



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

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

28 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, 08 September 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

A handwritten signature in black ink, appearing to read "James McLaughlin".

James McLaughlin  
Director of Corporate Services & Customer Services  
And Monitoring Officer

## 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 – 11 August 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. 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, 3 September 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

#### 5. 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.

	Page No.
<b>5.1 APPLICATION NO. 19/00159/REM (Presentation)</b>	<b>04 – 33</b>
Reserved matters application for the approval of appearance, landscaping, layout and scale for the erection of 39 no. dwellings (outline planning permission 14/00698/OUT) – Land off Wheeldon Way, Hulland Ward.	
<b>5.2 APPLICATION NO. 20/00104/FUL (Presentation)</b>	<b>34 – 52</b>
Erection of 11 Woodland Cabins with associated creation of additional woodland area and supplementary planting at Callow Hall Country House Hotel, Mapleton Road, Mapleton.	
<b>5.3 APPLICATION NO. 20/00255/FUL (Presentation)</b>	<b>53 – 66</b>
Change of use and conversion from former bank (Use Class A2) to 8 no. apartments with a new rear extension at 4 St John Street, Wirksworth.	

<b>5.4</b>	<b>APPLICATION NO. 20/00269/LBALT (Presentation)</b>	<b>67 – 75</b>
	Internal and external alterations including new rear extension and partial demolition at 4 St John Street, Wirksworth.	
<b>5.5</b>	<b>APPLICATION NO. 20/00346/FUL (Presentation)</b>	<b>76 – 87</b>
	Change of use and conversion of hotel to form 6 no. apartments at The Station Hotel, Station Road, Ashbourne, DE6 1AA	
<b>5.6</b>	<b>APPLICATION NO. 20/00482/FUL (Presentation)</b>	<b>88 - 99</b>
	Change of use from Light Industrial B1(c) to Retail (A1), Café (A3) and Office (B1 (a)) uses at Former Hallmark Tractor Site, Ashbourne Road, Sudbury.	
<b>6.</b>	<b>INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS</b>	<b>100 – 109</b>
<b>7.</b>	<b>APPEALS PROGRESS REPORT</b>	<b>110 - 112</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)

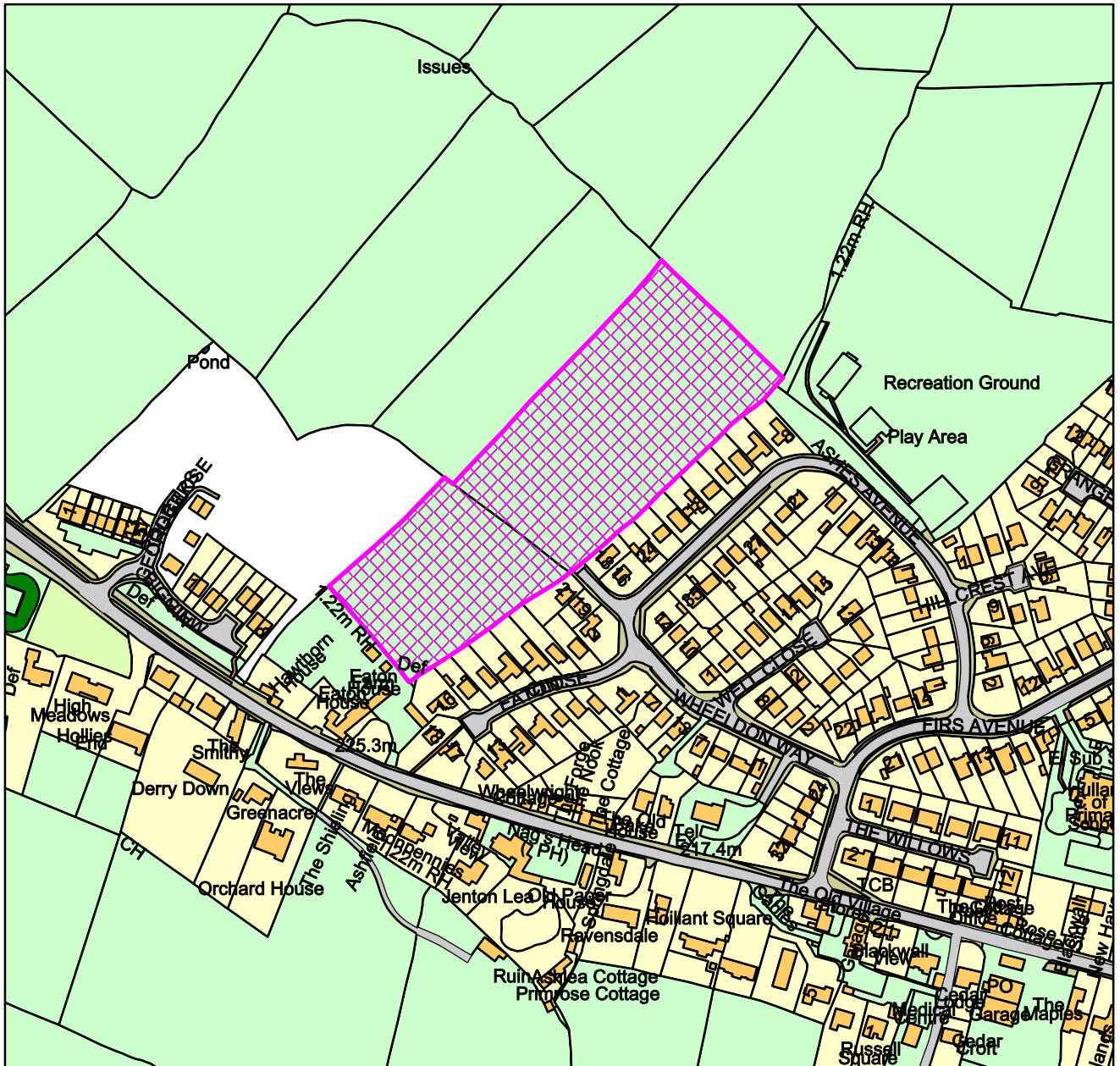
Robert Archer, Sue Bull, Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Stuart Lees, Joyce Pawley, Garry Purdy and Peter Slack.

### **Nominated Substitute Members**

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

19/00159/REM

Land Off Wheeldon Way, Hulland Ward



Derbyshire Dales DC

1:3,500

Date: 25/08/2020

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

# Planning Committee September 8<sup>th</sup> 2020

<b>APPLICATION NUMBER</b>		19/00159/REM	
<b>SITE ADDRESS:</b>		Land Off Wheeldon Way, Hulland Ward	
<b>DESCRIPTION OF DEVELOPMENT</b>		Reserved matters application for the approval of appearance, landscaping, layout and scale for the erection of 39 no. dwellings (outline planning permission 14/00698/OUT)	
<b>CASE OFFICER</b>	Mr. G. A. Griffiths	<b>APPLICANT</b>	Mr Jeff Guest
<b>PARISH</b>	Biggin-by-Hulland	<b>AGENT</b>	Corstorphine + Wright
<b>WARD MEMBERS</b>	Cllr. Richard Bright	<b>DETERMINATION TARGET</b>	10 <sup>th</sup> September 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 the development</li> <li>• Impact on the character and appearance of the area</li> <li>• Impact on residential amenity</li> <li>• Highway matters</li> <li>• Flooding and drainage</li> <li>• Impact on trees and hedgerows</li> <li>• Impact on wildlife</li> <li>• Climate change</li> </ul>

<b>RECOMMENDATION</b>
Approval



## 1. THE SITE AND SURROUNDINGS

- 1.1 The application site is a rectangular shaped parcel of sloping land, measuring approximately 2.1 hectares, made up of two fields of rough grassland, located within the Parish of Biggin-by-Hulland.
- 1.2 The site is bordered by native hedgerows, with hedgerow trees both along its two sides that are adjacent to open land and one side bordering property accessed off the main road through Hulland Ward village. The remaining, south-eastern boundary of the site adjoins existing housing located along Ashes Avenue, Eaton Close and two dwellings at the end of Wheeldon Way between which is located a field gate entrance into the site. The two fields are divided by a hedge, which is broken in part allowing access between them.
- 1.3 The smaller field is located at the higher, south-western end of the site, the larger north-eastern sections slope becomes less steep before levelling out close to its hedgerow lined boundary, beyond which is a small ditch. To the east of the lower end of the site is a playing field within which is a multi-use games area (MUGA) and a children's play area. A public footpath passes along the side of the playing field adjacent to the sites north-eastern corner.
- 1.4 The site is within and adjacent to the Hulland Ward Settlement Boundary, as defined in the Adopted Derbyshire Dales Local Plan (2017), and is allocated and a commitment for residential development under Policy HC2(q) of the Plan.







## 2. DETAILS OF THE APPLICATION

2.1 This application seeks approval for the following reserved matters:

- appearance;
- landscaping;
- layout; and
- scale of the development.

2.2 The means of access has been approved with the outline planning permission with access to the site gained from Wheeldon Way at a point approximately two thirds of the way up the site. The point of access is aligned by dwellinghouses on either side up to the point of the current field gate (to be removed) through which access will be gained.

2.3 The outline planning permission was allowed on Appeal for the provision of up to 48 dwellinghouses. During the consideration of the proposal, it became clear that, to provide for such an extent of development, taking into account the constraints of the site, would be impracticable in terms of ensuring that the scheme was appropriate to its edge of settlement location and having regard to the amenities of the occupiers of the neighbouring residential properties. To this end, the applicant has now proposed to provide for 39 dwellings.

2.4 During the consideration of the application, Officers have sought to engage in a positive and proactive manner with the applicant in seeking to provide for an appropriate form of development to seek to address concerns raised by neighbouring residents and to address the comments of statutory consultees. Accordingly, the scheme has been amended.

2.5 The development would include the following dwelling types:

### Open Market Dwellings

- six 2 bedroomed dwellinghouses/dormer bungalows
- fourteen 3 bedroomed dwellinghouses
- three 4 bedroomed dwellinghouses
- eight 5 bedroomed dwellinghouses

### Affordable Dwellings

- four 2 bedroomed dwellinghouses
- two 2 bedroomed bungalows
- two 1 bedroomed dwellinghouses.

2.6 The proposals are now for the provision of the dwellinghouses in two sections of the site. It is proposed to provide the affordable dwellings backing onto a yard area on the south western boundary on the highest part of the site. Two of the units are bungalows and these are proposed to be sited side on to the rear gardens of 14 and 16 Eaton Close. There are then proposed to be two rows of two storey dwellings either side of a road leading down to where the site access road would be located off Wheeldon Way. The existing field hedge and areas of open space define this area. A footpath link is proposed through to the play area proposed for the development currently under construction off Biggin View. The dwellinghouses backing onto the properties of 4-14 Eaton Close and 21 Wheeldon Way have rear gardens of some 10.5m deep.

2.7 To the north west of the site, two dwellings would overlook the open space and footpath link. A road runs north westerly off the extended Wheeldon Way which splits around a greenspace between the dwellinghouses. This space is also proposed as part of seeking to provide surface water attenuation measures through the site. The central space is proposed to be contained on all sides by the 'oval-shaped' road form, of adoptable standard, and detached dwellings that align it. These consist of the 3, 4 and 5 bedroomed, two storey



dwellinghouses on the north west and north east sides of this space. To the south east, the space is overlooked by 2 bedroomed dormer bungalows. All the properties in this area are proposed to be detached dwellings. The dormer bungalows backing onto 12-24 Ashes Avenue have rear gardens of some 10.5m in depth.

- 2.8 All dwellings are proposed to be constructed with brickwork. It is proposed that there will be brick heads, stone cills, 'cottage style' windows, projecting corbel details and flat and pitched roofed door canopies.
- 2.9 The applicant has submitted a Design and Access Statement and a Tree Protection Plan document.

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

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
  - S1 Sustainable Development Principles
  - S2 Settlement Hierarchy
  - S3 Development within Defined Settlement Boundaries
  - S5 Strategic Housing Development
  - S9 Rural Parishes Development Strategy
  - S10 Local Infrastructure Provision and Developer Contributions
  - PD1 Design and Place Making
  - PD3 Biodiversity and the Natural Environment
  - PD4 Green Infrastructure
  - PD5 Landscape Character
  - PD6 Trees, Hedgerows and Woodlands
  - PD7 Climate Change
  - PD8 Flood Risk Management and Water Quality
  - PD9 Pollution Control and Unstable Land
  - HC1 Location of Housing Development
  - HC2 Housing Land Allocations
  - HC4 Affordable Housing Provision
  - HC11 Housing Mix and Type
  - HC14 Open Space, Sports and Recreation Facilities
  - HC15 Community Facilities and Services
  - HC17 Promoting Sport, Leisure and Recreation
  - HC19 Accessibility and Transport
  - HC20 Managing Travel Demand
  - HC21 Car Parking Standards

3.2 National Planning Policy Framework

3.3 National Planning Practice Guidance

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

14/00698/OUT Residential development of up to 48 dwellings, creation of new access and associated public open space, landscaping and drainage infrastructure.-  
Outline – Refused – Appeal Allowed.

### **5. CONSULTATION RESPONSES**

#### Biggin-By-Hulland Parish Council

- 5.1 - comments on original submission as follows:
  - of great concern that this development has been allowed on Appeal in the open countryside of Biggin Parish

- now vital that the appearance of this development is appropriate for its location to allow it to sit into the open countryside
- in close proximity to the Hulland Ward estate, Biggin View and current land off Biggin View development and minimal impact is required on these areas
- impact on the green belt farmland and wildlife environment must also be minimal along with minimal impact on the historical area of the Biggin Parish and existing residents and to existing residents of the Hulland Ward estate
- nature conservation, clear parish boundaries, footpaths and open spaces between residents of the Biggin Parish and Hulland Ward estate in this development must be paramount by the developers
- application has changed dramatically from the application for outline planning that was approved on appeal
- one of the conditions was to protect the existing hedgerows, shrubs and trees and the Planning Inspector stated that if any need to be removed, another should replace
- importance of design and style of these properties is vital and materials, design and position is crucial to a successful addition to the community and environment
- styles in the application are of urban appearance in an estate form with little resemblance of the land it's being built on in open countryside
- application changes the height, width and position of houses in the development which will affect the neighbouring properties massively
- bungalows have grown to houses and now have dormers
- properties and their gardens are now directly behind the gardens of the existing bungalows on the Hulland Ward estate and houses off the Main Road with the removal of green spaces
- properties in the Biggin Parish are of stone, Derbyshire brick, rendered appearance with Staffordshire blue tiles, Georgian/casement windows and of Georgian period cottage and house style and of barn conversions
- visibility of the development from Upper Lane in Biggin should be of minimal impact and further softening with plantations of drainage systems and buildings to the open countryside must be implemented
- further plantation will assist wildlife and environment and the impact to these from the development
- Biggin View has already had an impact on the area and visibly from Upper Lane due to height of properties and materials
- application has removed crucial areas of green space from the outline planning application along the boundaries which are paramount to this development passed on appeal – this removes open spaces, identification of the Parish boundary, wildlife environment, community grassed areas for wellbeing, footpaths and essential drainage
- interconnectivity between sites needs to be in place
- site is steep and drainage will be detrimental to the area - vital to the development being allowed to have adequate drainage systems in place but the impact of this system must not impact visually or on the environment
- increased effects of pollution need to be considered and solutions put in place
- significant changes to the outline planning application of removing large grassland open space areas presents a problem and has caused outrage in the community
- development around the Matlock/Middleton area in Derbyshire are of stone buildings that sit into the environment with no impact - they look like they've been there for years and have no adverse effect on the visual impact of the countryside - other local villages in Derbyshire are seeing developers build economy, red brick property which creates more profit for the developers but left to live with unsightly house that are out of keeping and generally spoil the beautiful open countryside
- development in the right place, and in the correct form to sit with no impact on the countryside, is required - are in threat of destroying the open countryside and creating urban eyesores

- would be better to see houses sold before building more as concern of this in Hulland has been shown and is evident.
- comments on amended submission as follows:
  - in the outline planning application there is a 5 metre green space which clearly identifies the boundary between Biggin Parish and Hulland Ward which has been removed on the revised plan - this must be kept and reinstated as historically this identifies the boundaries between the two Parishes
  - the existing footpath that runs along this boundary must remain and be maintained as it already is and should be by the Council which is paid for from local residents council tax
  - 5 metre boundary is a buffer between the two parishes giving the residents who live on the edge of the Hulland Ward Parish distance needed for privacy, mental health/wellbeing and will enable sunlight to the rear gardens of these properties which is blocked on the proposed plan
  - green space visually looks better on the landscape and has less impact
  - hedges and trees must not be removed - further planting would create more habitat for wildlife whilst softening the impact of the development and create screening
  - no more water should run off this development after it has been built to what runs off the land now
  - rainfall is already causing flooding in the surrounding Parish and must not be increased by this development
  - rainwater must not be allowed to leave this development and should not run into ditches of other surrounding fields which will run to roads/ neighbouring properties causing further flooding - ditches already have water draining from the land and as a result there is flooding on the roads below in Biggin Parish
  - would flood the playground on the Hulland Ward Estate stopping children playing
  - ditches would become rat infested and cause disease to anyone near
  - who is to maintain these ditches if drainage allowed into them?
  - ditches around land to be developed must be created for drainage
  - water butts must be installed at each property and permeable ground must be created for drainage
  - ecological report states a 5 metre buffer zone should be left around all existing hedgerows including all building work both during and after construction - hedgerows should not form part of the new garden to protect wildlife
  - there must be a separate hedge in the new development gardens to protect wildlife and creates further space for habitation
  - existing hedges/trees must not be removed
  - trees between the developments/Parishes should be planted to provide habitats for wildlife and help with drainage and would create a screen from the development and create privacy and would help identify the boundary
  - development off Biggin View above this development has built higher foundations than to plan - the land is sloped and is made of clay so obviously difficulties have occurred during the build
  - the new development houses are now sitting higher than proposed and they have built large retaining walls that are also not to plan
  - outline planning application design for the land off Wheeldon Way showed bungalows to be built along the boundary - this has been changed in the revised plan
  - bungalows have now been increased in height to houses and 1<sup>1/2</sup> storey height bungalows - this is unacceptable and totally out of character to the property's near to them and will cause overwhelming impact on the homes of these residents
  - if they are raised again, as the development above, then further impact visually and on these properties will be created

- 12
- flats proposed in the revised plan are not in keeping or character with the rural area this development is in and should not be entertained
  - appearance /design and materials must be in keeping with the Biggin Parish
  - historic predominantly stone, oak materials and country Georgian design buildings
  - summary:
    - new design creates a wonderful green in the centre and delightful trees but it has pushed back all properties within it to create damaging consequences having a knock on effect to the Parish boundaries, neighbouring properties and wildlife
    - drainage must be created from water butts, permeable ground and ditches and within this development and not have a knock on effect on the rest of the parish
    - large clusters of trees around the development not in the middle to soak up rain water ,create screening and a habitat for wildlife
    - all building developments should be of eco design as we face urgent climate changes and this does not reflect this
    - consideration to neighbouring residents must be considered for their mental health
    - unacceptable to develop without consideration to the countryside and developments should complement the area and not damage and cause further impact on countryside
    - appearance of the developments in the Biggin Parish together are urbanising the surrounding areas and historical Hamlet is being destroyed
    - reading the Appeal report, the officer states that wildlife and the environment of the countryside should not be affected and this must be adhered to.

