding vernacular morphology of the landscape.
- 7.19 TDRP emphasises the importance the simplicity of form and a muted range of materials as it embodies the traditional vernacular which generates a cohesive design proposal. The link connecting both buildings forms a strong axis unifying both structures through its design features, unifying the three masses of the building. A simplicity of form and muted range of materials, has embodied the traditional vernacular, now combine to generate a cohesive design proposal which reflects the highest standards in architecture and they conclude that is considered to be truly outstanding such that it helps raise standards of design more generally in rural areas.
- 7.20 There can be a temptation with Paragraph 79 houses to be an over-stimulated statement based on outstanding architecture and quite often the sense of place can be lost in the architectural statement. This proposal however, is a simple understated response to a farm grouping which is well conceived architecturally. There is a clear explanation of the way the buildings responds to the prevailing landscape. This demonstrates it is strongly influenced by the surrounding vernacular morphology of the landscape.

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

- 7.21 The area is characterised by Settled Farmlands which refer to undulating upland permanent pasture enclosed by hedgerows and occasional walls, and Wooded Slopes and



Valleys which are also permanent pasture but include bracken, gorse and woodland areas on the thinner soils of the steeper slopes.

- 7.22 The application site comprises the remnants of a former Dutch Barn and a stone barn which can be seen from historic maps (1800's) denoting the historic stone barn and the adjacent ditch running through the site. A single stone gable end of the historic barn remains on site with the footprint of the later Dutch Barn visible on the ground. The site straddles the ridgeline that runs in a north/south direction where the dwellinghouse is proposed. It would sit within a natural plateau formed at the top of the ridgeline.
- 7.23 TDRP comment that the initial massing study has demonstrated what would be generated by borrowing from the historic structures (Buildings 1 & 2) and has helped to justify the location and orientation of the proposed dwellinghouse. The link connecting both building forms a strong axis, unifying both structures whilst also bridging the ditch that follows the existing hedge line.
- 7.24 Officers agree that the architecture does compliment the different components of the building and responds to the defining characteristics of the area whilst the assessment of the mass and form, and the way it is broken down, has a degree of affinity with other buildings in this type of environment. There is a clear explanation of the way the building responds to the prevailing landscape, and the concept is well thought out in terms of impact on the surrounding landscape. The barn follows the same design principles of the dwellinghouse, incorporating many of its unique features, detailing and finishes. TDRP comment that this creates a more coherent narrative to support the inclusion of the barn when assessed against the design of the dwellinghouse. They consider that the proposed field barn for the management of the land, is well placed and recessive in impact but will form part of a visual sequence from approach driveway, past the main dwellinghouse to the barn.
- 7.25 TDRP comment that the landscape component of the application has been strengthened through the comprehensive Biodiversity and Landscape Management Plan which has shown a greater sensitivity to the landscape context. It is felt that the resulting scheme has integrity in both landscape and ecological terms and would successfully integrate the building into its distinctive landscape setting and would significantly enhance its immediate setting through the land through the enhancement measures, which is sensitive to the defining characteristics of the local area.
- 7.26 Officers agree that the landscape response is well informed with the desire to manage overgrown hedgerows, banks and ditches, ponds and trees, whilst creating meadows grasslands and sheep grazing with a rare breed of Derbyshire Sheep. The proposal provides a compelling, legible narrative, allowing a strong personal identification between the applicant and the place, strengthening local connection to the place. It is however essential to this scheme to work and reach the outstanding standards of Paragraph 79 that the works to the landscape are fully undertaken and subsequently managed to deliver the model for living that the applicant has promoted. Planning permission would be subject to the applicant entering into a legal agreement which secures the implementation and future management of the new development, in accordance with the submitted Biodiversity Enhancement and Landscape Management Plan which will include the non-severance of the land and new buildings.

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

- 7.27 The closest residential properties would be Ash Tree Farm which lies approximately 230 metres to the north and Red House Farm approximately 240 metres to the north east. The

site is set over varying gradient levels and is entirely bounded by open agricultural land to the north, east, south and west.

- 7.28 Whilst the application proposes redevelopment of the site from derelict former agricultural buildings to a residential use, given the isolated location of the site away from residential properties the proposal is unlikely to result in any significant loss of privacy or amenity for the occupants of neighbouring properties.

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

- 7.29 The site is served by an existing vehicular access track off Spend Lane (Class C road subject to a 60mph speed limit), which is gated and is a steep section of track that meets Spend Lane at an angle such that visibility is hampered to the south upon exit from the site and access is difficult upon entry to the site from this direction.
- 7.30 The applicant has carried out a speed survey in the vicinity of the access track/Spend Lane junction. The results of the speed survey demonstrate 85th percentile wet-weather speeds of 37.10mph in the northbound direction and 37.7mph in the southbound direction. Based on the above 85th %ile speeds and calculated using the formula set out in Manual for Streets (MfS) and adjusted for bonnet length, the required visibility splays are 2.4m x 64.64m to the South and 2.4m x 66.26m to the North. Drawing F18050/01 illustrates visibility splays of 2.4m x 66m to the North, and 2.4m x 65m to the South of the access which are in accordance with the Delivering Streets and Places Design Guide (DSPDG). There is sufficient space for on-site turning to allow vehicles to exit the site in a forward gear.
- 7.31 The Local Highway Authority conclude, in their view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

### ***Other matters***

- 7.32 The application is accompanied by a Preliminary Ecological Appraisal (PEA) and Biodiversity Enhancement and Landscape Management Plan (BELMP) prepared by the applicants ecologist. It is acknowledged that the access route already exists and does not appear to require any hedge or tree removal and the site for the building is the site of a former building of which only part remains. There are no nature conservation designations associated with the site or in close proximity to the site.
- 7.33 The reports have been independently assessed by Derbyshire Wildlife Trust who broadly agree with the PEA and do not consider that the development is likely to have a significant adverse impact on habitats of high conservation value or on protected species. It is commented that the Biodiversity Enhancement and Landscape Management Plan offers a suite of enhancements which would in time provide a significant net gain in Biodiversity at the site. The restoration and enhancement of grasslands, hedgerows and ponds is included in the plan. Derbyshire Wildlife Trust conclude that the proposed development is unlikely to result in adverse impacts on biodiversity and given the level of enhancements that are set out in the BELMP there is likely to be a net gain for biodiversity and raise no objection to the application subject to conditions.
- 7.34 The site is situated within Flood Zone 1, which is assessed as land which has a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%). The application is accompanied by Flood Risk Assessment and Sustainable Drainage Scheme (SuDs). Surface water run-off is limited to the equivalent or less than the Green Field Run-off Rate for the site and surface water is fully attenuated on site with no increased impact on off-site watercourses or potential increased flooding risk and does not adversely impact

downstream properties. The Lead Local Flood Authority comments that due to the nature and scale of the application we have no comment to make.