#### Hulland Ward Parish Council

- 5.2
- comments on original submission as follows:
    - strip of land for public open space/play area, previously detailed between the existing and proposed dwellings, has been removed
    - does the layout comply with government guidance regarding distances between houses?
    - Plots 7 and 8 should be moved against Plot 9 and a buffer zone to the existing houses
    - believe residents of 16 and 18 Wheeldon Way would prefer to face gardens than brick walls
    - would like to see a plan showing the house types for each property
    - require final drainage proposals – currently unclear where discharge point is for foul and rain water
    - ditch at the side of the sports field needs clearing to avoid seepage onto sports field
    - route of foul water needs defining – is it a gravity or pumped system?
    - DDDC asked for only 8 affordable dwellings on the site with the rest as a contribution and accepted by the Parish Council.
  - comments on amended submission as follows:
    - deeply concerned about congestion on Wheeldon Way, in particular, the narrow single access to this site
    - residents and visitors to Wheeldon Way, including support workers for a disabled resident, have to park on the street - request that two or more parking bays are constructed just inside the site to relieve this problem
    - Plots 19 to 24 should be one and half storey or bungalows
    - ground level of a new house must be no higher than the ground level of the adjacent house on the existing estate
    - the foul water pumping station needs to be moved away from the boundary with 8 Ashes Avenue



- 13
- the developers are to honour the ownership of boundary hedges and protect them during development and comply with the recommendation of the Derbyshire Wildlife Trust to create an undisturbed green buffer zone along the hedges
  - World War One tree – at an appropriate time this is to be lifted by Mercaston Tree company and held in storage by them until the scheme is complete and then replanted by Mercaston Tree company - this area to be restored after trenching including replanted with spring flowering bulb
  - developer is to indemnify the owner of 8 Ashes Avenue against any damage to that property and possible future subsidence caused by trenchwork close to his boundary
  - developer is to ascertain that the water courses downstream of the rainwater discharge point, down the side of the playing field and then into Biggin Brook, can cope with the volume of water discharge
  - developer is to install an interceptor land drain around the site and pipe in any existing land drains that are disturbed but avoid the ecological buffer zone if appropriate (land drains broken during construction are causing problems on the existing estate)
  - developer is to produce an emergency action plan to deal with the following situations:
    - a) the outflow pipe in the rainwater tank becomes blocked and the tanks overflow
    - b) there is a sewage pump failure or there is an extended power cut affecting the sewage pumping system resulting in overflows.
- further comments on amended plans
- have requested lower house heights for proposed properties 19-24 – these five house that are proposed for the Eaton Close boundary should be no more than one and a half storey high, otherwise they will badly overlook the existing residents of Eaton Close
  - allowing the construction of two storey houses on this boundary would also be at odds with previous decisions by the District Planners to maintain all existing properties on the boundary fences to bungalow status as far as height of construction is required
  - congestion on Wheeldon Way entrance road, even on Saturday morning - 2 cars parked in this area would already cause congestion for Wheeldon Way traffic
  - request developer reviews methods of achieving additional parking adjacent to 18 Wheeldon Way to reduce congestion of traffic movements for new development
  - need for two additional parking spaces off the entrance road is obvious and should be included in the final presentation to District Planning Committee - this would be for the benefit of the new householders as well as the current residents of the two houses in the Wheeldon Way entrance
  - provided both items above could be agreed and submitted to the District Planning Meeting, sure Hulland Ward Parish Council will seek to approve this development (comment from chair of the Parish Council)
  - 8 Ashes Avenue must be indemnified against any damage during creation of drainage system adjacent to property and request that this is located as far away as possible from that property as feasible
  - seems that the loop roads are to remain private - will that be acceptable to District?

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

- 5.3 - no objection to amended proposal subject to conditions with regard to the following:
- storage of plant and materials, site accommodation, loading, unloading and manoeuvring of vehicles
  - vehicle wheel cleaning facilities
  - construction details of the residential estate roads and footways
  - details of temporary access for construction

- 14
- the provision of a permanent vehicular access to the site prior to the occupation of the dwellings
  - the road being constructed to base level prior to the commencement of the erection of any dwelling intended to take access from that road
  - means to prevent the discharge of water from the drives/accesses/shared drives onto the proposed adopted highway
  - the proposed streets within the development
  - visibility sightlines on access onto the estate
  - the provision of car parking and that garages/parking spaces shall be kept available for at all times
  - no gates or barriers within 5m of the highway boundary and any such gates shall open inwards only
  - driveway gradients
  - arrangements for temporary storage of bins on collection day.

#### Environment Agency

- 5.4 - site is in Flood Zone 1 and there are no environmental constraints within their remit and should consult the Lead Local Flood Authority.

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

- 5.5 - comments on original submission as follows:
- at the outline application stage the initial FRA showed that the POS area was to have a pond for surface water drainage this appears to now have become underground attenuation - request applicant explain the departure from utilising above ground SuDS
  - request applicant show that there is further connectivity offsite of the watercourse that the surface water drainage is to discharge into.
- comments on amended submission as follows:
- are satisfied that with the proposals in the revised layout
  - require clarity on how the SuDS features will be maintained and managed for the lifetime of the development but are satisfied that this can be attended to as part of a discharge of conditions application.

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

- 5.6 - request improved information regarding tree protection measures and tree protection fencing - the 'Tree Protection Plan' does not provide some of the required information
- should contain calculated root protection areas according to the guidance of BS5837:2012 with the construction exclusion areas created around retained trees with correctly positioned and specified fencing that encloses at least the root protection areas of all retained trees - should be required through a condition of any planning permission
  - if any construction, surfacing, landscaping, ground level change or installation of underground services is required within the construction exclusion zones around retained trees/hedgerows, further details of how this will be achieved without harming the retained trees/hedgerows should be required as a condition should planning permission be granted
  - soft landscape proposals are considered appropriate and indicate retention of existing hedgerows within and surrounding the site but the Tree Protection Plan does not indicate their protection - the retained hedgerows should be appropriately protected with fencing positioned and specified according to the guidance of BS5837:2012 and be required through a condition should planning permission be granted.

Environmental Health (Derbyshire Dales District Council)

- 5.7 - no objection in principle.

Rural Housing Enabler (DDDC)

- 5.8 - bungalows need to meet M4(2) Wheelchair Adaptable in the Building Regulations – request this be confirmed and added to the drawing
- bungalows are small and we require a minimum gross internal floor area of 70m<sup>2</sup>
  - bungalows must not have baths and require level access showers
  - unclear whether the flats have separate entrances
  - flats should not have any communal areas to minimise service charges and management issues
  - gardens for the 2 bedroomed family houses are small.

Peak and Northern Footpaths Society

- 5.9 - unclear if footpath links to public footpath 14 Hulland Ward in north east corner of the site - it should do to provide an off-road link to the rights of way network in the countryside to the north and also a link to the recreation ground and playground

Derbyshire Dales Group of Ramblers

- 5.10 - no objection provided Hulland Ward Footpath 14 remains unaffected during and after development
- would be very beneficial to have a pedestrian access route from the development at the corner onto Footpath 14
  - in terms of sustainability, health and wellbeing, it is essential to provide such a route clear if footpath links to public footpath 14 Hulland Ward in north east corner of the site
  - it should do to provide an off-road link to the rights of way network in the countryside to the north and also a link to the recreation ground and playground.

Derbyshire Fire and Rescue Service

- 5.11 - recommend installation of domestic sprinkler system or recommend a minimum 32mm water supply cable be provided for future installation of such.

Policy and Monitoring (Derbyshire County Council)

- 5.12 - positive to see that there appears to be a direct link from the north east corner of the site onto Hulland Ward Public Footpath No.14, allowing residents to be able to more easily access the surrounding rights of way network
- noted there is also a S106 with education contribution towards primary education on the outline permission
  - no further comments to make concerning infrastructure and services with regard to the above application.

Derbyshire Wildlife Trust

- 5.13 - retention of existing hedgerows and trees is welcomed
- recommend that these are contained outside the residential gardens and bounded with fencing of some sort to provide a means of long-term protection for this important habitat
  - where existing hedgerows are used as garden boundaries there is a risk that individual residents may in future choose to remove sections that they believe are on their own land
  - such fencing does not need to wholly block view of the hedgerow or prevent it being cut back/maintained; the purpose would be to clearly indicate that the hedgerow itself is not within the garden
  - retained trees and hedgerows will need to be suitably protected during the construction phase
  - proposed species list for new planting includes a good mix of native trees, shrubs and hedging plants, as well as flowering shrubs and wildflower grassland that would provide a source of nectar for pollinators such as bees and butterflies

- <sup>16</sup> to provide roosting and nesting opportunities for bats and birds, would expect to see integrated habitat bricks in new buildings in preference to externally mounted boxes
- features for birds should target urban/suburban species of conservation concern rather than just using generic general purpose boxes
  - encourage house martin cups and the use of swift bricks as these are readily used by a number of other species and provide a versatile means of nesting provision for birds
  - ideally each plot should incorporate either or a bird nesting or bat roosting feature
  - any solid panel garden fencing should include hedgehog access gaps to maintain habitat connectivity for this species
  - would welcome any other features such as bug boxes, log habitat piles, etc.
  - provided the retained hedgerows are adequately protected, and provision is made for bats and birds as ecological enhancement, the proposals would not result in any net loss for diversity and could potentially result in a net gain
  - conditions are required with respect to the following:
    - tree and hedgerow protection plan (construction phase)
    - landscape and Ecological Enhancement Plan that includes the following:
      - locations and specifications for bat bricks and bird nest bricks/cups;
      - locations and specifications for fencing to exclude retained hedgerows from gardens;
      - hedgehog access gaps in any solid panel garden fencing; and
      - locations and specifications for any other habitat/refuge features for other species groups (where relevant).

## 6. REPRESENTATIONS RECEIVED

- 6.1 24 letters of representation from neighbours and local residents have been received with regard to the original reserved matters submission. A summary of the representations is outlined below:

### Principle

- land locked site with severely restricted access and no public drainage
- current planning policy for Hulland Ward is illogical and inspired by government interference – many new builds in the village are lying empty
- when the Biggin Hill properties are completed there will be another tranche of unsold properties in the village
- do not satisfy the demand for low cost housing
- historically the demand for low cost housing has been very low – is there a proven requirement for more?
- Planning Inspector should have considered the ground suitability for house building
- concerns with regard to the topography of the site
- no mention of soil type and clay below the surface and a clay/soil mix near the surface seems to have had no consideration by the Planning Inspector
- correct action is to halt the planning application until a convincing case is presented to DDDC for final planning approval that will be acceptable to the residents of Hulland Ward who will be affected by the proposed planning decision
- bus service inadequate for families and will therefore require second cars
- impact on local facilities which serve the existing residents of Hulland, Biggin and Alton.

### Character and Appearance

- were told that the properties would be one or one and a half storey high – plan shows two storey and large properties which are not in keeping and will dwarf the existing bungalow properties on Ashes Avenue and Eaton Close
- developer claims that format of housing behind Eaton Close cannot be changed as format imposed by DDDC
- 5 bedroomed properties not in keeping with the area



- 17 in the top field, the new road does not utilise the vertical contours in the field and is offset considerably towards the Eaton Close boundary – the plan does not allow the vertical obstructiveness of the new properties to be assessed
- hedge belongs to the existing development and not the proposed site
- sufficient space should be allowed to ensure the construction of planned walls and fences do not damage or undermine the existing hedgerows around and through the site
- open space between the development and Eaton Farm House has been removed, which distanced the new houses, and has been replaced with 8 affordable properties and fencing encroaches on natural boundary of long established trees.

#### Amenity

- insufficient separation from existing properties
- believed outline proposals were for bungalows
- Inspector who granted permission states that although they believe the visual impact would be limited, the developer would clearly have to consider the height of the proposed properties as well as ensuring adequate separation distances and landscaping which do not believe the developer has taken into consideration
- will be looking at 30ft gable end brick wall
- will severely reduce privacy and quality of life
- loss of privacy due to two storey properties overlooking rear elevations and gardens to existing properties
- loss of privacy due to dormer windows and patio doors
- loss of view and light
- would ask that hedge is removed and replaced with 6m high wooden panel fence
- suggest reorientation of Plots 1 and 2
- Plots 22-26 should be moved further away from the Eaton Close boundary as they will be much nearer to the shared boundary than the existing bungalows
- Plots 27-30 should be moved nearer the Biggin Hill boundary.

#### Drainage, Flooding and Land Stability

- previously proposed pond at the lower end of the development has been replaced with a below ground facility to dispose of top water – curious as to how this will work
- does not appear to take into consideration the contours of the land and water courses do not cope with the amount of rainwater through the properties in Ashes Avenue
- request scaled and up-to-date engineering drawings with land levels in relation to the whole surface water catchment, water management plan and ongoing management
- understand developer will clear out the brook at the side of the playing field – request details of the maximum flow rate and who is responsible for maintenance
- if flooding occurs on plots 6-8, it will likely undermine the built up soil boundary - proposal by Stephen Daykin Consulting Ltd is superficial and is not a safe recommendation on which planning judgement be made
- proposal does not describe how the sewage will be collected and piped to the sewage plant on Moss Lane
- developers should consult with Severn Trent Water to ensure that capacity is available in the sewage network, with a guaranteed contingency for the reedbed based system before the planning application is made or accepted
- no details are submitted of the private foul water pumping station and impact on 8 Ashes Avenue and concerned about noise and electrical interference
- piping runs close to the roots of the commemorative oak and the display of daffodils that support this very important tree
- site suffers from natural springs
- water retention enhanced by a thick clay sheet
- concerned with the large volumes of water generated by the development will lead to flooding

- <sup>18</sup> when the submerged tanks are full of water how are they expected to be emptied
- suggesting an existing ditch is used which the developer does not own will likely add flooding to the Recreation Ground
- gaining easements may not be a straightforward matter
- unreasonable to present plans for planning approval when owners of the land have not been formally consulted
- question if Severn Trent Water has presented draft engineering drawings to the applicant
- strength of the foundations to 8 Ashes Avenue could be at risk if the ground mass is subject to moving heavy machinery onto the land to cut a channel to house a sewerage pipe, to lay it and to compact the backfill
- risk of radon release with digging down.

#### Highway Matters

- concerned regarding traffic flows as Wheeldon Way already congested
- 39 properties will generate 1000 vehicle movements per week - absolute maximum of properties should be 15 off Wheeldon Way, generating 400 additional movements
- should find a new access to the site, possibly from Biggin View
- fire appliances and emergency vehicles will not get along the narrow roads
- consideration should be given to constructing a mini-roundabout between properties 2, 21 and 15 to help control traffic during busy periods
- road layout fails to consider problem of two roads leading to exit junction and in icy conditions turning and driving uphill become dangerous
- cars have to park on the roads in icy conditions because of the drive slopes and reduce road width.

#### Other Matters

- diversion of footpath 14 off its line is impractical and should be reinstated on its ancient line
- land next to the hedge is a public right of way and request the developer removes the barbed wire which currently prevents walkers and local residents using it
- no evidence of request for the public footpath through the site to be diverted
- would like to suggest a way is found to provide a pedestrian link between the development on the land off Biggin View for the purposes of community cohesion and road safety
- the hedge marks the Parish boundary and this will now mean that Biggin Parish and Hulland Ward Parish will be joined
- no direct footpath off the development
- live in bungalow and not allowed to extend upwards
- would like to endorse the Fire Authority on importance of sprinklers.

6.2 10 Letters of representation from neighbours and local residents have been received with regard to the amended submission. A summary of the representations is outlined below:

#### Character and Appearance

- two storey dwellings along the boundary with Ashes Avenue and Eaton Close contrary to the original development plans
- not in keeping with the current housing stock.

#### Amenity

- no buffer zone between Plots 1-6
- developer has rejected plans for the site of properties 19-24 due to a 60m distance between properties
- owners of 8-24 Ashes Avenue have considerably smaller gardens and the distance is far less

- 19 two storey houses being built 15m from boundary - permitted development rights will allow 8m extensions
- request frosted glass for rear facing windows towards Ashes Avenue
- properties must not be built up off the site
- turning area at rear of 10 Ashes Avenue should be reconsidered as will lead to car lights shining into bedrooms
- ask that building work only be on week days between 8.00 am and 6.30pm unlike Cameron Homes who start at 7.30am – noise levels near intolerable.

#### Drainage, Flooding and Land Stability

- plans do not detail how water is to be controlled on discharge from the tanks
- increasing problem with surface water run-off
- existing drains in Ashes Avenue unable to cope
- sewage system on Ashes Avenue constantly floods and will not be able to accommodate a further 39 properties
- will be compounded with climate change
- surface water cannot be absorbed with tarmac and concrete and land is non-porous clay
- site must be able to cope with flash flooding
- on no account should surface and foul water drainage be allowed to share existing facilities and developer should indemnify existing residents against catastrophic failure of the current infrastructure
- understand there has been slippage at the development off Biggin View
- request full structural survey of the land.

#### Highways Matters

- Wheeldon Way already congested
- in snow and ice conditions turning and driving uphill become dangerous
- safety of children walking a school route may be an issue.

#### Other Matters

- impact on wildlife – require evidence that the developer has obtained a European Protected Species License
- Bat Preservation Society clearly stated that a 5m boundary must be left to protect the wildlife
- impact of building close to the hedge - must stay 2m away from the boundary hedge
- any damage caused to residential properties during construction must be paid for by the developer
- request a fence is erected to fully define the boundary
- please confirm with Hulland Ward PC that the developer has been granted an easement to access through the field to the north east.

#### 6.3 A petition with 54 signatures has been received objecting to the original submission and make the following comments:

- many residents do not have access to computers and many are not particularly mobile so they did not have opportunity to make their views known to the Parish Council
- one residents from Eaton Close, one from Ashes Avenue and one from Wheeldon Way would like to make verbal comments at the Planning Meeting
- in the process of seeking legal representation and will seek access to documents concerning the refusal of the original planning permission and granting of permission by appeal which do not appear to be loaded onto the Council's website
- would appear that many of the conditions/recommendations made at appeal have not been taken up by the developers in the latest plans
- surprised by house types, positions and open spaces (particularly buffer spaces) bear little resemblance to the plans submitted at the appeal stage

- 20 draw attention to section 4.72 of the Adopted Local plan (2017) which '*significant adverse impact upon the character and appearance of these villages, and the surrounding countryside*'
- parachuting a development of predominantly two storey dwellings (within agricultural fields) on the fringe of a previous single-storey bungalow development (located below a ridgeline on a steep hill with outstanding views of the local countryside) is architectural vandalism and will spoil the character and appearance of this part of the village and the surrounding countryside
- the site, which suffers from significant heave and surface water run-off, is unsuitable for house building
- site has no suitable road access
- the existing, almost expired surface and foul water infrastructure cannot safely serve another 38 homes
- possess valuable local knowledge that remote authorities such as the Highways Department and utilities companies do not have and views are being completely ignored.

## 7. OFFICER APPRAISAL

### Principle of Development

- 7.1 Before considering the reserved matters, it is worth recapping on the outline planning permission, granted by the Planning Inspectorate in February 2016, which has established the principle for development. Since the Planning Inspector's decision, the site has also been allocated for residential development under Policy HC2(q) of the Adopted Derbyshire Dales Local Plan (2017) for the provision of 48 dwellings.
- 7.2 Whilst the site was granted outline planning permission for up to 48 dwellings, only 39 are now being proposed as a reflection of the different form of house types now proposed by the development and concerns that a further nine dwellings would lead to an overly intense form of development on this edge of settlement site. It is considered that the number and form of the largely detached dwellings is reflective of the residential estate development served off Wheeldon Way.
- 7.3 The outline permission has secured the provision of 45% of the dwellings as being affordable properties, the provision of open space and an index linked financial contribution of £11,399.01, multiplied by the number of dwellings, to provide additional facilities (classroom extension/refurbishment) at Hulland C. E. Primary School. The affordable housing provision is not prescribed in the legal agreement but the Planning Inspector acknowledged that this would be based on 45% of the houses, being in line with the planning policy requirements at the time of determining the application.
- 7.4 To this end, the applicant has detailed 8 of the proposed 39 dwellinghouses being affordable. This equates to a 20.5% on site provision and there would be an expectation that the remaining 24.5% would be by way of a financial contribution to off site provision. Given that other developments within the village are yielding affordable housing provision on site, it is considered reasonable to require a financial contribution for the remainder of the provision to allow the District Council to address affordable housing requirements over the Plan period.
- 7.5 To this end, it is considered that a financial contribution can be required, with 50% being prior to the development commencing and 50% at the point when the 10<sup>th</sup> dwellinghouse is occupied within the development to reflect Schedule 1 of the legal agreement. In this respect, this would equate to a financial contribution of £248,137.50.



- 7.6 The applicant could seek to reduce the affordable housing provision with the submission of a full planning application, having regard to the site being allocated under Policy HC2(q) of the Adopted Local Plan (2017) and the up-to-date Policy HC4 having a requirement for a 30% provision of affordable housing. However, such an application would also be bound by Policy HC11 which requires a housing mix which the applicant has advised they do not wish to be constrained by. As such, the applicant, in submitting this reserved matters, must be bound by the requirements of the outline planning permission and the associated Section 106 Agreement.
- 7.7 In addition to the above, highway matters, archaeology, site contamination, land drainage and the protection of hedgerows and trees have been addressed with conditions on the outline permission, albeit some of these are required to be considered in the assessment of this reserved matters application.

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

- 7.8 The dwellinghouses are largely two storey in height and larger in scale and mass than the development in and round Wheeldon Way, Eaton Close and Ashes Avenue. However, as with that development, it will have its own identity as a residential area and be of its time. The dormer bungalows proposed to the rear of Ashes Avenue introduce a transitional change in height between the existing dwellings and those proposed to the north west and north east of the 'green.' The dwellings will also be read contextually with the Cameron Homes residential development to the north west of the site. In this respect, it is considered that the development is acceptable in redefining the settlement boundary and its relationship to the open countryside beyond. The linear open space through the site also serves to break up the built development and provides connectivity of the application site, and that of the development at Biggin View, with the open countryside.
- 7.9 With regard to materials, the applicant has advised that the elevations are proposed to be brick, albeit no type/colour has been specified. However, it is considered that this can be addressed by a condition on any reserved matters approval to secure an appropriate brick type(s) reflecting upon the site being transitional between the development on around Wheeldon Way and those under construction at Biggin View. Other details such as the roofing materials, barge boards, porch material, rainwater goods, pipework, windows and doors and meter boxes can also be addressed with conditions on any approval of the reserved matters.

#### Impact on Residential Amenity

- 7.10 It is appreciated that the existing properties overlooking the site will have a loss of view across the open fields to the west and north. However, there is no entitlement to a view being protected, albeit the impact on outlook is an important consideration in terms of any overbearing relationship that may be created. Other matters relating to amenity, including the impacts on light, privacy and noise, also require consideration.
- 7.11 In terms of outlook, the original submitted scheme has been amended and the proposed dwellings have been sited some 10.5m from the rear garden boundaries of the existing dwellings and there is a minimum gap of 21m between the existing and proposed dwellings. This is considered a reasonable distance away such that the massing of the dwellings could not be considered a significant imposition on the existing properties.
- 7.12 In terms of privacy, the 21m minimum distance between the main living room and bedroom windows of the existing and proposed dwellinghouses is considered acceptable. It is appreciated that there are existing properties that have main living room windows overlooking the site. To this end, it was considered, and deemed reasonable, that the first floor windows to the properties backing onto Ashes Avenue would have dormers on the front

elevations and rooflights on the rear elevations to seek to address concerns with the proximity to the rear facing windows of the properties on Ashes Avenue. With regard to the properties on Eaton Close, given the relative distances between the proposed two storey houses and the rear elevations the existing dwellings, it is not considered that the extent of impact could be deemed to be significant to an extent that may justify a recommendation of refusal. In all instances, the ground floor windows would be screened by the boundary treatment.

- 7.13 The interrelationship of the properties on Eaton Close to dormer bungalows would appear more desirable to the residents. This has been requested by residents of Eaton Close, and Officers have requested this as an amendment to the proposals. However, the applicant has advised that, in regards to amending plot types 19-24 to bungalows, that they have already demonstrated that they are achieving compliant separation distances and are not prepared to amend these plot types due to concerns over forward saleability of an increased number of bungalows on a single site.
- 7.14 Whilst there would be a preference for dormer bungalows, the properties on Eaton Close generally have larger rear gardens and, given the relative distance between the existing and proposed dwellings, it is the view of Officers that this cannot substantiate a justifiable reason for refusal of the reserved matters in terms of amenity or in terms of the overall character and appearance of the development.
- 7.15 The proposed development is to the west of the existing dwellinghouses and, given the relative distance of the proposed dwellinghouses to the existing properties and the boundaries, it is considered that any shadowing that may occur, which is likely to be limited to the areas of gardens closest to the site boundary, will not be of such a significant impact to justify a recommendation of refusal.
- 7.16 Concerns have been raised with regard to the extent of underbuild to accommodate the dwellinghouses at the residential development to the north of Biggin View. This resulted from the access road crossing along the slope of the site and therefore there was a need for substantive excavation of the site on one side of the road, and substantive underbuild to the other side of the road to facilitate the development.
- 7.17 However, given the orientation of the dwellings on the application site largely stepping down the site to align the south west to north east road alignment, rather than being built off a road across the slope of the land, this extent of underbuild can be reduced. Nevertheless, it is considered reasonable that the development should be provided on the existing lowest land level of each plot and excavating the slope to achieve a level building site rather than underbuilding, and not as has been detailed on the streetscene drawings submitted with the application, unless this is otherwise agreed in writing with the Local Planning Authority. Details of the levels of the buildings has been submitted on the drainage drawings and these equate to the topographical survey of the site. It is therefore expected that any underbuild to the proposed dwellings will not exceed one metre and a condition can be required that any building above the levels detailed on the drawings will first need to be agreed in writing by the Local Planning Authority. In addition, it is considered reasonable to remove permitted development rights for extensions and alterations to the dwellings in order that the amenity of the local residents is preserved as well as the character and appearance of the development.
- 7.18 The level of noise associated with the development would be limited to that associated with the residential use of the site. It is appreciated that there will be disturbance during the construction process. However, whilst this would be an intrusion for a temporary period, it cannot be regarded as so harmful to amenity that it could justify a reason for refusal; the principle of the development of the site has also been established with the outline planning permission and the site allocation in the Adopted Local Plan (2017).

- 7.19 Concern has been raised with regard to the 'turning area' at the rear of 10 Ashes Avenue and car lights shining into bedrooms. However, this is a parking facility associated with the proposed pumping station as is unlikely to have significant use.

### Highway Matters

- 7.20 During the consideration of the application, the original proposed layout has altered, particularly the northern section. This is now proposed as a loop around a green space, which is also to serve as an area for drainage. Several road schemes have been presented but the one now being considered is to an adoptable standard. The Local Highway Authority has now advised of no objection to the proposal and considers that the highway can meet with adoptable highway standards.
- 7.21 It is advised that conditions will be required but some of these conditions requested relate to matters of principle and some have been provided as conditions on the outline planning permission and cannot be re-applied, or reworded, to any grant of reserved matters approval. The only conditions which it is considered can be reasonably added relate to the site specific details now submitted with the reserved matters for the development as follows:
- storage of plant and materials, site accommodation, loading, unloading and manoeuvring of vehicles (to safeguard the amenity of residents)
  - construction details of the residential estate roads and footways;
  - means to prevent the discharge of water from the drives/accesses/shared drives onto the proposed adopted highway;
  - details of the proposed arrangements for future management and maintenance of the proposed streets;
  - the provision of car parking and that garages/parking spaces shall be kept available for at all times;
  - no gates or barriers within 5m of the highway boundary and any such gates shall open inwards only;
  - driveway gradients; and
  - surface water drainage works.
- 7.22 Hulland Ward Parish Council has requested that visitor car parking spaces be provided close to the entrance to the site to assist with alleviating on-street car parking which currently occurs in this location up to the field boundary. This has been suggested to the applicant who has advised that they are averse to creating an unmanaged parking facility on this short section of road into the development as they consider it would essentially be a free for all and have concerns this would be improperly utilised and present the wrong first impression of the new development. It is the view of Officers that, while there may be benefits of such parking, there is no highway safety reason to justify such a requirement.

### Flooding and Drainage

- 7.23 Whilst this is a matter considered under the outline planning permission, and is subject to a condition on that permission, it has nevertheless been necessary to consider the detailed proposals in the light of how these will impact upon the site drainage. As a part of this reserved matters application, it was originally proposed to provide the drainage with a tank at the northern, lower end of the site to intercept surface water run-off prior to this draining off the site. However, concern was raised by the Lead Local Flood Authority (LLFA) with such a proposal.
- 7.24 To this end, the scheme has been amended, as detailed above, to provide a network of green space through the site with the additional aim of capturing the flows of surface water run-off in a more sustainable manner. Whilst water will always run towards the north of the

Site, given the land fall, this will nevertheless be slowed in its ability to percolate within the gardens and green spaces proposed. The development will need to be SuDS compliant to meet the requirements of Building Regulations. It is advised by the LLFA that there is no objection to the proposal subject to a condition that drainage is agreed which is attached as a condition to the outline planning permission.

#### Impact on Trees and Hedgerows

- 7.25 The District Council's Arboriculture and Landscape Officer has requested improved information regarding tree protection measures and tree protection fencing as the 'Tree Protection Plan' does not provide some of the required information. It is advised that the information submitted with the application should contain calculated root protection areas according to the guidance of BS5837:2012, with the construction exclusion areas created around retained trees with correctly positioned and specified fencing that encloses at least the root protection areas of all retained trees. Nevertheless, it is considered that the development would be unlikely to impact on trees around the site given the relative distance to the proposed dwellings. However, whilst the applicant has submitted details of tree protection measures during construction, these were based on the original layout plan. Nevertheless, the outline planning permission has conditions attached with regard to the requirement for such protection.
- 7.26 It is also advised that if any construction, surfacing, landscaping, ground level change or installation of underground services are required within the construction exclusion zones around retained trees/hedgerows, further details of how this will be achieved, without harming the retained trees/hedgerows, should be required as a condition of any approval of the reserved matters.
- 7.27 In terms of the landscaping of the site, the soft landscape proposals are considered appropriate and indicate retention of existing hedgerows within and surrounding the site but the Tree Protection Plan does not indicate their protection. As such, the retained hedgerows should also be appropriately protected with fencing positioned and specified according to the guidance of BS5837:2012 and this can be required through the conditions on the outline planning permission.
- 7.28 Biggin-by-Hulland Parish Council wish to see the hedge retained along the eastern boundary and to have the footpath alongside this to serve to protect the hedge by setting it in the public, rather than private, domain; such a proposal was detailed on the indicative layout plan submitted with the outline planning application. The proposal could also serve to move the proposed dwellings that would back onto the properties on Ashes Avenue further away from them and the Parish Council also consider that this would better define the Parish boundary with that of Hulland Ward Parish. Biggin-by-Hulland Parish Council considers that this benefit would outweigh the formation of the proposed greenspace within the application site and be of benefit to the existing residents rather than the greenspace proposed being a benefit to the residents of the development.
- 7.29 However, there are concerns from Officers as to the practicality of such a proposal as this would be likely create a little used footpath facility as a means of getting to and from the play areas and public footpath to the north, for example. This would be a lengthy and unwelcoming linear route between the backs of the houses and could itself lead to concern of obtaining access to the rear gardens of the properties either side of it. It is also considered that such an unwelcoming footpath would lead to most footfall being preferred along Ashes Avenue instead. The proposal to link the development with the residential development currently being constructed at the rear of Biggin View, through the green space proposed with this development, is considered by Officers to be a far more appealing route to access the facilities to the north.

7.30 <sup>45</sup>It is considered that a condition could be required that the hedge be protected by post and rail fencing and that its management could be linked to the management of the wider public spaces within the site, thus retaining and maintaining this as a boundary between the properties. This condition could also be advised in the deeds of sale and equally applied to those properties elsewhere around the site which, for the vast majority, also have their rear gardens backing onto the existing field boundaries. This would serve to soften to some extent the impact of the development in the rural surroundings, by retaining and maintaining these features in the landscape.

#### Impact on Wildlife

7.31 The above protection of hedges is also reflected in the advice of Derbyshire Wildlife Trust (DWT) who have recommended that the hedges are contained outside the residential gardens and bounded with fencing of some sort to provide a means of long-term protection for this important habitat. There is concern that, where existing hedgerows are used as garden boundaries, there is a risk that individual residents may in future choose to remove sections that they believe are on their own land.

7.32 Such fencing does not need to wholly block the view of the hedgerow or prevent it being cut back/maintained; the purpose would be to clearly indicate that the hedgerow itself is not within the garden. Retained trees and hedgerows will also need to be suitably protected during the construction phase. To this end, it is considered reasonable to attach a condition that separates the hedging from the plot ownership as part of a management of the site with the other public areas.

7.33 DWT advise that the proposed species list for new planting includes a good mix of native trees, shrubs and hedging plants, as well as flowering shrubs and wildflower grassland that would provide a source of nectar for pollinators such as bees and butterflies. To provide roosting and nesting opportunities for bats and birds, DWT would expect to see integrated habitat bricks in new buildings in preference to externally mounted boxes. Features for birds should target urban/suburban species of conservation concern, rather than just using generic general purpose boxes. In addition to house martin nest cups, DWT particularly encourages the use of swift bricks, as these are readily used by a number of other species, including house sparrow and, therefore, provide a versatile means of nesting provision for birds.

7.34 Ideally each plot should incorporate either a bird nesting or bat roosting feature. It is also advised that any solid panel garden fencing should include hedgehog access gaps to maintain habitat connectivity for this species. DWT would welcome any other features, such as bug boxes, log habitat piles, etc. Such features could be incorporated into the open spaces in accordance with full detail of the landscaping being required as a condition.

7.35 Given the above, and on the whole, DWT advise that provided the retained hedgerows are adequately protected, and provision is made for bats and birds as ecological enhancement, the proposals would not result in any net loss for diversity and could potentially result in a net gain. Therefore, it is advised that, if the reserved matters are granted, suitably worded conditions are required with respect to the following:

- a tree and hedgerow protection plan (construction phase)
- a landscape and ecological enhancement plan that includes the following:
  - locations and specifications for bat bricks and bird nest bricks/cups;
  - locations and specifications for fencing to exclude retained hedgerows from gardens;
  - hedgehog access gaps in any solid panel garden fencing;
  - locations and specifications for any other habitat/refuge features for other species groups (where relevant).

## Climate Change

7.36 The applicant has set out in their Design and Access Statement how they would seek to address climate change and have detailed the following provisions within the development:

- high level insulation (140mm solid wall insulation, 150mm floor insulation on suspended concrete beams and 500mm mineral wool quilt in the loft space)
- argon filled double glazing
- meeting the requirements for air tightness
- at least two heating circuits (e.g. ground floor and first floor) on all houses to allow separate programming of each circuit
- thermostatic radiator valves on all allowable radiator
- flow control of hot water to minimise use of heating for domestic hot water and reducing water consumption
- all heating and domestic hot water to the open market housing supplied by individual air source heat pumps (ASHP) provided prior to completion of each home.

It is also considered that water butts could be utilised at every property, as suggested by Biggin-by-Hulland Parish Council.