- 7.35 The applicant includes an Arboricultural Report prepared by the applicants' arboriculturalist. As part of the application it is proposed that all existing historical landscape features (inc pasture fields, hedgerows, field boundary trees, ponds, field pattern, and access) would be retained and enhanced. Tree removals that would be needed to facilitate the proposals are very limited and insignificant in the location and are mitigated by proposed planting of trees and hedgerow within the property. The Councils Trees and Landscapes Officer does question how successful the proposed rejuvenation / recreation of historic hedgerows might be through using the hedge laying process, as set out in the supporting information and stresses the need to protect the 2 no. mature Scots pine trees, which lie within close proximity of the development.
- 7.36 The applicants shares the view of the Trees and Landscapes Officer with regard to the preservation of the Scots pine trees. As set out in the Biodiversity Enhancement and Landscape Management Plan their objective is to conserve and enhance this distinctive site landscape feature ensuring succession and longevity through an enhanced Pine copse feature including new tree planting to ensure its longevity of this distinctive site feature. Establishment will be carried out during the first planting season following in the Post Construction Phase. Prior to construction works on site further analysis of both these elements should be had to ensure a successful integration of the building within the landscape. An appropriately worded condition will be attached to any approval.
- 7.37 The Trees and Landscapes Officer comments that the proposals would be generally be acceptable in terms of landscape impact and that the proposed biodiversity/landscape management plan would also be generally acceptable subject to addressing in the above.

### **Conclusion**

- 7.38 The application when assessed against Local Plan Policies would lead to an unsustainable form of residential development within the open countryside where future residents would be reliant on the private car to access day-to-day services, facilities and employment opportunities contrary to the aims of Policies S2 and S4 of the Adopted Derbyshire Dales Local Plan (2017).
- 7.39 Having regard to the advice in paragraphs 128 and 129 of the NPPF, the expectation is that significant weight will be attributed to the endorsement of the quality of the design by The Design Review Panel in the light of the provisions in paragraph 79 (e) which supports new isolated dwellings in the countryside where they are of exceptional quality.
- 7.39 Having due consideration to those matters which are material to the planning merits of the scheme, particularly when assessed against Paragraph 79 of the National Planning Policy Framework (2019) it is concluded, as independently assessed, on balance that provided both the building works and landscaping enhancements are carried out in an exemplary manner, that the design of the proposal can be considered to be of exceptional quality in that it is truly outstanding, reflecting the highest standards in architecture which helps to raise standards of design in the rural area, significantly enhancing its immediate setting. It is relevant in delivering this vision that the land and its features are managed on an ongoing basis with the new dwelling and this needs to be secured through a legal agreement and conditions.
- 7.40 Taking the above into consideration the application satisfies the test of Paragraph 79 of the National Planning Policy Framework (2019) and this important material consideration

is sufficiently compelling to outweigh conflict with the development plan in the planning balance. The proposal is recommended for approval on that basis.

## 8. RECOMMENDATION

Planning permission be granted subject to the applicant entering into a legal agreement which secures non –severance of the new dwelling from its associated land and the implementation and future management of the new development, in accordance with the approved plans and subject to the following conditions:

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

5. Details of the specification and methodology (inc drawings) for the following;

a) The abutment of the exterior walls with the ground floor.

b) Details of the solar panels, fixings, finish.

d) All vents, grills, pipes and flues and there exact locations, types, material and finish.

e) Details of brown bio/sedum roof.

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

Reason:

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

6. Prior to first occupation of the dwelling hereby approved, a timetable for the delivery of the Biodiversity Enhancement and Landscape Management Plan and details of its long term future management shall be submitted to and approved in writing by the Local Planning Authority. The landscaped areas shall thereafter be delivered and managed in perpetuity in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

7. Prior to first use or occupation of the dwelling a scheme of hard and soft landscaping (inc boundary treatments) for the proposed residential curtilage shall be submitted to and approved in writing by the Local Planning Authority. All soft and hard 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.

Reason:

To ensure a satisfactory landscaped appearance of the development and to preserve the amenity of neighbouring residents in accordance with Policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

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

9. A site-specific Arboricultural Method Statement (AMS) prepared to the guidelines provided in BS5837:2012 and further analysis of the proposed hedgerow laying and protection of the Scots pine trees shall be submitted to and approved in writing by the Local Planning Authority before any works on site. All works shall also be carried out in accordance with the approved details prior to the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:

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

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

Reason:

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

11. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following;

- 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 (Working Method Statement for reptiles, amphibians and badger).
- 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.
- h) Use of protective fences, exclusion barriers and warning signs.

Reason:

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

12. The approved Construction Environmental Plan (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.

Reason:

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

13. A scheme for wildlife friendly lighting scheme shall be submitted to the Local Planning Authority for approval prior to commencement of development and then implemented as approved.

Reason:

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

14. The development shall be carried out in accordance with the submitted flood risk assessment. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure details above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason:

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

## **9 NOTES TO APPLICANT:**

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.

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

3. The developers' attention is drawn to the Lead Local Flood Authority's Advisory/Informative Notes for minor developments, dated 12<sup>th</sup> May 2020 (Ref: DDDC2020/14) where it is advised that where applicable, the details will be required as an absolute minimum in order to discharge any of the drainage conditions set by the Local Planning Authority.

4. This decision notice relates to the following documents:

Site Location Plans (1:5000 and 1:10,000)

Topographical Survey (November 2017)

Preliminary Ecology Appraisal (October 2018)

Ecology Survey Update

Design Review Panel Report 1 (April 2019)

Site Access Proposals (August 2019)

Design Review Panel 2 (September 2019)

Design Review Panel Report 3 (November 2019)

Arboricultural Report & Impact Assessment – House and Access (February 2020)

LVIA (February 2020)

Arboricultural Report & Impact Assessment – Agricultural Building (March 2020)

Biodiversity Enhancement and Landscape Management Plan (March 2020)

Flood Risk Assessment & SuDS (March 2020)

Design and Access Statement (April 2020)



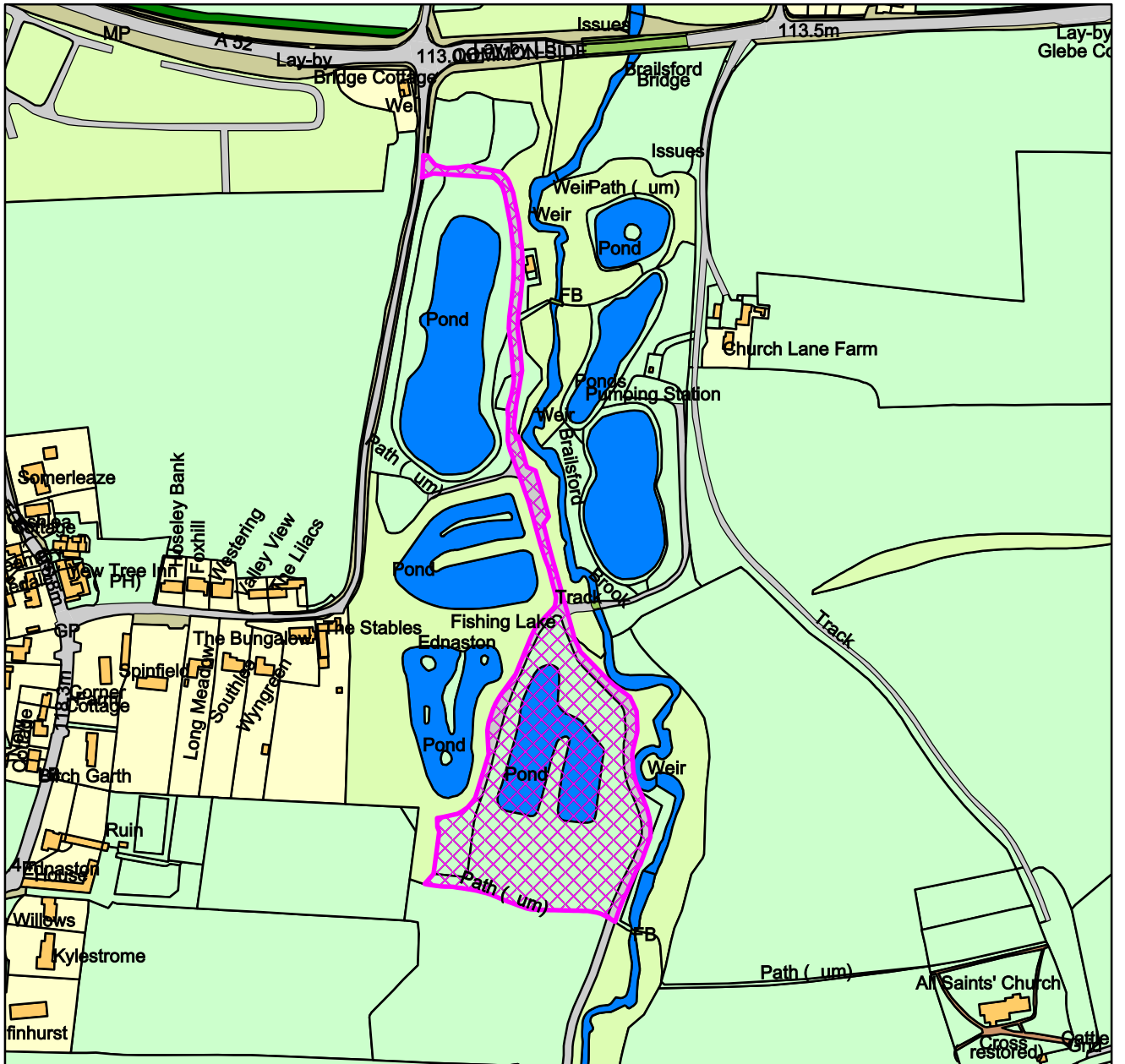
<b>APPLICATION NUMBER</b>		20/00429/FUL	
<b>SITE ADDRESS:</b>		Birch House Farm, Derby Lane, Ednaston	
<b>DESCRIPTION OF DEVELOPMENT</b>		Retention of additional fishing lake	
<b>CASE OFFICER</b>	Mr. Andrew Stock	<b>APPLICANT</b>	Mr David Godall
<b>PARISH/TOWN</b>	Brailsford	<b>AGENT</b>	David Manning
<b>WARD MEMBER(S)</b>	Cllr. M. Morley	<b>DETERMINATION TARGET</b>	25 <sup>th</sup> August 2020
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	N/A

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• Whether the development is an appropriate recreational facility in this location;</li> <li>• Impact on character and appearance of this part of the countryside;</li> <li>• Whether the development would result in any unacceptable problems with neighbouring land uses.</li> </ul>

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

20/00429/FUL

Birch House Fishing Lake, Derby Lane. Ednaston



Derbyshire Dales DC

1:4,000

Date: 29/07/2020

100019785

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

## 1 THE SITE AND SURROUNDINGS

- 1.1 The application site is location within the open countryside, north of Ednaston. The site is accessed directly off Derby Road via a gated entrance. The site has been used as a fishery for over 30 years and comprises 9 no. lakes.
- 1.2 The site is bounded by open agricultural land to the east and south, the A52 to the north and Derby Road to the west. Brailsford Brook runs through the center of the application site and it falls within Flood Zones 2 and 3.