7.37 The last statement made by the applicant with regard to ASHP has raised concerns with Officers as to why these would only be provided to open market housing and could not be provided to the affordable housing. The applicant has advised that he has had previous issues with use of ASHP in affordable housing, with users not operating the equipment correctly and, therefore, presenting issues for the Housing Associations. He states that he has previously been advised not to include ASHP in future developments by one Housing Association. Currently, the applicant does not have a Housing Association identified for the development and, therefore, did not wish to commit to the use of ASHP for the affordable housing at this stage. It is advised that, in their experience, and in order to comply with Building Regulations, there will inevitably be an element of renewable technologies and the applicant considers that the orientation of the affordable properties would lend itself toward solar PV on the roof. To this end, the applicant is not adverse to using renewable technologies on the affordable housing, only to the commitment of ASHP's.

7.38 The applicant is prepared to have a condition on any approval of the reserved matters that they provide details of the proposed renewable technologies to be used on both the private and affordable housing. However, as no specific condition was included on the outline planning permission to cover climate change, and as this is not a matter that can be reasonably addressed through a condition on any reserved matters application, the measures proposed above by the applicant are considered acceptable. Nevertheless, it is considered reasonable to attach a footnote to any approval of the reserved matters, requesting the applicant engage with the Housing Association with regard to making such provision as appropriate to seek to mitigate the impact of that element of the development on climate change.

7.39 With regard to sustainability, it is proposed to provide a footpath link from the site currently under development to the north of Biggin View, which will link it and the application site to the playing fields and open countryside to the north. This will also enable a footpath link from the application site to facilities, such as the village hall and church, to the south and west, in accordance with the aims of providing green infrastructure in accordance with Policy PD4 of the Adopted Local Plan (2017). A condition will be required that this footpath link is put into place no later than the 30<sup>th</sup> dwellinghouse commencing construction.

## Conclusion

7.40 The principle of development has been approved and cannot be revisited. It is considered that the extent of development, whilst lower in the number of units approved, is nevertheless appropriate to ensure a satisfactory level, layout and appearance to the development which

is not cramped and, in this respect, is considered a reasonable interface between the edge of the settlement and the open countryside.

7.41 The original submitted proposal has been amended to seek to address concerns raised by the neighbouring residents with regard to the size and nature of the dwellings in order to ensure that there is no significant loss to the amenity. Obviously, the development will create a change in the environment currently enjoyed but the site has been approved and allocated for development and therefore a balance needs to be struck in terms allowing a viable development, making best use of the land available, whilst having full regard to the neighbouring residents. With this in mind, Officers consider that the amended proposals have now struck the right balance.

## 8.0 RECOMMENDATION

That the reserved matters be granted subject to the following conditions:

1. The reserved matters hereby approved shall be carried out in accordance with the following documents:

- Amended Drawing Nos. 300, 301, 304 Rev. P-03, 305 Rev. P-02, 306 Rev. P-02, 307 Rev. P-02, 309 Rev. P-01, 310 Rev. P-01, 311 Rev. P-01, 312, 314 and 315 received on 6<sup>th</sup> February 2020
- Amended Drawing No. 308 Rev. P-04 received on 7<sup>th</sup> February 2020
- Amended Drawings 302 Rev. P-04 and 316 P02 received on 2<sup>nd</sup> July 2020
- Engineering Drawings E602-90 and 91 received on 2<sup>nd</sup> July 2020
- Drainage Area Plan, Surface Water Run-off Calculations and Drainage Engineering Drawings SFA6B and 10A and E602-10, 20, 21, 28, 40, 70 received on 8<sup>th</sup> July 2020
- Large Vehicle Swept Path Analysis Drawing No. 2019/023/001/Rev B received on 24<sup>th</sup> July 2020

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

Reason:

To define the reserve matters for the avoidance of doubt.

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 meter 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. There shall be no additional underbuild of any dwelling beyond the levels detailed on Drawing No. E602-DAP, unless details are first submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be undertaken fully in accordance with the approved details.

Reason:

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

5. 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 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).

6. 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).

7. Before the development commences a Landscape and Ecological Enhancement Plan, shall be submitted to and approved in writing by Local Planning Authority that includes the following:

- a) locations and specifications for bat bricks and bird nest bricks/cups;
- b) locations and specifications for fencing to exclude retained hedgerows from gardens;
- c) hedgehog access gaps in any solid panel garden fencing; and
- d) locations and specifications for any other habitat/refuge features for other species groups (where relevant).

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

Reason:

To ensure the satisfactory appearance of the development and to safeguard and enhance the habitat for protected species to comply with Policies S1, S4, PD1, PD3, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

- 8. No development shall take place until full construction details of the residential estate roads and footways, including layout (generally in accordance with revised application drawing number 2019/023/001 Rev B), levels, gradients, surfacing and means of surface water drainage, have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety.

- 9. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason:

In the interests of the amenity of nearby residents and in the interest of highway safety to comply with S1 and S4 of the Adopted Derbyshire Dales Local Plan (2017).

- 10. Prior to the commencement of the development details shall be submitted to, and approved in writing by, the Local Planning Authority showing the means to prevent the discharge of water from the drives/accesses/shared drives onto the proposed adopted highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

Reason:

In the interests of highway safety.

- 11. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason:

In the interests of highway safety.

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

Reason:

To ensure the retention of adequate off road parking spaces, in the interests of highway safety, to comply with S1 and S4 of the Adopted Derbyshire Dales Local Plan (2017).

13. There shall be no gates or barriers within 5m of the highway boundary and any such gates shall open inwards only.

Reason:

In the interests of highway safety.

14. The proposed driveways shall be no steeper than 1:12 and shall be constructed of a solid bound material.

Reason:

In the interests of highway safety.

15. No part of the development served by a 'shared private drive' shall be occupied until details of arrangements for temporary storage of bins on collection days, located immediately adjacent to the proposed adopted highway, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Reason:

In the interests of highway safety.

16. No dwelling hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

In the interests of highway safety.

17. Prior to the erection of the 30<sup>th</sup> dwelling being commenced on the site, a footpath link shall be made to the footpaths between the neighbouring development site to the north, off Biggin View, and to the footpath and playing fields to the north east of the application site in accordance with details to be first approved in writing by the Local Planning Authority.

Reason:

In the interests of providing for interconnectivity of footpaths in the interests of promoting sustainable means of access to comply with Policies S1, S4 and PD4 of the Adopted Derbyshire Dales Local Plan (2017).

18. 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 carried out to 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).

## NOTES TO APPLICANT:

1. The following advisory notes are from the Local Highway Authority:
  - i. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
  - ii. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
  - iii. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
  - iv. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential

roads may be obtained from the Executive Director Economy, Transport and Environment at County Hall, Matlock (tel: 01629 538658).

- v. Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.
  - vi. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Executive Director Economy, Transport and Environment at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Streetworks Section).
  - vii. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
2. Derbyshire Fire and Rescue Service recommend installation of domestic sprinkler system or recommend a minimum 32mm water supply cable be provided for future installation of such.
  3. The applicant is requested to discuss with the Housing Association measures for addressing climate change as part of the affordable housing development.
  4. 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.
  5. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to the design and appearance of the proposed dwellings and their layout, concerns raised with respect to amenity, matters of surface and foul water drainage and to matters of interlinking with the development site off Biggin View with the playing fields to the northeast of the site.
  6. This decision notice relates to the following documents:

Design and Access Statement received on 12<sup>th</sup> February 2019

Amended Drawing Nos. 300, 301, 304 Rev. P-03, 305 Rev. P-02, 306 Rev. P-02, 307 Rev. P-02, 309 Rev. P-01, 310 Rev. P-01, 311 Rev. P-01, 312, 314 and 315 received on 6<sup>th</sup> February 2020

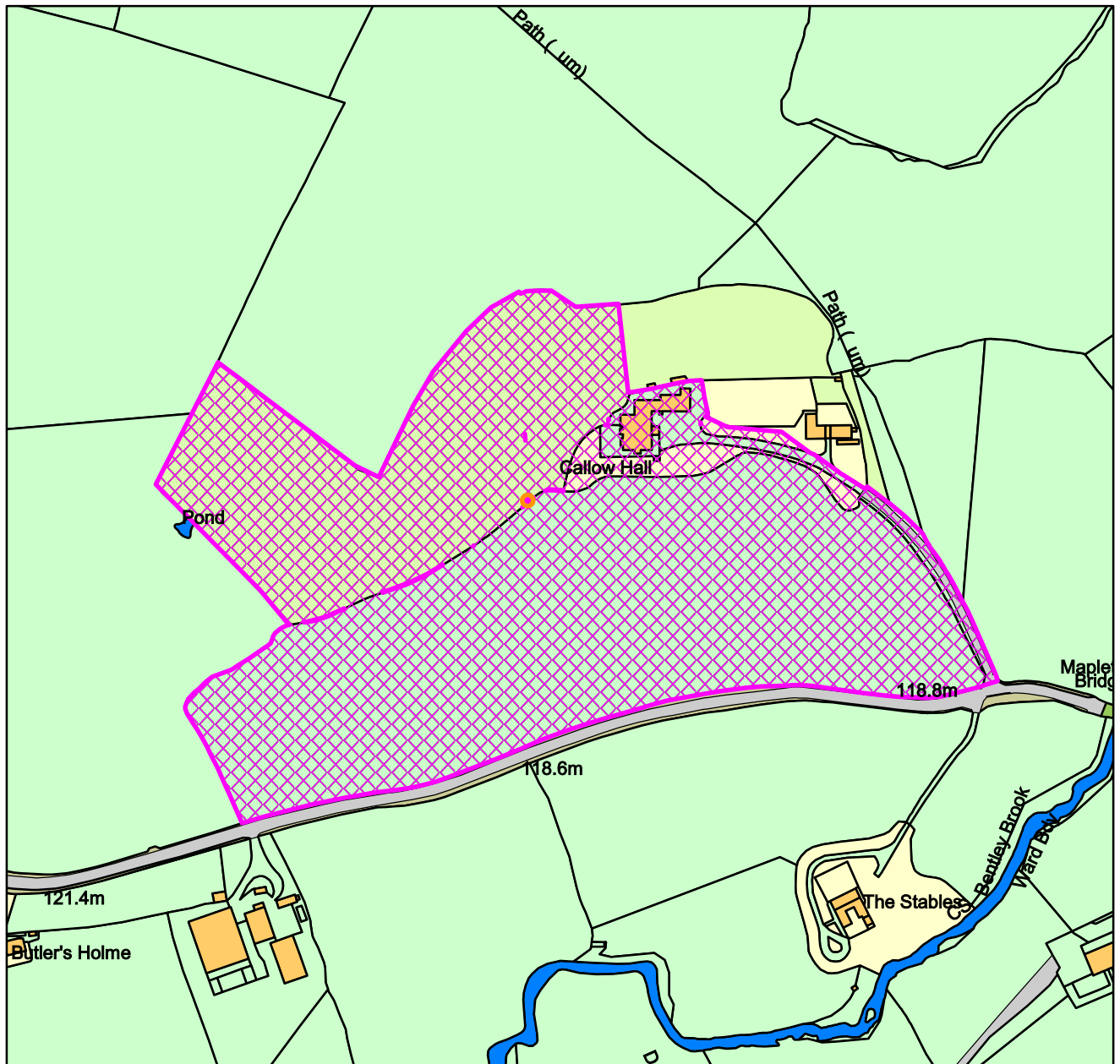
Amended Drawing No. 308 Rev.P-04 received on 7<sup>th</sup> February 2020

Amended Drawings 302 Rev.P-04 and 316 P02 received on 2<sup>nd</sup> July 202

- <sup>33</sup> Engineering Drawings E602-90 and 91 received on 2<sup>nd</sup> July 2020  
Drainage Area Plan, Surface Water Run-off Calculations and Drainage Engineering Drawings SFA6B and 10A and E602-10, 20, 21, 28, 40, 70 received on 8<sup>th</sup> July 2020  
Large Vehicle Swept Path Analysis Drawing No. 2019/023/001/Rev B received on 24<sup>th</sup> July 2020.

20/00104/FUL

Callow Hall Country House Hotel, Mapleton



Derbyshire Dales DC

1:3,500

Date: 25/08/2020

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](http://www.derbyshiredales.gov.uk)



## Planning Committee 8<sup>th</sup> September 2020

<b>APPLICATION NUMBER</b>		20/00104/FUL	
<b>SITE ADDRESS:</b>		Callow Hall Country House Hotel, Mapleton Road, Mapleton	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of 11 Woodland Cabins with associated creation of additional woodland area and supplementary planting	
<b>CASE OFFICER</b>	Andrew Stock	<b>APPLICANT</b>	The Hive (Callow Hall) Limited
<b>PARISH/TOWN</b>	Mapleton	<b>AGENT</b>	Planning and Design Practice Ltd
<b>WARD MEMBER(S)</b>	Cllr Richard FitzHerbert	<b>DETERMINATION TARGET</b>	6 <sup>th</sup> May 2020
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	n/a

### MATERIAL PLANNING ISSUES

- Principle of the development, having regard to its location and whether the proposed development would constitute sustainable growth of an existing tourism business;
- Impact on Ancient Woodland;
- Impact on ecology;
- Whether development have an adverse impact on the character and appearance of its surroundings, specifically the Grade II listed Hall and Conservation Area, and;

### RECOMMENDATION

Refusal.

## 1. THE SITE AND SURROUNDINGS

- 1.1 Callow Hall is located on a wooded hillside to the north west of Ashbourne in Mapleton Parish. Callow Hall, Mapleton is a grade II listed building (listed 1984), built as a small country house in 1848-52 and designed by Henry Stevens of Derby. The building is set within extensive formal gardens/terraces and has a wider agricultural setting. To the east of the house are the grade II listed stables (also by Stevens). The buildings, site and grounds form the Callow Hall Conservation Area (designated in 1981).
- 1.2 The application site relates specifically to the estates large area of woodland, known as Callow Wood. Callow Wood is identified as Ancient Woodland (ID: 24937 and 24938), specifically Ancient Semi-Natural Woodland (ASNW) & Plantations on Ancient Woodland Site (PAWS).
- 1.3 The woodland area is accessed via the existing vehicular access directly off Mapleton Road which also serves Callow Hall. The site is bounded by Callow Hall to the east and open agricultural land to the north, south and west. The application site falls within Flood Zone 1.



## 2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the erection of 11 no. woodland cabins and additional woodland planting, as illustrated on submitted revised plans date stamped 14<sup>th</sup> July 2020. The development would provide additional accommodation for Callow Hall County House Hotel.
- 2.2 The 11 no. timber framed woodland cabins would be raised on timber columns set within the existing woodland area to the western side of the estate. The cabins would be accessed by a series of paths and raised timber decked walkways which would following. The raised walkway will follow the existing path network. The woodland cabins would be truly independent of any trees as they would be supported on custom designed steel post anchors.

- 2.3 The accommodation will require electrical and servicing facilities which will be incorporated into the boardwalks or within the cell web ground protection build up. Surface water will drain directly to the ground surrounding the woodland cabins. Foul drainage will be constructed as part of a no-dig pathway build up across the site as set out on the drainage layout.
- 2.4 The cabins are of varying designs, comprising of square, rectangular and curved structures, in various configurations, with pitched and conical roofs. The materials are to be a mixture of Larch and Sweet Chestnut cladding, cedar shingles to roofs, flue pipes, black framed aluminium window/door frames and window/door glazing and timber decking and balustrading.
- 2.5 As part of the application it is proposed to include a series of enhancement measures which include; Management of Callow Hall Woodland, a proposal to plant 1 ha of new woodland immediately adjoining Callow Wood to the south, tree planting to create a wood-pasture type habitat, grassland enhancement, a new hedgerow in the east and planting and management changes, to the hedgerows to the south and west of Callow Hall.

### 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
  - PD2 Protecting Historic Environment
  - PD3 Biodiversity and the Natural Environment
  - PD5 Landscape Character
  - PD6 Trees, Hedgerows and Woodlands
  - PD7 Climate Change
  - PD8 Flood Risk Management and Water Quality
  - HC19 Accessibility and Transport
  - HC21 Car Parking Standards
  - EC1 New Employment Development
  - EC3 Existing Employment Land and Premises
  - EC8 Promoting Peak District Tourism and Culture
  - EC9 Holiday Chalets, Caravan and Campsite Developments
- 3.2 National Planning Policy Framework (2019)
- Chapter 2 Achieving sustainable development
  - Chapter 14 Meeting the challenge of climate change, flooding and coastal change
  - Chapter 16 Conserving and enhancing the historic environment
- 3.3 Other material planning considerations
- Natural England and Forestry Commission - Standing Advice on Ancient Woodland, Ancient Trees and Veteran Trees: Protecting them from development

### 4. RELEVANT PLANNING HISTORY

19/01400/LBALT	Erection of spa treatment room with attached Greenhouse	WITHDRAWN
19/01399/FUL	Erection of spa treatment room with attached greenhouse	GRANTED
19/00905/LBALT	Erection of garden room extension	GRANTED
19/00904/FUL	Erection of garden room extension to west elevation	GRANTED

19/00622/FUL	Erection of 11 no. holiday treehouses	WITHDRAWN
19/00527/LBALT	New rear extension and internal and external Alterations	GRANTED
19/00526/FUL	Erection of replacement single storey rear kitchen extension	GRANTED
19/00449/FUL	Creation of car park with associated landscaping	GRANTED
19/00286/LBALT	Internal and external alterations to stable/coach house block and demolition of potting shed	GRANTED
19/00285/FUL	Conversion of former stables/coach house building into 4 no. guest suites and replacement of potting shed with new spa building	GRANTED
11/00093/VCOND	Change of use and conversion of stable building to guest room accommodation and erection of detached spa building and associated car parking without compliance with Conditions 17, 19 and 20 of planning permission 10/00567/FUL	GRANTED
10/00568/LBALT	Alterations to listed building - Conversion of stable block to guest room accommodation	GRANTED
1189/1009	Alterations to listed building	GRANTED
0989/0846	Conversion and extension of stables / garages to two dwellings	GRANTED
1087/0699	Change of use to restaurant and guest house	GRANTED
0987/0642	Alterations to listed building	GRANTED

## 5. CONSULTATION RESPONSES

- 5.1 Peak & Northern Footpath Society  
No objection.
- 5.2 Derbyshire Dales Group of the Ramblers  
No objection.
- 5.3 Historic England  
No comments to make.
- 5.4 Development Control Archaeologist (Derbyshire County Council)  
No objection, subject to conditions.
- 5.5 Trees and Landscape Officer  
Initial response –

The proposed change of use and intensification of human activity, construction and presence of buildings and infrastructure within the ancient woodland will inevitably result in impact to the trees, the soils and the wildlife of the ancient woodland with associated impact on biodiversity. The proposed development is contrary to several policies of the

<sup>39</sup>DDDC Local Plan as above, which relate to protection of trees, woodlands, biodiversity, wildlife and landscape.

The proposed development would include some improved management of the ancient woodland. These proposals whilst welcome would not mitigate for the change in character and impact upon wildlife conservation / trees currently forming the ancient woodland. Rather than attempting to secure planning permission for development in the ancient woodland, I suggest that the owners engage with Derbyshire Wildlife Trust, Woodland Trust and a specialist ancient woodland management consultant to devise and execute a long term woodland management scheme to bring the ancient woodland into appropriate management. Development in the woodland is not necessary in order to execute the proposed improvements to the woodlands management.

The proposed creation of additional woodland area and supplementary planting could be undertaken in the absence of the proposed development. This is to be encouraged. From the above it is clear that compensatory measures for damage to ancient woodland should only be considered a last resort and this includes planting new trees in an effort to replace, or justify harm to, ancient woodland. The planting proposals should not be considered as adequate compensation for the potential harm that in my opinion would result to ancient woodland because the irreplaceable ancient woodland habitat cannot be re-created in this way.

Second response –

Whatever arguments are employed by the applicants to justify development within an ancient woodland, the fact remains that this is by definition protected irreplaceable habitat and the proposals would result in an intensification of human influence within it that is not directly associated with woodland management activities that benefit this habitats ecological value and biodiversity. The proposals are therefore unacceptable in my opinion.

In my opinion, the intensification of non-beneficial human influence in the woodland constitutes deterioration of a natural habitat that is subject to protection and so the proposed development is contrary to the guidance provided by the NPPF and so I must continue to object to the proposals.

The impact to the woodland by the proposals in my opinion would be significant. It is not possible to quantify or even accurately describe the impacts or their severity precisely. An ancient woodland is a complex and diverse ecological and biodiversity resource, far more so than just the trees growing there – the assemblage of insects, soil microbes, birds, mammals will have developed over hundreds of years to be inter-dependant and would undoubtedly be affected in many ways by the proposals that it is not possible to predict. However, what we can state with confidence is that construction of holiday homes and their occupation are not human activities typically found in traditionally managed ancient woodlands and so I consider the proposals to be detrimental to the quality of the ancient woodland.

In my opinion a complete absence of management of the ancient woodlands, whilst not desirable, would be preferable to development within them.

5.6 Local Highway Authority (Derbyshire County Council)  
No objection, subject to conditions.

5.7 Natural England  
No objection.

## 5.8 <sup>40</sup>Conservation Officer

Individually and cumulatively this is unlikely to preserve or enhance the character, appearance and significance of the Callow Hall Conservation Area & setting of the Hall. In that regard, there is a finding of harm, however, it is considered that that harm would not be deemed substantial.

## 5.9 Parish Council

Cllrs have concerns under nature conservation and highway safety issues. Will part of the hedge be removed to facilitate access by HGVs / large vehicles accessing the site by the access track. If this is the case Cllrs would like to see the hedges reinstated once the work is complete, preferably with stock of a similar age. Cllrs would like to see it clearly stipulated - should DDDC permit the application - that the access track across the field is removed and the field reinstated once work is completed. Cllrs have concerns about the route HGVs and other large vehicles, including low loaders delivering plant machinery to the site, may take. DCC Highways have realised that site developments often mean large vehicles using lanes which are unsuitable for them, with follow up remedial work then required to repair roads which comes out of DCC's budget. DCC are now working with villages to avoid this (a Highways Engineer from DCC met with Osmaston and Yeldersley PC to discuss plans to prevent Osmaston being used as a rat run during the upcoming roundabout works on the A52). It would be helpful if the applicant could set a route for HGVs etc. to come to Callow Hall e.g. via North Road and Mappleton Road, rather than Yerley Hill, Spend Lane, Okeover Park, Mappleton Road beyond Callow Hall (these are country lanes, with poor visibility in places and Spend Lane is used by a school bus and there are two cattle grids in Okeover Park). It may be necessary to apply temporary parking restrictions on Mappleton Road (Tunnel Hill) as cars park there during busy periods. Traffic visiting the site should also be made aware of the potential for cyclists on the lane due to the close proximity of the Tissington Trail Head, especially during school holiday periods.

Aside from these concerns Cllrs support the application and the potential jobs which will be created.

## 5.10 Woodland Trust

Initial response –

Ancient woodland is an irreplaceable habitat, once lost it is gone forever. Due to the site constraints of the application boundary, the Trust does not believe that an adequate buffer of at least 15 metres can be incorporated into the layout of the scheme to protect the woodland. Therefore the Woodland Trust objects to this proposal due to the direct loss of this irreplaceable habitat.

Second response –

The Trust would like to maintain a strong objection to the proposed development. We note with concern that the ecological advisors for this application within their letter to Derbyshire Wildlife Trust (Technical Briefing Note) argue that Natural England's Standing Advice - which has been produced by the statutory body for ancient woodland – should be disregarded as part of the determination of this application. The Standing Advice is a material planning consideration and therefore should be given its due weight.

The Standing Advice clearly states that you cannot take into consideration the condition of a woodland prior to the determination of a planning application. This clause has likely been included within the advice to ensure that previous poor management is not considered an excuse to cause damage to an irreplaceable habitat.

The Trust is also of the opinion that management of the woodland (whilst it is welcome), should not be used to compensate for the loss of the ancient woodland for development,

<sup>41</sup>and instead should be undertaken for the purposes of benefiting biodiversity. This is also in line with the Standing Advice and the NPPF 175c whereby compensation for ancient woodland lost should not be taken into consideration when determining the merits of an application.

The Trust note's the adviser's assertion that this application does not constitute direct loss, but the process of installation of the proposed lodges will result in the removal of ancient woodland soils – however minor. Direct loss aside, the impacts of the proposed change of use to holiday lodges will have a significant impact on the currently relatively undisturbed woodland, from the increase in noise, light and dust pollution during construction and operation, to trampling of sensitive ancient woodland flora and potential risks from litter and fire from recreational use.

To conclude, the National Planning Policy Framework's position on loss of ancient woodland and deterioration is clear, and this application cannot be considered by definition a 'wholly exceptional' development. The Woodland Trust will be maintaining a strong objection to the proposed application and recommends that the Council considers this development for refusal.

#### 5.11 Derbyshire Wildlife Trust Initial response –

We consider that the impacts on the ancient woodland will result in a net loss of biodiversity in the wood. The footprint of the proposed development in the wood is likely to be greater than just the immediate impact from the cabins. Based on the information provided in the ecology report and the Design and Access statement we have concluded that there is likely to be a loss of around 0.04 – 0.08 ha of woodland in terms of area (approx. 1.3 to 2.6% of the woodland) including the felling of 6 trees and clearance of small areas of underscrub and an impact on some field layer areas. There will be additional impacts resulting from path and drainage works. Improving that existing path network is likely to result in some widening of paths and this inevitably will impact on the vegetation at the edges of the paths.

The installation of drainage channels are also likely to disturb vegetation and woodland soils, but these impacts may be more short-term as vegetation should be able to recover once the work is completed.

In the longer term the character of the woodland will be changed as there will be an increased human presence in the wood. At the moment small numbers of people walk around parts of the wood on the footpaths. With 11 cabins that presence could increase to 20 or 30 people in the wood at any one time. Movement and noise can both impact on bird behaviour and although the extent of this may vary from species to species overall it seems likely that the bird community will be affected to some degree. [REDACTED]

Desktop information from DWT and DOS as well as casual observations have identified song thrush and dunnock, both of which are species of principal importance on Section 41 of the NERC Act 2006. Other bird species of conservation significance including other species of principal importance cannot be ruled out as no breeding bird assessment has been undertaken at the wood.

Whilst there may be potential to enhance the woodland through sympathetic management and enhancement this could equally be achieved through use of existing grant funding from, for example the Forestry Commission and is not therefore dependent on this development.

Second response –



Derbyshire Wildlife Trust welcomes the additional information provided and consider that this assists all parties in understanding the impacts of the development. The fundamental issues relate to whether there is harm to biodiversity and any loss or deterioration of ancient woodland. There is then the question of how any impacts can be assessed and interpreted in relation to the proposed package of enhancement measures.

Derbyshire Wildlife Trust still considers that the proposed development of 11 cabins within Callow Hall Wood represents a significant change for the woodland environment and that it will result in a loss and/or deterioration of part of the ancient woodland. In relation to the field layer this is a direct impact and, though, it has been better quantified in the latest survey report and shown to be relatively minor, it does still represent an impact. The long term impact of increased human activity in the wood is likely to put additional pressure on the flora and fauna through trampling, soil compaction, noise and movement. It is very difficult to control how people use a woodland once they have access to it.



Given the minor loss and/or deterioration as described above we consider that the LPA must still, weigh up the guidance within the NPPF and NE's Standing Advice on ancient woodland.

The Standing advice maintains that discussions over possible compensation should not form any part of the assessment to determine whether the exceptional benefits of the development proposal outweigh the loss. Equally the condition of the woodland should not be a factor in determining the merits of the proposal. Given that we still consider there to be a minor impact, the LPA must still weigh up this advice in relation to the application and cannot, as argued by Sylvan Consulting, afford it no weight.

## **6. REPRESENTATIONS RECEIVED**

6.1 A single letter of support has been received.

## **7. OFFICER APPRAISAL**

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

- principle of the development, having regard to its location and whether the proposed development would constitute sustainable growth of an existing tourism business;
- impact on Ancient Woodland;
- impact on ecology;
- whether development have an adverse impact on the character and appearance of its surroundings, specifically the Grade II listed Hall and Conservation Area, and;

***Principle<sup>43</sup> of the development, having regard to its location and whether the proposed development would constitute sustainable growth of an existing tourism business;***

- 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) supports applications for development in the countryside when it represents the sustainable growth of tourism and where the proposal would contribute to the ongoing operation of the existing business.
- 7.3 Policy EC1 of the Adopted Derbyshire Dales Local Plan (2017) provides support for proposals for new or expansion of existing business development in sustainable locations that contribute towards the creation and retention of jobs and employment opportunities.
- 7.4 Policy EC8 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with 'promoting Peak District tourism and Culture' supports new tourist provision and initiatives in towns and villages, and in the countryside through the reuse of existing buildings or as part of farm diversification, particularly where these would also benefit local communities and support the local economy.
- 7.5 Policy EC9 of the Adopted Derbyshire Dales Local Plan (2017) specifically relates to proposals for new holiday accommodation which considers the appropriateness of a site in terms of sustainability as well as other matters which will be explored later in the report. It states development will be permitted provided that the site is in a sustainable location within, or in close proximity to an existing settlement with good connections to the main highway network, and the public rights of way network and/or cycle ways, and is either served by public transport or within a safe attractive ten minute walk of regular public transport services.
- 7.6 Callow Hall Country House is a well-established country house hotel which currently offers 16 bedrooms, a restaurant and wedding venue. The Local Planning Authority has worked with the current applicants on a number of planning applications as referenced within the 'Relevant Planning History' section of this report. Developments include the conversion of former stables/coach house building into 4 no. guest suites, erection of a new spa building, a garden room extension, reconfiguration of carpark area and various internal alterations of Callow Hall itself.
- 7.7 Therefore, having regard to the established hotel use (C1) at Callow Hall, it is considered that further expansion of the serviced accommodation, which would support and enhance the existing serviced accommodation at Callow Hall, in this rural location, is acceptable, in principle.
- 7.8 However, whilst the proposed development may be regarded as acceptable tourism development in the countryside, in principle, there are a number of environmental issues in respect of the impact on the historic and natural environment which require detailed consideration to ensure that such a proposal represents sustainable development.

***Impact on Ancient Woodland***

- 7.9 The application site relates specifically to the estate's large area of woodland, known as Callow Wood. Callow Wood is identified as Ancient Woodland (ID: 24937 and 24938), specifically Ancient Semi-Natural Woodland (ASNW) & Plantations on Ancient Woodland Site (PAWS).
- 7.10 The National Planning Policy Framework (2019) states under Paragraph 175a that, "*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a*

<sup>44</sup>*last resort, compensated for, then planning permission should be refused” and under part 175c, “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”.*

- 7.11 National Planning Policy Frameworks position on loss of ancient woodland and deterioration is clear, it provides explanation of what is meant by ‘wholly exceptional reasons’ such as infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat, and this application cannot be considered by definition a ‘wholly exceptional’ development.
- 7.12 Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) would apply which sets out that the District Council will seek to protect, manage and where possible enhance the biodiversity and geological resources of the Plan Area and its surroundings by ensuring that development proposals will not result in harm to biodiversity or geodiversity interests by taking account of the hierarchy of protected species, such as locally important sites including Ancient Woodlands. Furthermore Policy PD3 states development will not be permitted where proposals would directly or indirectly result in significant harm to biodiversity interests unless it can be demonstrated that; there are no alternative sites; all statutory and regulatory requirements relating to the proposals have been met; and appropriate conservation and mitigation measures are provided, ensuring that there is no net loss to biodiversity; or that the need for development is demonstrated to clearly outweigh the need to safeguard the intrinsic nature conservation value of the site.
- 7.13 Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017) states development should seek where appropriate to enhance and expand the Districts tree and woodland resources, with planning permission refused for development resulting in the loss or deterioration of ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of the development in that location clearly outweigh the loss.
- 7.14 The application is accompanied by a breadth of detailed information and assessments provided by the applicant’s consultants which include Ecological Survey Report, Stage One Arboricultural Report, Stage Two Arboricultural Report (inc method statement), Environmental Enhancement Plan, Technical Briefing Notes and associated construction methodologies. As part of the application it is proposed to include a series of enhancement measures which include; Management of Callow Hall Woodland, a proposal to plant 1 ha of new woodland immediately adjoining Callow Wood to the south, tree planting (unspecified number and type) to create a wood-pasture type habitat, grassland enhancement (to establish more species rich grassland) and a new hedgerow in the east and Planting, and management changes, to the hedgerows to the south and west of Callow Hall
- 7.15 The Local Planning Authority have consulted with the Councils Trees and Landscape Officer, Derbyshire Wildlife Trust and the Woodland Trust on these specialist matters.
- 7.16 The applicants’ consultant does not consider that there will be significant harm to biodiversity or that there will be a loss of ancient semi-natural woodland. In short they conclude that due to the absence of loss of ancient woodland, the woodland’s existing poor condition, the minor adverse impact of the proposals and the substantial enhancement package, the net effect is no worse than neutral, but conclude would have significant net benefit. Therefore Paragraph 175c of the NPPF is not engaged and the proposals are policy-compliant. In relation to deterioration of ancient woodland it is asserted that the measures proposed to mitigate, compensate and enhance biodiversity should be considered together with any deterioration that might occur in the ancient woodland.

- 7.17 Derbyshire Wildlife Trust (DWT) estimates the footprint of the cabins to be 0.04 ha but recognise, however, that some of this area is bare ground. The additional work on the botanical ancient woodland indicators has helped DWT to understand the nature of the impact on these plants and the results identify loss of dog's mercury, bluebell and wood forget-me-not (in terms of ancient woodland indicators). Furthermore, it is commented that the proposed access road required for construction is also likely to result in an impact on the field layer. The field (or ground flora) flora is a recognised part of any woodland and contributes to the character and ecological value of the woodland habitat. A reduction in this element of the wood can be considered as either a loss of woodland structure or a deterioration in the field layer element of the wood.
- 7.18 DWT acknowledged that the loss of the trees within the wood is unlikely to be significant, and in terms of effect, is no different to the kind of operations that might take place in a woodland managed for forestry and/or biodiversity purposes. Trees and shrubs are routinely felled, coppiced and pollarded in woodlands. However, the loss of these trees is a result of a development not woodland management so in that sense it is still relevant to the overall considerations of impact. Other potential impacts that could result in loss or deterioration include human disturbance especially noise, presence of dogs and humans, light, soil compaction, trampling and possible pollution. The impact of these has not been quantified by the assessments submitted.
- 7.19 The applicants' consultants assert that deterioration should be measured against the baseline condition of the woodland which in this case is stated as being fairly poor. However, Natural England and the Forestry Commission Standing Advice states that *'where a proposal involves the loss of ancient woodland, you should not take account of the existing condition of the ancient woodland when you assess the merits of the development proposal. Its existing condition is not a reason to give permission for development'*.
- 7.20 The Standing Advice states that *'a woodland in poor condition can be improved with good management and development proposals should enhance the condition of existing ancient woodland, where appropriate. Where a proposal involves the loss of ancient woodland, you should not take account of the existing condition of the ancient woodland when you assess the merits of the development proposal. Its existing condition is not a reason to give permission for development'*. The Woodland Trust further reiterates the Standing Advice clarifying that the Local Planning Authority should not take into consideration the condition of a woodland prior to the determination of a planning application.
- 7.21 The Derbyshire Wildlife Trust conclude the proposed development of 11 no. cabins within Callow Hall Wood represents a significant change for the woodland environment and that it will result in a loss and/or deterioration of part of the ancient woodland. In relation to the field layer this is a direct impact and, though, it has been better quantified in the latest survey report and shown to be relatively minor, it does still represent an impact. The long term impact of increased human activity in the wood is likely to put additional pressure on the flora and fauna through trampling, soil compaction, noise and movement.
- 7.22 The management of the woodland is welcomed by DWT but advises that this should not be used to compensate for the loss of the ancient woodland for development, and instead should be undertaken for the purposes of benefiting biodiversity. Whilst the applicant has made a case for there being no loss and/or deterioration of ancient woodland this is based on an assertion that the Standing Advice in relation to the condition of the woodland is irrational and should be afforded no weight.
- 7.23 It is recognised that in relation to ancient woodland, ancient trees and veteran trees are irreplaceable and consequently loss and/or deterioration of ancient woodland through the

<sup>46</sup> development process and the introduction of intensified human activity in this sensitive ancient woodland would have to be considered a negative in the overall planning balance. The Local Planning Authority does not believe that there are any wholly exceptional reasons to justify the loss or deterioration of the ancient woodland associated with the development of 11 no. woodland cabins within Callow Wood.