## 2 DETAILS OF THE APPLICATION

- 2.1 Retrospective planning permission is sought for the retention of an additional fishing lake, as illustrated on submitted plans date stamped 26<sup>th</sup> May 2020. The fishing lake would be used in connection to existing commercial activity at Birch House Fishing Lakes.
- 2.2 The development consist of a 0.19ha area of water and would cater for up to 15 fishing pegs.

## 3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
  - S1 Sustainable Development Principles
  - S4 Development in the Countryside
  - PD1 Design and Place Making
  - PD5 Landscape Character
  - HC17 Promoting Sport, Leisure and Recreation
  - HC19 Accessibility and Transport

## 4 RELEVANT PLANNING HISTORY

11/00638/FUL	Engineering operations to facilitate formation of 2no. fishing lakes and associated car park (revisions to planning permission 09/00646/FUL)	GRANTED
09/00646/FUL	Engineering Operations to Facilitate Formation of 2no. Fishing Lakes and associated car park	GRANTED
06/00430/FUL	Engineering operations to facilitate car park and access	GRANTED
05/00659/FUL	Timber Hut	GRANTED
0799/0475	Construction of fishing lake	GRANTED
0898/0492	Construction of fishing lake	GRANTED
1193/0813	Change of use of agricultural land for recreation, Formation of fishing lakes, Car park and Toilet Block	GRANTED

## 5 CONSULTATION RESPONSES

### 5.1 Derbyshire County Council (Highways)

No objections subject to all use remaining ancillary to existing commercial activity at Birch House Fishing Lakes. Advisory note: The application site is affected by a Public Right of Way (Footpath 40 Brailsford on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after any development works take place.

### 5.2 Derbyshire Wildlife Trust

No objections, subject to conditions.

### 5.3 Derbyshire Dale Group of Ramblers

No objection, providing Brailsford FP 40 remains both open and unaffected at all times both during and after any development.

### 5.4 Peak & Northern Footpath Society

No objection provided that the right of walkers to use the public footpath, Footpath 40 Brailsford, is respected at all times and that the full width of the path remains unobstructed.

### 5.5 Trees and Landscapes Officer

No objections raised.

### 5.6 Environmental Agency

No objections raised.

### 5.7 Environmental Health Officer

No objections raised.

## 6 REPRESENTATIONS RECEIVED

6.1 None received.

## **7 OFFICER APPRAISAL**

- 7.1 The main issues to assess in the consideration of the application are the impact of the proposed development on the character and appearance of its surroundings, whether the development is an appropriate recreational facility in this location and whether the development would result in any unacceptable problems with neighbouring land uses.
- 7.2 The application site is located within the defined open countryside, north of Ednaston. Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) advises development in the countryside should seek to protect and where possible, enhance the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment whilst also facilitating sustainable rural community needs, tourism and economic development.
- 7.3 Policy HC17 of the Adopted Derbyshire Dales Local Plan (2017) specifically relates to proposals involving the provision of new sports, cultural, leisure and recreational facilities. It states development will be permitted provided that proposals are connected to and associated with existing facilities, they are located at a site that relates well to the settlement hierarchy in the District or they are intended to meet specific rural needs that cannot be appropriately met at settlements within the settlement hierarchy; capable of being accessed by a range of transport modes and by disabled people and those with restricted mobility; it would not have an adverse impact on the character and appearance of its surroundings and the immediate or wider landscape and it does not create unacceptable problems in terms of the relationship between the proposal and the neighbouring uses beyond the development site.
- 7.4 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) relates to design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.5 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.
- 7.6 The application site forms part of a wider, well established fishery known as Birch House Lakes which has been in operation for 30 years and comprises of 9 fishing lakes. As the development is connected to and associated with an existing established facility, the principle of development is considered to be acceptable.
- 7.7 The majority of the works were excavation below existing ground levels apart from supplementary landscaping and fishing pegs. The scale and nature of the development is such that it would not result in significant adverse impacts on this well contained part of the countryside, such that its character and appearance would be preserved.
- 7.8 Given the remote location of site away from nearby residential properties the additional fishing lake within the established fishery is not considered to result in any significant loss of privacy or amenity for residents of local properties, with regard to noise or loss of amenity. The closest residential dwelling lies approximately 150 metres to the north-east of the site over varying gradient levels.
- 7.9 The additional fishing lake has been constructed in an area that does not have any statutory or non-statutory nature conservation designation. Derbyshire Wildlife Trust advise that in relation to protected species they are not aware of any records for protected

species directly associated with this area of land and as such they are not aware of any specific impacts on protected species that might have resulted from this development and concluded that they do not consider that the development will have had a significant adverse impact on biodiversity in this area.

- 7.10 The application falls within Flood Zone 2 - *Land assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% – 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% – 0.1%) in any year* and Flood Zone 3 - *land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.* The Environment Agency comments that the proposal is water compatible development within Flood Zone 2 and 3, and raise no objection to the application.
- 7.11 The comments by the Local Highway Authority, Derbyshire Dale Group of Ramblers and the Peak & Northern Footpath Society are noted with regard to the Public Right of Way (Footpath 40 Brailsford) which runs close to the site. The applicants' agent has confirmed that public footpath is unaffected by the lake given the distance from the lake to the Public Right of Way.
- 7.12 Taking the above into consideration and subject to conditions the application satisfies the relevant provision of the Adopted Derbyshire Dales Local Plan (2017). Accordingly the application is recommended for approval.

## **8 RECOMMENDATION**

**9**

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

1. A landscape and biodiversity enhancement plan for the site and a timetable for the delivery of the landscape and biodiversity plan (inc a suitable management regime) shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the grant of this planning permission.

Reason:

To ensure a satisfactory landscaped appearance of the development and in the interest of safeguarding protected species and/or securing biodiversity enhancements in accordance with Policies PD1, PD5 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

2. The fishing lake hereby approved shall remain ancillary to existing commercial activity at Birch House Fishing Lakes.

Reason:

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

## **9 NOTES TO APPLICANT:**

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.

2. Public rights of way (Footpath 40 Brailsford) runs adjacent to the application site. These routes must remain unobstructed on their lawful alignment and the safety of the public must not be prejudiced either during or after the works take place. Details regarding the temporary or permanent diversion of any such routes, if required, should be obtained by contacting the County Council's Footpaths Section at County Hall, Matlock on 01629 533262. Application for the permanent diversion of the public right of way shall be submitted to the District Council on the enclosed application form.

3. This decision notice relates to the following documents:

Submitted plans date stamped 26<sup>th</sup> May 2020.

Location Plan, rev no. 1

Existing Site Layout, rev no. 0

Long and Cross Sections, rev no. 0

## Ashbourne North

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/19/00082	Siting of caravan and alterations to associated access track	Land To The Rear Of Woodcock Delph And Adjacent To Herdsman Close Farm Ashbourne Road Fenny Bentley Derbyshire	Pending Consideration
ENF/20/00003	Installation of solar panels to roof	13 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
ENF/20/00055	Unauthorised engineering works to facilitate a vehicular access and parking space onto a classified road, 23 Buxton Road, Ashbourne.	23 Buxton Road Ashbourne Derbyshire DE6 1EX	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/18/00125	Breach of Conditions 6 (Soft Landscaping), 7(Landscape Management Plan), 8 (Amenity and Play Areas laid out before first occupation) and 27 (Landscape and Ecological Management Plan) of 14/00722/FUL	Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB	Notice Issued
ENF/18/00164	Unauthorised siting of caravan for residential purposes.	Land To The Rear Of Mayfield Road Cadet Hut Mayfield Road Ashbourne Derbyshire DE6 1AR	Pending Consideration
ENF/18/00222	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/19/00114	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
ENF/20/00030	Breach of Condition 24 (Tree Protection) of planning approval 17/00250/REM and damage to protected trees	Land South Of Leys Farm Wyaston Road 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/19/00062	Creation of new fishing lake	Birch House Fishing Lake Derby Lane Ednaston Derbyshire	Pending Consideration
ENF/19/00063	Unauthorised building of hay store. Building in different location to that approved under 16/00946/AGR.	Land North Of Willow Croft New Road Mercaston Derbyshire	Pending Consideration
ENF/19/00095	Has access road been built to correct width and planting on verge (related planning permissions - 16/00567/OUT (outline) and 18/00397/REM and 19/00467/REM (reserved matters))	Land Off Main Road Brailsford Derbyshire	Pending Consideration
ENF/20/00037	Installation of velux roof lights	The Lodge Painters Lane Ednaston Derbyshire DE6 3BA	Pending Consideration

## Carsington Water

ENF/16/00034	Unauthorised erection of Dog kennels	Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ	Notice Issued
ENF/18/00013	Building not built in accordance with approved plans	Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR	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/20/00028	Siting of 1no. caravan/ mobile home	Land East Of Turlowfields Lane Hognaston Derbyshire	Pending Consideration

## Clifton And Bradley

ENF/19/00151	Alterations to bridleway including resurfacing to create access track, recessing of gateway and tarmac of entrance onto Sides Lane	Snelston BW 3 Sides Lane Snelston Derbyshire	Pending Consideration
ENF/19/00159	Formation of a new access off a Classified Road	The Flatts Wyaston Road Ashbourne Derbyshire	Pending Consideration
ENF/20/00005	Clearance of hedgerow at 'The Firs' residential development and erection of fence - Related planning applications 16/00340/OUT and 18/00699/REM	Land At The Firs Main Road Wyaston Derbyshire DE6 2DR	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/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/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
ENF/20/00010	Change of use of land to site a crane and condition 4 (landscaping works to screen mounding) of planning permission 11/00806/FUL not fully implemented	Steve Foster Crane Hire Units 1 To 3 Derby Road Doveridge Derbyshire DE6 5JU	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/18/00206	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.	Hay Barn 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	Notice Issued
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/19/00086	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
ENF/20/00015	Unauthorised erection of fence adjacent to a classified road, A6, and within close proximity to protected trees (DCCTPO/123/A1).	Rock Cottage Rock Lodge 69 Derby Road Cromford Derbyshire DE4 3RP	Pending Consideration
ENF/20/00020	Construction of raised platforms	Weavers Cottage 45 Yeoman Street Bonsall Derbyshire DE4 2AA	Pending Consideration
ENF/20/00035	Externally illuminated signage	The Coven The George Centre 30 North Parade Matlock Bath Derbyshire DE4 3NS	Pending Consideration
ENF/20/00068	Unauthorised internal and external works to this listed building	90 The Hill Cromford Derbyshire DE4 3QU	Pending Consideration
ENF/20/00088	Installation of extractor flue	The Promenade Fish Bar (Formaly Route 66) 134 North Parade Matlock Bath Derbyshire DE4 3NS	Pending Consideration
ENF/20/00097	Use of shed as letting accommodation, installation of outdoor toilet and shower room and creation of wetroom in property	14 The Hill Cromford Derbyshire DE4 3QL	Pending Consideration

## Matlock All Saints

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/18/00178	The development is not in accordance with the approved plans.	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Pending Consideration
ENF/19/00008	Use of land for the parking of vehicles, unloading and storage of aggregates, unloading and storage of domestic and business waste and as a personal allotment with a greenhouse	Land To The Rear Of Sunnyside Farm Riber Road Riber Matlock Derbyshire DE4 5JU	Pending Consideration
ENF/19/00015	Formation of access onto a classified road (A615)	The Cottage Alfreton Road The Cliff Matlock Derbyshire DE4 5EZ	Notice Issued
ENF/19/00027	Tipping of materials additional to soil including rock, concrete and redundant farm machinery	Land At Junction Of Cunnery Lane And Alders Lane Tansley Derbyshire	Pending Consideration
ENF/19/00129	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
ENF/19/00167	(a) Without planning permission, unauthorised engineering work, including retaining walls, to facilitate the formation of a compound area, the erection of enclosing walls and gate piers to this compound. (b) Without planning permission, utilising the compound for the storage of building materials, plant and equipment.	Land And Barn At The Corner Of Thatchers Lane And Alders Lane Tansley Derbyshire	Notice Issued