### ***Impact on ecology***

7.24 Turning to the impact of the development on the local environment and, in particular protected species it is acknowledged that the woodland meets the definition for the UK BAP priority habitat type Lowland Mixed Deciduous Woodland and is therefore a habitat of principal importance listed in Section 41 of the NERC Act 2006.

7.25 DWT is concerned that the development is likely to increase the levels of noise and movements with consequent disturbance to birds and other wildlife. The application is accompanied by an Ecological Survey Report and subsequent updated ecological assessment following DWTs initial consultation response, dated 3<sup>rd</sup> April 2020 which raised a number of concerns relating to the lack of assessment of the site with regard to protected species. It noted that a series of biodiversity enhancements and mitigation measures have been included as part of the application which aims to minimise potential impacts on protected species that could be affected within the woodland. Measures include a proposal to mitigate for impacts from dogs by ensuring dogs are kept on leads and funding for ancient woodland management, preferentially directed to improving the condition and biodiversity of Mapleton Road Wood (which is area of new woodland proposed to the south of the existing ancient wood).

7.26 With regard to birds, DWT conclude that the submitted assessment of breeding birds in the wood has been undertaken in accordance with best practice and provides a reliable assessment of the bird community and they generally agree with the assessment in so far as rarer or more sensitive bird species appear to be absent from the wood and to that extent the potential impact is low. However, the more bird community that is present will still be subject to the increased human activity in the wood which may reduce the attractiveness of some areas for breeding birds. It is accepted that most of these birds are relatively common and widespread, but it is nonetheless a minor impact. Whether this would result in an impact at the bird community level over the entire woodland DWT conclude that it is difficult to judge.

7.27



7.28



***Whether development have an adverse impact on the character and appearance of its surroundings, specifically the Grade II listed Hall and Conservation Area***

- 7.29 Chapter 16 of the National Planning Policy Framework (2019) advises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 7.30 Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) seek to ensure that new development protects and where possible, enhances the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment.
- 7.31 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, development on the edge of settlements to enhance and/or restore landscape character, contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.32 Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) deals with protecting the historic environment which states the District Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.
- 7.33 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.
- 7.34 The application is accompanied by a Landscape and Visual Impact Appraisal and Heritage Impact Statement which provides some appraisal of the land and how the proposal would sit within its immediate context.
- 7.35 Concerns have been expressed by the Councils Conservation Officer with regard to the originally submitted woodlands cabins being square and rectangular boxes which have strong architectural, in-organic shapes. Further concerns relate to the distance of cabins to Callow Hall and the southern aspect of the woodland. Following discussions with the applicants a partial revised design of the cabins and layout was submitted for consideration.
- 7.36 It is acknowledged that there have been some significant improvements to the overall scheme from a design perspective, specifically cabins 8, 9 and 10 which include conical roofs, a reduction on the size of the larger cabins and introduction of curved decking to all cabins. The scheme now presents as hybrid of organic structures in the most visible locations on the outer edge of the site against the existing square and rectangular boxes contained within the inner core of the woodland. It is further noted that the designs of the structures have been simplified and incorporates fewer openings.
- 7.37 With regard to the layout of the development there have been some improvements to the scheme including repositioning of the larger cabins to rear of the woodland and the smaller cabins brought to the outer edges of the woodland. The relocation of the larger cabins away from the Hall is an improvement.
- 7.38 The 1990 Act 9 (part 16(2)) directs a local planning authority, when it is considering whether to grant listed building consent (and part 66(1)) regarding planning permission),

<sup>48</sup>to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 7.39 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 directs that *special attention shall be paid to the desirability of preserving or enhancing the character and appearance of an Area*. This relates to an assessment and consideration of the potential harm to the significance of a Conservation Area and is the starting point for the determination of applications that will have an impact upon the character and appearance of a Conservation Area.
- 7.40 The above assessment and commentary, on the proposed development, represents the special regard to which the local planning authority has given to the proposal and the setting in which it sits. The area has high value as an area of undisturbed ancient woodland within the immediate context of Callow Hall and the wider countryside setting. Its connection with the landscape is considered to be of significance to the Conservation Area.
- 7.41 Whilst there have been some noticeable improvements to the overall development, reducing its impact on the setting of Callow Hall, the proposed change of use and intensification of human activity, construction and presence of buildings and infrastructure within the ancient woodland will inevitably result in change to the woodland character and its appearance.
- 7.42 The Council's Conservation Officer comments that the architectural geometry and form of the non-conical roofed cabins is such that they will always appear at odds and out of context with the existing organic topography. The woodland cabins would be particularly visible in the southern part of the wood, when viewed from Mapleton Road. The extent of glazing has been reduced however there are still concerns with the potential for sunlight glare/reflection and for artificial light spillage during the evenings and winter months. The submitted Heritage Impact Assessment states that the reduction in glazing '*would curtail any resultant sunlight glare and light spill at night*'. Whilst there has been some reduction in the extent of glazing it is considered too strong a statement, and no convincing evidence, to say that that reduction would curtail any resultant sunlight glare and light spill at night.
- 7.43 Individually through visibility and cumulatively through their presence in this currently undeveloped ancient woodland the proposed cabins and infrastructure are not considered to either preserve or enhance the character, appearance and significance of the Callow Hall Conservation Area. The Council's Conservation Officer has concluded that the harm would not be deemed substantial. As the woodland is a key element of the setting of Callow Hall this identified harm to the woodland also serves to harm the setting of this heritage asset.
- 7.44 Whilst, in the overall assessment of the development, that harm would not be deemed to be substantial. The National Planning Policy Framework directs that where a development proposal will lead to less than substantial harm that harm should be weighed against the public benefits of the proposal.
- 7.45 The accompanying supporting planning statement sets out Callow Hall's master plan to ensure its long term future as a hotel. It is acknowledged that the woodland cabins would provide additional serviced accommodation. The application is submitted with an Economic Footprint Report prepared by the applicants' consultants. The report provides in-depth assessment of the hotels existing and future projections from an economic perspective, with particular attention given to the applicants' future aspirations of the business which includes the conversion of the former stable block, a garden room extension and further serviced accommodation within the ancient woodland, which is the subject of this application. The report concludes that the woodland cabins are vital to the future



<sup>49</sup>health of the hotel business allowing for diversification into other market areas with the creation of a potentially unique selling point in the form of woodland cabins and the requirement of additional bed space.

- 7.46 It is acknowledged that there are identified economic and social benefits, associated with the woodland cabin development at Callow Hall as it would support the long term sustainability and viability of the hotel business through the increase in overall serviced accommodation at Callow Hall and the creation of jobs within the locality. However, this is not a listed building at risk which needs immediate investment to secure its future and other models to ensure the ongoing success of this business may be feasible.

### **Other matters**

- 7.47 The woodland cabins would be served via the existing vehicular access directly off Mapleton Road which also serves Callow Hall. The Local Highway Authority comment that whilst there is restricted visibility to the right when existing onto Mapleton Lane due to the alignment of the road, the boundary hedge and location of the sign, as the adjacent lane is within the control of the applicant the required sightlines (120m) are achievable and conclude that the existing access considered to be acceptable to serve this proposal, subject to conditions.
- 7.48 Given the isolated location of the site, significantly detached from any neighbouring residential properties it is considered that the proposed development is compatible with neighbouring land uses and would not result in a significant loss of privacy or amenity for the occupants of neighbouring properties. The comments by the Parish Council are noted with regard to increase vehicular movements to and from the application site, however it is considered that the increase of only 11 no. woodlands cabins would not significantly increase the traffic generation having regard to the existing accommodation on site. As such, the proposal is considered not to result in any significant inconvenience to existing highway users with the immediate area as a result of the modest expansion.
- 7.49 The woodland cabins are not considered to have any significant archaeological impact, however the Development Control Archaeologist comments that the proposed contractors compound is located in an area covered by Derbyshire HER entry MDR14282 which relates to a surviving post-mediaeval narrow ridge and furrow earth works. No objection has been raised, subject to condition which requires the submission of a Written Scheme of Investigation for archaeological monitoring to ensure a proper recoding of the works.
- 7.50 The application falls within Flood Zone 1 - *land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%)*. The application is accompanied by a Statement on Flood Risk prepared by the applicants' consultants which concludes that the proposed development would not increase the risk of flooding. Given the nature and scale of the development being elevated woodland cabins with an estimated total footprint of just 0.04 ha, with the majority of this area being bare ground, the Local Planning Authority agrees that the proposal is compatible development within Flood Zone 1.

### **Conclusion**

- 7.51 The Local Planning Authority has considered the case put forward by the applicants with regard to development and weighed it against the Adopted Derbyshire Dales Local Plan (2017) policies, the National Planning Policy Framework (2019) and the Natural England and Forestry Commission Standing Advice on Ancient Woodland.
- 7.52 The application does propose some social, economic and environmental benefits through the creation of employment opportunities, increase serviced accommodation to tourists and visitors in the town which would have positive impact upon the visitor economy

<sup>50</sup>within Ashbourne. A series of environmental enhancement measures including management of the ancient woodland, the planting of a new wood and ecological enhancement of the woodland meadow are also proposed which need to be weighed in the planning balance. However, there are clear conflicts with plan policy which have been highlighted by Derbyshire Wildlife Trust, the Woodland Trust and the Councils Conservation Officer and the Councils Trees and Landscapes Officer.

- 7.53 Whilst a series of enhancement measures which may mitigate the ecological impacts have been put forward by the applicants and it is accepted that the economic benefits may be substantial helping to underpin this rural business and the employment that it supports the proposed development would represent a significant change for the woodland environment and that it will result in a minor loss and/or deterioration of part of the Ancient Woodland.
- 7.54 The Standing Advice maintains that discussions over possible compensation should not form any part of the assessment to determine whether the exceptional benefits of the development proposal outweigh the loss. The National Planning Policy Frameworks position on loss of ancient woodland and deterioration is clear, it provides explanation of what is meant by 'wholly exceptional reasons' such as infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat, and this application cannot be considered by definition a 'wholly exceptional' development.
- 7.55 The Local Planning Authority does not believe that there are any wholly exceptional reasons to justify the loss or deterioration of the ancient woodland associated with the development of 11 no. woodland cabins and its associated infrastructure within Callow Wood.
- 7.56 When all of the above matters are weighed in the balance and having due regard to all the elements of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework it is considered the harm caused to the Ancient Woodland, the character and appearance of Callow Hall Conservation Area and the setting of Callow Hall weigh heavily against the development and would outweigh the economic and social benefits and the wider ecological enhancements proposed that would be derived from the erection of a 11 no. woodland cabins.
- 7.57 Taking the above into consideration the application does not satisfies the relevant provisions of the Adopted Derbyshire Dales Local Plan (2017), the aims of the National Planning Policy Framework or the Natural England and Forestry Commission Standing Advice on Ancient Woodland.
- 7.58 Accordingly the application is recommended for refusal on this basis.

## **8. RECOMMENDATION**

That planning permission be refused for the following reason(s):

1. The proposed development of 11 woodland cabins, associated infrastructure and the resulting intensified human use of the ancient woodland, will result in disturbance to its wildlife and ecology leading to the deterioration of the current qualities of this irreplaceable habitat, contrary to Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) and Paragraph 175 (c) of the National Planning Policy Framework (2019).
2. The proposed development will introduce woodland cabins, associated infrastructure and intensify human activity into Callow Wood. This unspoilt ancient woodland is a key components of Callow Hall Conservation Area and forms part of the setting of the listed Callow Hall. The change to the character of the woodland in combination with the

<sup>51</sup>Introduction of built development which would result in detrimental impact to the character and appearance of Callow Hall Conservation Area and harm the setting of Callow Hall. The less than substantial harm to these designated heritage assets would not be outweighed by the economic and social benefit in this case, contrary to Policies S4, PD1, PD2, PD3, PD5, EC8 and EC9 of the Adopted Derbyshire Dales Local Plan (2017) and the guidance contained within the National Planning Policy Framework (2019).

## **NOTES TO APPLICANT:**

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

2. This decision notice relates to the following documents:

Submitted plans date stamped 14<sup>th</sup> July 2020;

Site Plan, ref 005

Site Plan Part I, ref 060

Site Plan Part II, ref 061

Tree House Type 1 – Elevation 1, ref 1-201

Tree House Type 1 – Elevation 2, ref 1-202

Tree House Type 1 – Elevation 3, ref 1-203

Tree House Type 1 – Elevation 4, ref 1-204

Tree House Type 1 – Roof Plan, ref 1-105

Tree House Type 1 – Ground Floor Plan, ref 1-101

Tree House Type 1 – Mezzanine Floor Plan, ref 1-102

Tree House Type 2 – Elevation 1, ref 2-201

Tree House Type 2 – Elevation 2, ref 2-202

Tree House Type 2 – Elevation 3, ref 2-203

Tree House Type 2 – Elevation 4, ref 2-204

Tree House Type 2 – Roof Plan, ref 2-105

Tree House Type 2 – Ground Floor Plan, ref 2-101

Tree House Type 3 – Elevation 1, ref 3-201

Tree House Type 3 – Elevation 2, ref 3-202

Tree House Type 3 – Elevation 3, ref 3-203

Tree House Type 3 – Elevation 4, ref 3-204

Tree House Type 3 – Roof Plan, ref 3-105

Tree House Type 3 – Ground Floor Plan, ref 3-101

Tree House Type 3 – Mezzanine Floor Plan, ref 3-102

Tree House Type 4 – Elevation 1, ref 4-201

Tree House Type 4 – Elevation 2, ref 4-202

Tree House Type 4 – Elevation 3, ref 4-203

Tree House Type 4 – Elevation 4, ref 4-204

Tree House Type 4 – Roof Plan, ref 4-105

Tree House Type 4 – Ground Floor Plan, ref 4-101

Tree House Type 4 – Mezzanine Floor Plan, ref 4-102

Tree House Type 5 – Elevation 1, ref 5-201

Tree House Type 5 – Elevation 2, ref 5-202

Tree House Type 5 – Elevation 3, ref 5-203

Tree House Type 5 – Elevation 4, ref 5-204

Tree House Type 5 – Roof Plan, ref 5-105

Tree House Type 5 – Ground Floor Plan, ref 5-101

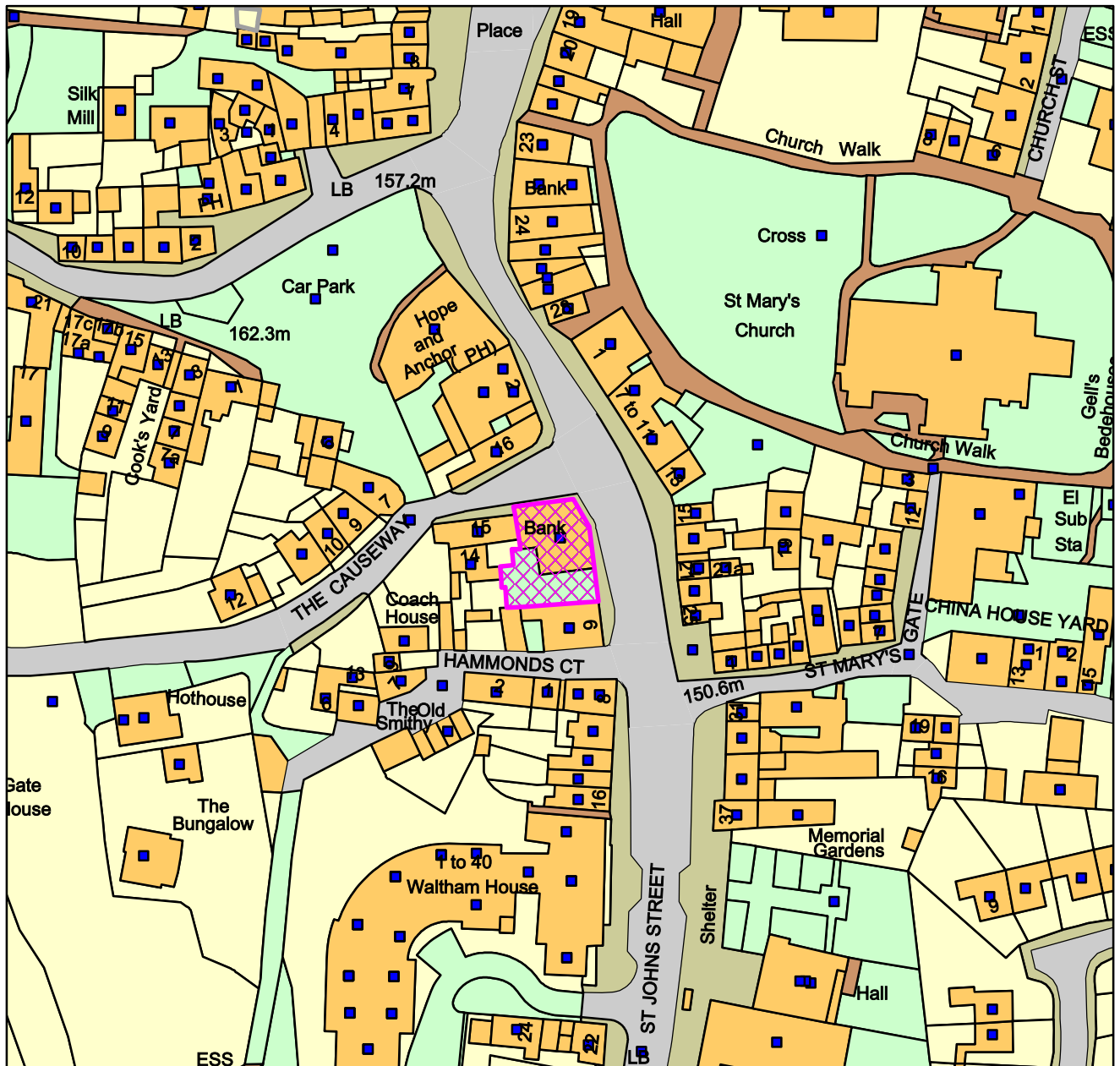
Submitted plans date stamped 5<sup>th</sup> February 2020;