ENF/20/00012	Unauthorised erection of garage within the domestic curtilage	20 Lynholmes Rise Matlock Derbyshire DE4 3DX	Pending Consideration
ENF/20/00044	Use of land adjacent Hilltop Farm for storage of domestic and commercial waste, vehicles, equipment and scrap	Land Adjacent Hilltop Farm Alfreton Road The Cliff Tansley Derbyshire DE4 5FY	Notice Issued
ENF/20/00053	Internal window display / advertisement comprising a skull curtain	30B Matlock Green Matlock Derbyshire DE4 3BT	Pending Consideration
ENF/20/00092	Extension of domestic curtilage, engineering works and laying of hardsurfacing.	Land And Barn At The Corner Of Thatchers Lane And Alders Lane Tansley Derbyshire	Notice Issued
ENF/20/00103	Breach of Condition 14 of planning permission 15/00861/FUL and formation of roadway and associated engineering works (raising of land and formation of swales)	Land South Of Bentley Bridge Chesterfield Road Matlock Derbyshire	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/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
ENF/20/00006	Change of use of land to use for the stationing of caravans for the purposes of human habitation with associated building and engineering works comprising of the construction of amenity buildings, laying of hard surface and erection of fencing.	Land East Of Grove Lane Somersal Herbert Derbyshire	Notice Issued

ENF/20/00018	Unauthorised change of use of garage block to independent dwelling	Coton Wood Lodge Muse Lane Boylestone Derbyshire DE6 5AB	Pending Consideration
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## Stanton

ENF/20/00062	Erection of stables, extension of residential curtilage and extension of access	Rowsley Barn Chesterfield Road Rowsley Derbyshire DE4 2EG	Pending Consideration
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## Winster And South Darley

ENF/20/00016	Construction of storage buildings approved under application code ref. 19/00525/FUL using corugated steel sheets to the walls finished in an unauthorised off white colour	H J Enthoven And Sons Darley Dale Smelter Oldfield Lane Warren Carr Derbyshire DE4 2LP	Pending Consideration
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## 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	Notice Issued
ENF/19/00140	Engineering works to garden area	Fountain House 13 Main Street Middleton By Wirksworth Derbyshire DE4 4LQ	Pending Consideration

ENF/20/00008	Unauthorised ground works to facilitate a car park and large plant training area.	Land To The North Of Jacksons Ley And Porter Lane Middleton By Wirksworth Derbyshire	Pending Consideration
ENF/20/00043	Two storey garden building not being built in accordance with approved plans (planning application reference number 19/01424/FUL)☒	24 Water Lane Wirksworth Derbyshire DE4 4DZ	Pending Consideration
ENF/20/00077	Unauthorised building works, consisting of demolition of outbuilding and erection of two storey side extension to dwelling at 5 Churchill Avenue, Middleton by Wirksworth.	5 Churchill Avenue Middleton By Wirksworth Derbyshire DE4 4NG	Pending Consideration

**Total Open Cases**

**92**



# Enforcement Investigations Closed

In the Month Prior to 29/07/2020



## Hulland

ENF/20/00014	Breach of condition 11 (hard and soft landscaping scheme) of planning permission 18/01237/REM - Removal of existing hedging	Land East Of Les Ardennes Hulland Ward Derbyshire	Justification from Officer	29/07/2020
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## Masson

ENF/20/00080	Alleged substantial building being built on the front of this address and that the public footpath is being blocked	1 The Newlands Alabaster Lane Cromford Derbyshire DE4 3QJ	Complaint Unfounded	14/07/2020
ENF/20/00085	Painting of tiles to front of building, use of building for the sale of ice cream and food and associated installation of facilities	Harry Halls Amusements 178 - 180 South Parade Matlock Bath Derbyshire DE4 3NR	Complaint Unfounded	06/07/2020
ENF/20/00098	Erection of section of fencing to rear of property in excess of 2m in height.	27 Tor View Rise Cromford Derbyshire DE4 3RA	Not in the Public interest to pursue	14/07/2020

## Matlock All Saints

ENF/20/00021	Unauthorised erection of single storey office building.	Ashworth Car Sales 15 Bakewell Road Matlock Derbyshire DE4 3AU	Planning Application Received	20/07/2020
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## Matlock St Giles

ENF/18/00162	Unauthorised tipping of materials/stone	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Complied Voluntarily	20/07/2020
ENF/20/00033	Unauthorised siting of play equipment and quality of installation	Land South Of Bentley Bridge Chesterfield Road Matlock Derbyshire	Complaint Unfounded	23/07/2020
ENF/20/00091	Building plots 1-4 not being built in accordance with the approved plans, 15/00861/FUL.	Land South Of Bentley Bridge Chesterfield Road Matlock Derbyshire	Complaint Unfounded	06/07/2020

## Wirksworth

ENF/20/00096	Party wall removed between 21 and 22 Mountford Avenue	21 - 22 Mountford Avenue Wirksworth Derbyshire DE4 4AT	Justification from Officer	07/07/2020
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**Total Closed Cases** 9

**NOT CONFIDENTIAL** - For public release

PLANNING COMMITTEE – 11 August 2020

**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
19/01326/FUL	Land at Nether Lane, Kirk Ireton	WR	Appeal being processed
Central			
19/01321/FUL	The Cottage, Alfreton Road, The Cliff, Matlock	HOUSE	Appeal being processed
19/01429/FUL	Land adjacent 12 Water Lane, Wirksworth	WR	Appeal dismissed – a copy of the decision is attached
19/00954/FUL	The Mews, Wirksworth Hall Farm, Wash Green, Wirksworth	WR	Appeal allowed – a copy of the decision is attached
19/00891/FUL	South of Lumsdale Terrace, Matlock	WR	Appeal being processed
20/00228/FUL	Holly Tree Cottage, The Cliff, Alfreton Road, Matlock	WR	Appeal being processed

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

**OFFICER RECOMMENDATION:**

That the report be noted.