Planning Statement prepared

Design<sup>52</sup> & Access Statement  
Construction Method Statement  
Guest Management Plan  
Economic Footprint Report  
Heritage Impact Assessment  
Statement of Significance  
Landscape & Visual Impact Appraisal  
Statement on Flood Risk  
Ecological Survey Report  
Supplementary Ecology Report  
Technical Briefing Notes  
Draft Environmental Enhancement Plan  
Stage One Arboricultural Impact Assessment  
Stage Two Arboricultural Impact Assessment (inc method statement)  
Typical Track Service Details, ref 652  
Typical Boardwalk Details, ref 651  
Construction Site Plan, ref 095  
Drainage Layout Sheet 1 of 1, ref A6196-1501      Rev P2  
Drainage Layout Sheet 1 of 2, ref A6196-1500 Rev P2

20/00255/FUL

4 St. John Street, Wirksworth



Derbyshire Dales DC

1:1,250

Date: 09/07/2020

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

<b>APPLICATION NUMBER</b>		20/00255/FUL	
<b>SITE ADDRESS:</b>		4 St John Street, Wirksworth	
<b>DESCRIPTION OF DEVELOPMENT</b>		Change of use and conversion from former bank (Use Class A2) to 8 no. apartments with a new rear extension	
<b>CASE OFFICER</b>	Sarah Arbon	<b>APPLICANT</b>	Mr Milner
<b>PARISH/TOWN</b>	Wirksworth	<b>AGENT</b>	Mr I Catherall
<b>WARD MEMBER(S)</b>	Cllr P Slack Cllr M Ratcliffe Cllr E McDonagh	<b>DETERMINATION TARGET</b>	6 <sup>th</sup> May 2020
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Level of representation	<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>– Loss of Existing Community Facilities</li> <li>– Residential Amenity</li> <li>– Impact Upon Heritage Assets</li> <li>– Highway Safety</li> </ul>

<b>RECOMMENDATION</b>
Approval

## 1.0 THE SITE AND SURROUNDINGS

- 1.1 The premises is a Grade II Listed Building within Wirksworth Conservation Area, occupying a prominent site on the main route through the centre. The site lies within the settlement boundary of Wirksworth.
- 1.2 The former bank premises was designated on the statutory list in January 1973 and the list entry describes the building as follows:  
*“Mid C19. Stucco. The main block is of 3 storeys with a 2-storeyed 1 window wing on the left-hand side; 3 sash windows, plus 1 blocked to splayed return on right-hand side, all in moulded architraves; doorway on splayed return has moulded architrave with segmental head and fanlight; bold moulded eaves; part tiles and part slate. 4- windowed returned side to The Causeway. Premises occupied by Lloyd’s Bank, Nos 6 to 14 (even) and Wirksworth Maternity Home form a group.”*
- 1.3 The current building dates from c.1780 and was formerly the townhouse of the Beresford family of Fenny Bentley. It became a bank in the later 18<sup>th</sup> century owned by a John Toplis. In the early 19<sup>th</sup> century the bank ownership had a connection with Richard Arkwright Jnr. With its history and interest it is both an important & significant building in local banking and former townhouse in the centre of Wirksworth. The long history of the ground floor being used as a banking operation ceased in September 2017. The upper two floors of the building were converted into flats, probably in the 1970s/80s and are now vacant.
- 1.4 There is a car parking area to the south of the building accessed through an archway and enclosed by the Grade II Listed 9 St John Street to the south which is a Solicitors office. Both 15 and 15A The Causeway are Grade II Listed. A 2.6m high wall encloses the rear courtyard of 15A The Causeway to the north west and a 3m high outbuilding and garden wall bounds the car park to the west. The rear elevations of 15 A and 15 The Causeway are to the north west and have main room windows overlooking at small courtyard and the main access to 15 A is via a gennel adjacent to the side walls of 4 St John Street and 15 The Causeway. The rear garden area of 15A is over the wall to the west.

## 2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for a change of use of this former bank to eight apartments. The proposal is to convert the ground floor into two apartments and a self-contained two-storey dwelling. A two-storey extension is proposed for the southern (courtyard) elevation. The first floor is to be converted into three apartments and the second floor into two apartments. As part of the conversion a new communal staircase serving all of the apartments is to be formed in the centre of the building. Four 1 bedroom, three 2-bedroom apartments and one 1-bedroom two storey dwelling are proposed. The existing strong room would be demolished as part of the proposal. Bin and cycle storage is proposed adjacent to the existing 3m wall to the west.
- 2.2 The applicant has submitted a daylight and shading survey following the criteria of the document ‘Site Layout Planning for Daylight and Sunlight’ published by the British Research Establishment 2011. A daylighting 25 and 45 degree rule diagram and daylight indicator overlay within this guidance has also been submitted.

## 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)  
 S2: Settlement Hierarchy

- 56 S3: Development within Defined Settlement Boundaries  
 PD1: Design and Place Making  
 PD2: Protecting the Historic Environment  
 HC15: Community Facilities and Services  
 HC19: Accessibility and Transport  
 EC6: Town and Local Centres

2. Wirksworth Neighbourhood Plan (2015)

Policy NP1: Setting and shape of the settlement  
 Policy NP2: Quality and character of development within the settlement  
 Policy NP4: Size of new homes and space standards  
 Policy NP5: Principal Residence Homes  
 Policy NP6: Quality of residential development

3. National Planning Policy Framework  
 National Planning Practice Guidance

#### 4.0 RELEVANT PLANNING HISTORY:

17/00723/LBALT	Removal of ATM and external signage	PERC	11/09/2017
18/01412/FUL	Conversion from mixed use bank (A2 Use) and residential to 1 no. dwelling house, 5 no. self-contained flats and mixed retail (A1) financial and professional services (A2) Use on ground floor	WDN	11/02/2019
18/01413/LBALT	Internal and external alterations	WDN	11/02/2019
13/00558/ADV	Display of 2 no. non-illuminated fascia signs and 2 no. non-illuminated hanging signs	PERC	27/09/2013
13/00560/LBALT	Alterations to listed building - Display of 2 no. non-illuminated fascia signs, 2 no. non-illuminated hanging signs and panel signs	PERC	27/09/2013
1093/0714	Alterations to listed building	A	09/11/1993
1093/0713	Change of use of part of first floor to residential	A	08/11/1993
1092/0832	Installation of through-the-wall cash dispensing machine	A	03/12/1992
1092/0784	Alterations to listed building	A	11/11/1992
0391/0195	Alterations to listed building	A	11/04/1991

#### 5.0 CONSULTATION RESPONSES

##### Wirksworth Town Council

- 5.1 Whilst there is no objection, the council notes that there appears to be no reference to the Neighbourhood Plan within the application. There are serious concerns that 2 parking



Spaces is insufficient given the proposed number of dwellings. The proposal would increase the demand for parking within the town centre, further exacerbating an issue which the town council and community groups continue to see as a significant inhibitor to the ongoing prosperity of the town. They would therefore ask that the developer be asked to review the proposal and take measures to mitigate this issue. The Town Council would wish to see the commercial space remain part of the high street offering and would welcome any suitable application that supports this. Wirksworth Town Council has declared a Climate Emergency and therefore any development or change should seek to reduce the carbon footprint.

#### Derbyshire County Council (Highways)

- 5.2 No objections in view of the previous use, existing residential use, town centre location and on-street parking controls.

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

- 5.3 The self-contained dwelling with the retention of the historic staircase and staircase hall is considered acceptable. In relation to the proposed extension, historic maps and physical evidence do confirm the former presence of a part of the building in this location, however, the height is not known. The proposed extension follows a similar footprint to the former projection and is considered acceptable and would not be harmful to the character and appearance of the listed building. There is evidence that an internal staircase was removed in the 20<sup>th</sup> Century in a similar location to the proposed central staircase and subject to details this is considered acceptable. Within Apartment 1 the smaller strong room would be opened up into a kitchen and this is a consequence of the general intensity of the residential accommodation being imposed into the building's interior. Within Apartments 4 and 7 the existing large North west room is to be divided and in this regard their historic / spatial qualities would be severely diminished and as such are considered harmful to the character and appearance of this part of the listed building. Conditions to cover specific details in relation to flues, grilles, vents, pipework, alterations and repair of all windows and doors, render including colour and roofs and chimney stacks are recommended.

#### Environmental Health (Derbyshire Dales)

- 5.4 No objections.

## **6.0 REPRESENTATIONS RECEIVED**

- 6.1 A total of 10 representations have been received. A summary of the representations is outlined below:

- The proposed extension would overshadow and overlook properties 15 and 15A Causeway.
- The cycle store and bin storage area would cause a noise disturbance.
- Sufficient car parking has not been provided as with 8 residences there is a potential for 16 cars and existing on street parking is limited and controlled by permits.
- There are errors within the Transport Technical Note as some information relates to Lancashire.
- Overlooking of the rear garden and walkway at 14 The Causeway from the proposed extension.
- The existing parking restrictions require repainting.
- Lack of parking is a problem within the town with the Market Place car park often full and inhibits visitors and this proposal would increase the issue.

- <sup>58</sup> The building is Grade II Listed and should be preserved and it is difficult to see that it is possible with such a large extension.
- The extension would overshadow the courtyards of the neighbouring dwellings.
  - Due to the issues of parking the building should be converted to only 4 flats and a business use useful for the townspeople kept on the ground floor.
  - One of the main issues for Wirksworth is the lack of parking within the town centre and this proposals would result in a loss of parking within the town centre and does not provide sufficient parking for the proposal which is not in accordance with the Wirksworth Neighbourhood Plan.
  - Wirksworth's retail provision should be protected and space should be available to new traders.
  - Utilising potential retail buildings within the town for residential use is not in the best interests of the community.
  - The extension would be very close to the kitchen and bedroom windows of 15A The Causeway and there is a concern regarding the natural daylight coming into these windows and that the extension would seriously overshadow this property.
  - The kitchen and bedroom windows are already poorly lit and the extension would reduce natural daylight further.
  - The application should be considered against the Building Research Establishment (BRE) Guide 'Site Layout for Daylight and Sunlight' 2011 and a shading survey completed prior to any decision.
  - The noise from 8 apartments would be significant and 15A has main room windows adjacent to the car park and cycle and bin storage area.
  - Should the application go to committee, members are requested to visit 15A The Causeway to gain a better understanding of how badly the development would affect the resident.
  - The proposed extension would cut off light to the French window which is the only source of light to the living room of 15 The Causeway.
  - The sloping rooflight would pose a detriment to the privacy of the garden and main room windows of 15 The Causeway.
  - The layout of apartment 2 means that the living room / dining room would adjoin the gennel between the properties (15 The Causeway) and noise would be amplified.
  - Apartment 7 on the second floor proposes a living room adjacent to the party wall which adjoins the ceiling of 15 The Causeway's master bedroom. Bitter experience from the tenants of the existing flat means that it is known that the wall offers minimal sound insulation and sound is amplified by the construction of the floors and ceiling.
  - Lack of a sufficient turning area within the car park is likely to pose a danger on the road at the access and egress.
  - In regards to the proposed extension, although 'The Shading Survey' does not include winter shadows which does not provide evidence that this is the case in regards to the specific property at 15A The Causeway.
  - The applicants do not appear to have carried out an assessment according to BRE Guidance for Local Authorities - Daylight and Sunlight to neighbouring windows 25 degree test (2011) which should have been done from the centre of the lowest habitable room window being the reference point for the test.
  - The existing and proposed shading study plans are trying to say that the windows of 15 A are already permanently in the shade and therefore should the extension be approved it will make no difference to the shading of these windows.
  - The accuracy is questioned of an assessment done purely by computer generated 3D modelling as this is not a true representation of the shading of their windows. Photographs taken on 6th and 7th July 2020 at the same times of day shown in the shading study clearly show that at certain times of day there is no shading of 15A's windows. This does not correspond to that shown in the study at the same time of day and year where it is showing my windows to be in shade.
  - The daylight and sunlight material submitted by the applicant should be independently reviewed.

Wirksworth Civic Society whilst supports this fine historically significant building getting put back into use and receiving some much-needed care and maintenance has to object to this proposal.

Their remit is not land use, but this is a key issue- the loss of commercial premises to residential in a central business area of the town. Also, cycles are not that practical as a mode of transport in this hilly location. So, with a limited bus service, it means more competition for parking space within the town centre.

From a conservation aspect, the demolition of the strong room and the unsightly metal staircase, to be replaced with an extension which crowds out the courtyard, is to be regretted and will have a claustrophobic effect on the courtyard and especially upon the small rear yard of the neighbouring home. Apart from the damaging impact upon the listed building and the seriously damaging impact upon the amenity of the neighbouring property the cost of this significant building work, just to obtain two extra rooms, makes little economic sense in a town like Wirksworth with many small flats above commercial premises.

The building is likely to give almost the same income or more with fewer flats on the upper two floors and commercial premises on the ground floor, as per the model adopted by the former NatWest Bank on the Market Place. The blocked doorway onto the Causeway could be reinstated to provide two commercial spaces on the ground floor or a flow through for a single unit. The current proposed floor plans seem very unimaginative in an attempt to squeeze as many flats in as possible.

Fenestration details ought to be improved, the joinery details are particularly unsympathetic there are plenty of companies that can make sash windows. Similarly, cast-iron rainwater goods should be used as well as environmentally friendly breathable lime mortar, render, plaster and paints would improve the buildings performance. The Society is surprised and dismayed that this application is going forward to the Planning Committee with a recommendation for approval. We feel strongly that it should be refused and that negotiations should take place with the applicant to secure a scheme which enhances rather than detracts from this part of the historic town centre.

For your information they include a note on the building's history to support their statement regarding its historic significance:

The present stucco faced building is a Victorian refashioning of the bank established here by John Toplis in 1780 and which Richard Arkwright II joined as a partner. It encompasses the former Smedley house and warehouse, which is the part facing The Causeway. It was here that the Smedley family lived and had their warehouse. John Smedley sold his house to John Toplis for use as a bank. Arkwright, Toplis and Co. was one of the first banks in Derbyshire and printed its own banknotes. Richard Arkwright II died famously rich, largely as a result of his banking activities.

## **7.0 OFFICER APPRAISAL**

The following material planning issues are relevant to this application:

- Principle of Development
- Loss of Existing Community Facilities
- Impact on Residential Amenity
- Impact on the Significance of the Heritage Assets
- Highway Safety

### Principle of Development

- 7.1 The premises is a Grade II Listed Building within Wirksworth Conservation Area, occupying a prominent site on the main route through the centre. The site is within the town centre of Wirksworth but is not allocated as Primary Shopping Frontage. The bank use ceased in 2017 and since that time only the upper floors have been rented out for flats with access from the external staircase.
- 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. The building is a prominent building within the town centre and the proposal would secure its future use and avoid its deterioration further. An assessment of the impact of the conversion and extension on its character, significance and appearance is discussed in detail below.
- 7.3 Policy S7 seeks to promote the sustainable growth of Wirksworth whilst seeking to safeguard its important role as a historic market town serving a wide rural hinterland. Any development within the town must seek to promote and maintain the distinct identity of the settlement, maintaining and where possible enhancing the vitality and viability of Wirksworth town centre.
- 7.4 Wirksworth is identified in the Local Plan as a principal town centre, which seeks to provide a primary shopping role by providing a range and choice of shopping facilities and services to support local communities and serve the wider rural hinterland. The DDDC retail survey 2019 indicates that 65% of uses within Wirksworth fall within 'A' use categories. However notably only 7% of these uses are occupied by A2 uses and the vacancy rate in Wirksworth was 13% (above the national average of 10%). The site is within the town centre and Policy EC6 requires active town centre frontages to be maintained with appropriate town centre uses. As the premises sit outside the designated Primary Shopping Frontage changes between commercial uses would not require detailed assessment as the proposed use would still contribute significantly to the vitality and viability of the centre. In this case where a commercial use would be lost to a residential use evidence to demonstrate that the commercial use is no longer required is considered necessary. This has been provided and in two periods of marketing (discussed in detail below) retail operators were put off by the lack of active frontages at the ground floor. On this basis the marketing evidence has sufficiently demonstrated that there is no demand for town centre uses within this building.

#### Loss of existing Community Facilities

- 7.5 The premises, as a former bank, is considered to constitute a 'community facility' as protected by Policy HC15. This Policy states that development that involves the loss of a community facility will only be supported where it can be demonstrated that the existing use is no longer needed to serve the needs of the community and the existing facility is no longer financially or commercially viable as demonstrated through a robust and comprehensive marketing exercise with the facility actively marketed at a realistic price for a continuous period for at least 12 months immediately prior to the submission of an application. Policy NP11 of the Wirksworth Neighbourhood Plan identifies the building's use as a bank as a community facility and requires evidence as per Policy HC15.
- 7.6 Whilst Policy HC15 does not mention banks specifically it was requested that the applicant provide marketing evidence in this case in order to comply with the policy. Marketing from two Estate Agents was supplied. The building was marketed between October 2017 and August 2018 (10 month period) and 10 enquiries were made, two of which were from retail operators. Both enquirers were put off by the 'hard' retail frontage, with the historic nature

Of the building not lending itself to retail uses. The building was marketed again in September 2019 and 4 offers were made, all from developers with a view to converting the building to residential use. It is considered that given the fact the building is located on the edge of the defined retail area and the submitted marketing evidence that its 'hard' frontage with high level windows discourages retail or other town centre uses; a refusal on this basis would not be sustained at appeal. The evidence submitted is considered sufficient to comply with the aims of Policy EC6 and Policy HC15 and the conversion of the whole building to residential use is considered acceptable in principle.