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## Appeal Decision

Site visit made on 24 June 2020

**by K Savage BA MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 July 2020

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**Appeal Ref: APP/P1045/W/20/3248454**

**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 19/01429/FUL, dated 30 December 2019, was refused by notice dated 26 February 2020.
  - The development proposed is demolition of existing garage and erection of detached dwellinghouse.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on i) the character and appearance of the area; and ii) the living conditions of neighbouring occupants, with respect to light.

### Reasons

#### *Character and appearance*

3. The appeal site occupies a gap in the townscape on Water Lane between a terrace of traditional two storey, red brick dwellings and a more recent development of three storey, red brick dwellings, and contains a single storey garage building, to be replaced by a two storey, detached dwelling. The proposal is similar to one dismissed at appeal in November 2019<sup>1</sup>, and I have had regard to the previous Inspector's findings as a material consideration.
4. The surrounding development exhibits differences in scale and siting. The older terrace stands immediately at the back of the pavement, whilst the newer dwellings are set back with small front gardens and on-street parking areas. However, there is also consistency in terms of massing and materials across both terraces and the gap between them provides legibility of the respective developments, factors which together contribute positively to the street scene.
5. The site's physical constraints have influenced the form of development proposed. The dwelling would be narrow in width, but would still sit close to both side boundaries. As a result, it would appear squeezed into the site and between the terraces in a cramped and awkward arrangement. Though seeking

<sup>1</sup> Appeal Ref: APP/P1045/W/19/3233148

to emulate the scale and traditional form of the adjacent terraced properties, its narrower footprint and recessed position means it would not form a continuation of either terrace, but would appear as an isolated and conspicuous addition to the street scene, its detached form in particular contrasting markedly with the prevailing pattern of terraces along Water Lane, and interfering with the legibility of the respective terraces. In these respects, my findings generally accord with those of the Inspector in the previous appeal.

6. I understand that the design has been amended from the previous scheme, including the addition of a front entrance door and alteration of the roof form to closely resemble the form of adjacent dwellings. I also recognise that sympathetic materials would be used. However, these design details would not be sufficient to mitigate the harmful effects of the dwelling's overall form and position on the pattern of development and appearance of the street scene.
7. I recognise that the proposal would replace the existing garage and make use of a slightly unkempt brownfield site, though given the modest scale of the garage and its unassuming presence in the street scene, the benefit of its removal would be limited, and would not justify the proposal in light of the harm identified.
8. For these reasons, I conclude that the proposal would significantly harm the character and appearance of the surrounding area. Consequently, there would be conflict with Policies S1, S3 and PD1 of the adopted Derbyshire Dales Local Plan 2017 (the DDLP) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan 2015-2028 (WNDP), which together seek to secure high quality design that improves upon the defining settlement qualities and characteristics of Wirksworth.

#### *Living Conditions*

9. The proposed dwelling would stand to the south of 12 Water Lane, and its massing would extend beyond the rear elevation of the neighbouring dwelling. However, changes to the height and massing at the rear, following dismissal of the previous scheme, appear to have overcome the Council's concerns that the proposal would be overbearing and reference to loss of outlook does not form part of the reasons for refusal. However, I have had regard to concerns raised in these respects from the occupant of No 12.
10. I have had regard to the findings of the previous Inspector that the proposal, due to its orientation in relation to the rear garden of No 12, would lead to loss of sunlight from morning through to mid-afternoon, a situation exacerbated during winter months when the sun follows its lowest trajectory in the sky.
11. The extent of sunlight received to the rear of No 12 is influenced largely by the massing of No 14 which casts shadow over No 12 during the late morning and middle portion of the day, particularly in winter. As such, the rear garden of No 12 receives direct sunlight only in the early morning through the gap between the terraces and in the afternoon when the sun passes beyond No 14, and thus any further loss of sunlight would be noticeable to occupants of No 12.
12. I recognise that the proposed dwelling would be some 1 metre lower in height than the previous scheme, but it would still be of a height and massing which would substantially enclose the gap between the terraces and would restrict direct morning sunlight from reaching the rear garden of No 12, whilst due to

its massing standing closer to No 12 than No 14 does, the extent of shadowing to the rear garden would increase as a result of the proposal. Moreover, it was evident to me on site that the proposed dwelling would stand in front of, and to the south of, the second floor side window of No 12, and immediately next to the ground floor window and would block sunlight and increase shadowing to these windows during the day.

13. For these reasons, I find that the proposal would result in a detrimental loss of sunlight and increased overshadowing which would significantly harm the living conditions of occupants of 12 Water Lane, contrary to 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, and contrary to the aims for high quality development generally, as expressed in Policies NP1 and NP2 of the WNDP.

### **Other Matters**

14. I recognise that the proposal would add to the housing supply, and would be located within a defined settlement where occupants would be able to access and contribute to local services and facilities by means other than the private car. As the proposal is for a single dwelling, these benefits would, however, be limited in scale and would not outweigh the harms identified.

### **Conclusion**

15. For the reasons given, the appeal is dismissed.

*K Savage*

INSPECTOR



## Appeal Decision

Site visit made on 24 June 2020

**by K Savage BA MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 July 2020

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**Appeal Ref: APP/P1045/W/20/3249743**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr R Palin against the decision of Derbyshire Dales District Council.
- The application Ref 19/00954/FUL, dated 3 July 2019, was refused by notice dated 7 October 2019.
- The development proposed is conversion of one dwelling to two.

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### Decision

1. The appeal is allowed and planning permission is granted for the conversion of one dwelling into two, at The Studio, 2 Wirksworth Hall Farm, Wash Green, Wirksworth DE4 4FD, in accordance with the terms of the application Ref 19/00954/FUL, dated 03 July 2019, and 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: 'The Studio' Site Location Plan; Block Plan; Existing Ground Floor and First Floor Plans; Proposed Ground Floor and First Floor Plans.

### Main Issue

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

### Reasons

3. The Mews and The Studio form a single dwelling in planning terms, accessed from Wash Green by a long private drive which also serves a further dwelling, The Stables, a commercial studio and a plant storage facility. Permission was granted in 1996 for the conversion of the building into two dwellings, and implemented, before later being returned to a single dwelling. The Council does not oppose the principle of a dwelling in this location, but a similar application to convert the dwelling into two was refused in May 2018 on highway safety grounds relating to the intensification in use of the access onto Wash Green, and subsequently dismissed at appeal in February 2019.<sup>1</sup> I have had regard to the Inspector's conclusions in that appeal as a material consideration.
4. Wash Green is a narrow road which leads uphill out of Wirksworth in a roughly easterly direction. The access itself is an open entrance, wide enough for two

<sup>1</sup> Appeal Ref: APP/P1045/W/18/3210166

vehicles to pass, with low stone walls to either side, the one to the east being more recessed to provide a wider footway and a bench. To the west of the access, dwellings lining the road down the hill stand immediately at the edge of the footway and I saw on-street parking in front of several houses, but visibility from the access in this direction was reasonable.

5. To the east, the road curves slightly, such that visibility for those descending into Wirksworth is restricted by dwellings standing at the edge of the carriageway on the inside of the bend, and the site access is not seen before passing these dwellings. Derbyshire County Council (DCC) as the local highway authority indicates that the visibility sightline to the east for drivers leaving the appeal site would be 2.4m x 23m, well short of the recommended sightline of 2.4m x 39m based on standards in the Manual for Streets (MfS) and the speed readings taken by the appellant. However, I am mindful that the MfS2 states that unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem.<sup>2</sup>
6. The physical arrangement of the access and Wash Green is unchanged from that considered by the Inspector in 2019, and I agree with her view that the visibility to and from the east is limited. However, I have had regard to further evidence submitted by the appellant which does not appear to have been before my colleague; in particular surveys of speed and traffic volume, and accident data, on Wash Green, a log of vehicular movements from the existing households occupying the appeal site, and predicted trip generation data.
7. The appellant's evidence indicates an average of three to four two-way vehicle movements per minute along Wash Green at peak times, which suggests a relatively lightly trafficked road. I do not have contrary evidence from the Council to dispute this, and though my site visit took place outside peak times at around 11am, the low and intermittent level of traffic I observed leads me to consider the appellant's figures are reasonably representative of the situation.
8. Speeds westbound were recorded at 25mph, below the 30mph limit. Based on what I saw, it is reasonable to consider that drivers do slow when travelling downhill around the blind bend, but at times must also slow when passing the site access to give priority to oncoming traffic, as the parked cars further along require drivers to move to the right hand side to descend the hill. The appellant's data also indicates no recorded accidents in the vicinity of the site access since 1999, which is not disputed by the Council. I draw from this that despite the shortfall in visibility, drivers using and passing the access do so with due care and attention, and that the low levels of documented traffic mean the risk of conflict between users of the existing access and vehicles on Wash Green, despite its limited visibility to the east, is low.
9. The Council's concern also relates to the anticipated intensification of the use from the creation of an additional dwelling. The appellant indicates that the appeal property is used *de facto* as two dwellings by the appellant and family, The Mews being a three-bedroom property and the Studio a two-bedroom property, with separate staircases, bathrooms, kitchens, entrance doors, mains water and electricity connections, tanks and boilers. A total of four vehicles are used by occupants of the appeal property. The Council's evidence does not question the appellant's description of how the property is used.

<sup>2</sup> Written Transport Statement Evidence, March 2020, Section 3.2.2, quoting Manual for Streets 2, Para 10.5.9

10. The appellant has provided trip logs for The Mews and The Studio over a four week period in January and February 2020, which show The Mews generating an average of 11 two-way movements per day, and The Studio an average of six, inclusive of deliveries and bin collections. The total of 17 would exceed predicted daily movements of between 10 and 11 for two dwellings based on TRICS trip rate analysis for dwellings in suburban and edge of town locations<sup>3</sup>. DCC indicates that it does not take into account past 'car-owning' residents as this is subject to fluctuation and hearsay. However, no comment is made on the recorded trip data, which is over a reasonable period, and indicates that movements already exceed those which would be expected of two dwellings.
11. Given the property would not be extended, and would continue to be occupied in a similar manner as at present, the granting of permission would be unlikely to materially affect the amount of vehicle movements to and from the site. In the event that the dwellings were occupied by wholly separate households, I am not persuaded that there would be a material increase in car ownership relative to the present level of four. Even if there was, this would not necessarily mean more movements than at present, given the higher than average number of movements recorded, and when the total use of the access by the other dwelling and commercial uses is factored in. What is clear to me from the evidence is that the proposal would fall well short of a 'significant intensification' in use of the access, as argued by the Council.
12. The National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The above considerations, made with regard to evidence not before the previous Inspector, lead me to the conclusion that the proposal would result in no more than a modest increase in use of the existing access, and would not have an unacceptable impact on highway safety or lead to severe cumulative impacts on the operation of the road network. Accordingly, there would be no conflict with Policies HC9 and HC19 of the Adopted Local Plan 2017, which together require proposals to subdivide existing dwellings to provide adequate vehicular access, and that development is can be safely accessed in a sustainable manner and where the highway network can satisfactorily accommodate traffic generated by the development.

### **Other Matters**

13. The site is within the Wirksworth Conservation Area (CA), and I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA<sup>4</sup>. As the proposal would not involve any external alterations, the character or appearance of the CA would be preserved.

### **Conclusion**

14. For the reasons set out, the appeal is allowed. In addition to the standard time limit condition, a condition listing the approved plans is necessary, to provide certainty. No other conditions are suggested by the Council, and I do not consider any others are necessary.

*K Savage* INSPECTOR

<sup>3</sup> Written Transport Statement Evidence, March 2020, Section 3.3.14 and Appendix D

<sup>4</sup> In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990



## **BACKGROUND PAPERS**

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

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

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

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

**BACK TO AGENDA**