#### Impact on residential amenity

- 7.7 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. There are two properties in close proximity to the building to the north west. 15 The Causeway is attached to 4 St John Street and is located to the rear. This property has bedroom windows and a patio door serving the lounge overlooking a shared courtyard area. No.15 is attached to No.15 A which is a cottage which has a kitchen and bedroom window above that also overlooks the shared courtyard. The only access to this property is via a passageway on The Causeway between No.15 The Causeway and 4 St John Street. The garden area of this cottage is adjacent to the 3m high boundary wall that encloses the car parking area of the proposal.
- 7.8 The proposed extension would be in close proximity to the windows of both these properties and as such the applicant was asked to remove the rooflight / window on the western elevation as it created a significant direct overlooking concern for the windows of 15 A The Causeway. An amended plan has been received that removes this window. The proposal is therefore not considered to have a significant overlooking impact on neighbouring properties as the only other window on the western elevation is on the ground floor and is obscured from view of the neighbour's windows by an existing part of the building and 2m high boundary wall.
- 7.9 Whilst, Policy PD1 makes no mention of the BRE guidance nor does the District Council have any SPD guidance on the subject, a Shading Survey was requested by Officers to aid in the assessment of the impact of the extension on the windows of 15A and 15 The Causeway. This information was requested to help inform the decision making process and Local Plan Policy does not require compliance with the BRE guidance. The Shading Survey considered the sunlight and shadows. The shadows were modelled at 9am, 12noon and 3pm on 21 March (Spring equinox), 21 June (Summer Solstice) and 22 September (Autumn equinox). Winter shadows were not plotted because even very low buildings would cast long shadows and in built up areas it is common for large areas of the ground to be in shadow throughout Winter.
- 7.10 The 3D Shadow drawings indicate that the courtyard floor is in shadow throughout the 21<sup>st</sup> March with the windows of property 15a in shadow throughout the same day. The windows of 15 enjoy sunlight towards the middle of the day for more than 2 hours. The Shadow Study indicates that with the extension in place, there is a marginal increase in the shadows cast over the roof of the lean-to outbuilding that exists within the courtyard at 9am on 21 March and 9am on the 21<sup>st</sup> June however the windows and courtyard floor remain unaffected by the presence of the extension. For the rest of the year, the shadows over the rear courtyard space to 15/15a remain unaffected. Even with the extension in place, the rear windows of no.15 will still enjoy sunlight for more than 2 hours per day on the 21<sup>st</sup> March. The windows of 15A The Causeway and the rear courtyard at present do not enjoy the 2 hours of sunlight and the survey shows that the extension would not reduce the sunlight to these rooms.

- 7.11 The agent has submitted details and drawings to aid in the assessment of the effect a proposed building (or in this case, the extension) would have on the existing properties with regards to shading of existing windows. On this basis of the officer site assessment but supplemented by the technical analysis undertaken it is not considered that the extension would cause significant additional unacceptable overshadowing of these properties or the rear amenity space beyond the shading that already exists. Therefore the proposal in relation to overshadowing is in accordance with Policy PD1.
- 7.12 The proposed extension has also been assessed in relation to whether it presents an overbearing impact on adjacent properties. The extension is set back from the boundary wall by 0.8m, lower eaves height of 5.7m adjacent to the western boundary with ridge increasing to 8m at a distance of 7.4m from the rear elevation of the property. The extension will be clearly visible at close quarters from both immediate neighbours and will create a greater sense of visual enclosure. However, when taking into account the relative heights of the surrounding buildings which have significantly higher eaves and ridge heights and having regard to the very nature of the town centre location the extension is not considered to have an overbearing impact on the property 15 and 15A and its garden such that refusal would be sustained. On the basis of this assessment the proposal is considered to comply with Policy PD1 in this respect.

#### Impact on the significance of the Heritage Assets

- 7.13 Policy PD1 requires development to be high quality that respects the character, identity and context and contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.14 As the building is Listed and within a Conservation Area, Policy PD2 is relevant which seeks to conserve heritage assets in a manner appropriate to their significance, taking into account the desirability of sustaining and enhancing their significance and ensuring that development proposals contribute positively to the character of the built and historic environment. It states that any proposed works should be informed by a level of historical, architectural evidence proportionate to their significance. Extensions and alterations are required to demonstrate how the proposal has taken account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset.
- 7.15 Policy PD2 requires proposals that affect a heritage asset and/or its setting to demonstrate how it has taken into account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset. The application is accompanied by a detailed Heritage Statement (HS) which assesses historic maps, the significance of the asset including its group value, its special and historic interest and includes photographs of all rooms and historic features with assessment of changes over time.
- 7.16 In relation to the self-contained two-storey dwelling, whilst a contemporary part of the original building this section of the building has its own historic staircase which is to be retained as part of the conversion and staircase hall (with access doorway) and with the blocking of two interconnecting doorways can be 'self-contained'. The internal alterations are minimal and it is considered that this is an acceptable alteration to his part of the building.

- 7.17<sup>63</sup> Historic maps and physical evidence confirm the former presence of part of the building in the location the extension is proposed. However, the height of this former part of the building is not known. The proposed extension follows a similar footprint to the former projection and is to be two-storeys in height with an asymmetrical pitched roof over and the walls rendered and painted to match the main property. A benefit of the new extension is the removal of the decaying and unsightly external metal fire escape. It is considered that, based on the evidence of a former projection in this location, and on this similar footprint that a new extension would not be harmful to the character and appearance of the listed building. The removal of the single-storey strong room (south elevation) is acceptable as a later 20<sup>th</sup> century addition. Conditions relating to the extension's roof covering, rainwater goods, window details and render type and colour should be imposed.
- 7.18 The proposed communal staircase. Based on an assessment of the existing floor plan / layout and on the elevations (particularly the southern elevation) it appears clear that probably in the 20<sup>th</sup> century the original staircase was removed. The plan-form and layout appear to suggest strongly that the former staircase would have occupied the location of the proposed new communal staircase. The proposed floor plans depict the proposed new staircase and its form, layout and configuration and is considered acceptable subject to details to be controlled by condition.
- 7.19 The proposed ground floor layout is considered to be acceptable. The bank usage has had a significant impact on historic changes to the layout and plan-form of the ground floor and whilst a partly conjectural re-construction of an original layout could be utilised the structural changes are such that the proposed layout respects, as far as possible, what remains. The 19<sup>th</sup> century strong room, with its thick walls, is a significant part of the bank's use of the building. The proposal is to utilise this room as a kitchen which (whilst retaining down stands and the cornice etc.) involves opening up two of the walls to provide physical/visible inter-connection with the layout of Apartment 1. Whilst some alterations to the strong room may be deemed acceptable the requirement to alter this small room is as a consequence of the general intensity of residential accommodation being imposed into the building interior.
- 7.20 On the first floor the proposed layout of Apartment 4 gives cause for concern as a consequence of the intensity of accommodation being incorporated into the existing plan layout to this part of the listed building. The existing large north west room, as originally conceived and which has been retained to date is to be divided almost in half with various partitions forming a lobby, bedroom and living room. It is considered that in this regard its historic/original spatial qualities would be severely diminished. The adjacent room (also to Apartment 4), with an existing chimneybreast is also heavily compromised by its partitioning/division to form a kitchen & bathroom and the formation of an opening by the side of the chimneybreast. Based on, and as a result of the divisional changes and alterations to existing/historic spatial form and qualities it is considered that the proposed alterations to form/create Apartment 4 are harmful to the character and appearance of this part of the listed building. The applicant's Heritage Consultant has reviewed this issue and considers that as the proposed room within apartment 4 is a secondary space which does not retain any significant decoration or detailing. The partition between the bedroom and living room would be reversible and the proposed archway would not be full height and would thus read as new doorway and therefore he considers the proposals would not harm the significance of the building.
- 7.21 On the Second floor layout, whilst in general terms it is considered that the proposed layout of Apartment 7 respects the existing plan layout better than that of Apartment 4 (below it) the large North West room is divided by partitions to create a lobby area, living room and bathroom. In this regard it is considered that its historic/original spatial qualities would be severely diminished. Based on, and as a result of the divisional changes and

<sup>64</sup>alterations to existing/historic spatial form and qualities of this space it is considered that the proposed alterations to this part of Apartment 7 are harmful to the character and appearance of this part of the listed building.

- 7.22 The National Planning Policy Framework in paragraph 196 states “*that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighted against the public benefits of the proposal including, where appropriate, securing its optimum viable use*”. This prominent listed building within the historic centre of Wirksworth holds its significance within a group of buildings. Its ground floor has been vacant for 3 years and has been marketed twice within that time. Its design does not lend itself to a retail use and no offers have come forward during the periods of marketing for other community uses. Banking has changed significantly over time with many branches closing as people move to using online facilities.
- 7.23 The concern relates to historic / spatial qualities of two rooms on the first and second floors where no significant decoration or detailing is retained. In the round, the scheme would restore the building to its former glory and the provision of a two storey extension that is considered to be in keeping with its character creates a viable scheme. The partitions would be reversible in the future and the new doorways would be readable as such. The harm identified is less than substantial and is considered to be at the lower scale of harm. When this less than substantial harm is weighted against the substantial benefit of bringing this building back into its optimum viable use, which has been fully evidenced through the marketing provided, the benefit outweighs the harm. It is therefore considered that the proposal accords with National Policy in relation to heritage assets.

#### Highway Safety

- 7.24 Eight apartments are proposed within the town centre of Wirksworth which is one of the primary settlements within the district. Three car parking spaces within the existing courtyard are proposed for residents together with a cycle and bin storage area. The proposal relates to conversion of an existing building that was previously used for commercial use in a sustainable town centre location which is accessible by a choice means of transport. The Highways Authority has no objection to the access, turning and parking provision proposed and this is based on its previous use, town centre location and existing car parking restrictions. On this basis, the proposal is considered to accord with Policy HC19.

#### Conclusion

- 7.25 The principle of residential development is acceptable within the town centre and due to the building's former use as a bank (A2) the marketing undertaken provides sufficient evidence that there is no demand for retail or community uses. It has been vacant for 3 years and the proposal would utilise the whole building and improve its external appearance as a prominent Listed Building on the main street within the town. A detailed analysis has been undertaken in relation to the impacts on the amenity of the properties 15 and 15A The Causeway and the proposed extension would not significantly increase overshadowing or overbearing. Two rooms within the apartments are partitioned and are considered to be harmful to the character and appearance of these rooms. When this harm is weighted against the substantial benefit of securing an optimum viable use for the building, the benefit outweighs the harm. It is acknowledged that car parking within this historic town is an issue, however, the town is considered to be a sustainable location in terms of transport as it can be accessed by a choice means of transport and in this regard would not be sustained as a reason for refusal. The proposal would bring life back into this building and the future residents would contribute to the viability and vitality of the town.



## 8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.
2. The construction/building works shall be restricted to between the hours of 08.00 - 18.00 hours Monday to Friday and 08.00 - 13.00 hours on Saturdays with no working on Sundays and Bank Holidays.
3. This permission relates solely to the application as amended by drawing No's (20)4001 and (20) 4010 received on the 11<sup>th</sup> March and drawing No's (20) 4004 Rev A and (20)4011 Rev A received by the Local Planning Authority on 8<sup>th</sup> June 2020.
4. The parking, turning provision and cycle and bin storage areas as detailed on the approved drawing No.(20) 410 Proposed Site Plan shall be maintained clear of any obstruction to its designated use throughout the life of the development.
5. Full construction details (including materials and finishes) of the new staircase shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
6. Details of the roof materials for the extension, any repair / replacement to the existing roof and the render type and colour of both the extension and existing building shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
7. Details of all new and re-furbished rainwater goods building shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
8. Details of all new or replacement external chimneys, flues, extract ducts, vents, grilles, pipework and meter shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. A detailed schedule of all windows and doors to be re-furbished (including external paint colour) shall be submitted to, and approved in writing by the Local Planning Authority prior to any works to any window or door. The window and doors shall then be installed in accordance with the approved details and so retained.
10. The dwellings hereby approved shall only be occupied as a principal residence and shall not be used as a second home or for holiday accommodation.

Reasons:

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

2. In the interests of protecting the residential amenity of the occupants neighbouring properties in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan 2017
3. For the avoidance of doubt.
4. To ensure the provision of adequate off street parking in the interests of highway safety to comply with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).
- 5-9. In the interests of preserving the character and appearance of the listed building and its setting in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).
10. To ensure the property is used as a primary dwelling to protect local housing stock to comply with the requirements of policy NP5 of the Wirksworth Neighbourhood Plan.

## 9.0 NOTES TO APPLICANT:

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to marketing for community uses, overlooking and overshadowing of residential properties.

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

This decision notice relates to the following plans documents:

Drawing No's (20)4001 and (20) 4010 received on the 11<sup>th</sup> March

Drawing No's (20) 4004 Rev A (20)4011 Rev A received on 8<sup>th</sup> June 2020

Drawing No's (20)4014 Rev A, (20) 4016, (20) 4017, (20)4018 Shadow Surveys existing and proposed.

Drawing No. (20) 4019 – 25 and 45 Degree Rule Diagrams

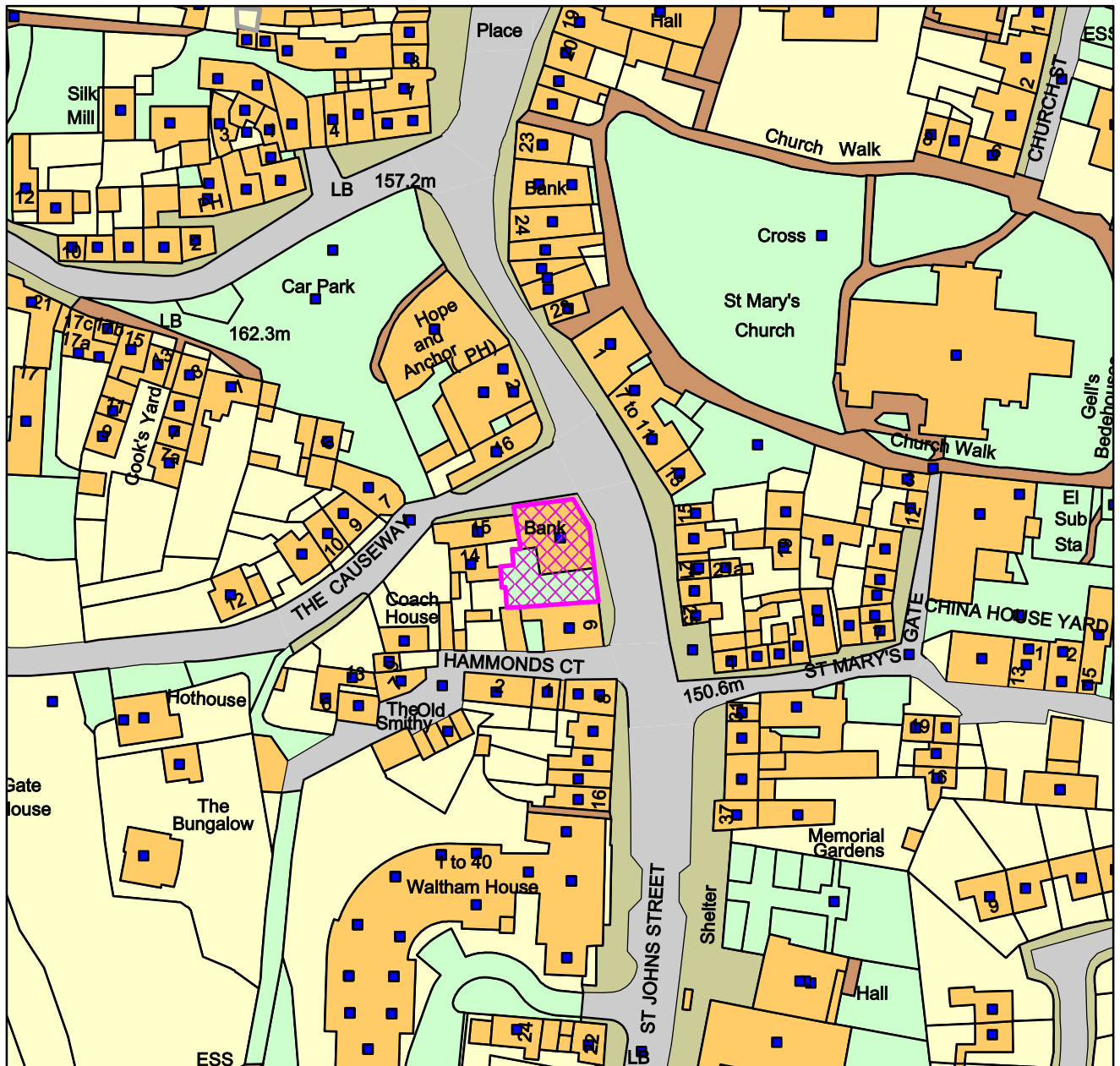
Design and Access Statement and Planning Statement by Spawforths

Transport Technical Note by MJM Consulting Engineers

Heritage Statement by Graeme Ives

20/00269/LBALT

4 St John Street, Wirksworth



Derbyshire Dales DC

1:1,250

Date: 09/07/2020

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

## Planning Committee 8th September 2020

<b>APPLICATION NUMBER</b>		20/00269/LBALT	
<b>SITE ADDRESS:</b>		4 St John Street, Wirksworth	
<b>DESCRIPTION OF DEVELOPMENT</b>		Internal and external alterations including new rear extension and partial demolition.	
<b>CASE OFFICER</b>	Sarah Arbon	<b>APPLICANT</b>	Mr Milner
<b>PARISH/TOWN</b>	Wirksworth	<b>AGENT</b>	Mr I Catherall
<b>WARD MEMBER(S)</b>	Cllr P Slack Cllr M Ratcliffe Cllr E McDonagh	<b>DETERMINATION TARGET</b>	6 <sup>th</sup> May 2020
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Level of representation	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	

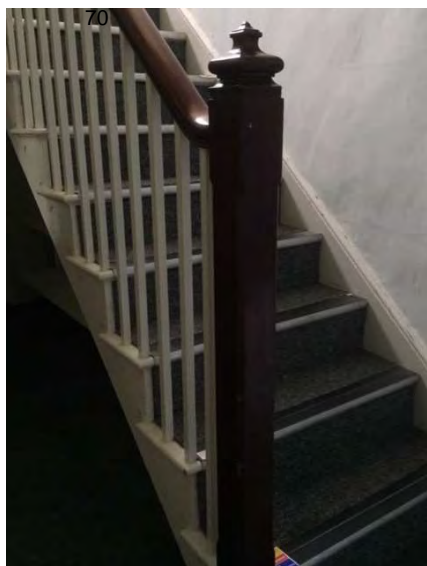
<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>Assessment of Impact on Special Character and Appearance</li> </ul>

<b>RECOMMENDATION</b>
Approval

## 1.0 THE SITE AND SURROUNDINGS

- 1.1 The premises is a Grade II Listed Building within Wirksworth Conservation Area, occupying a prominent site on the main route through the centre. The site lies within the settlement boundary of Wirksworth.
- 1.2 The former bank premises was designated on the statutory list in January 1973 and the list entry describes the building as follows:  
*“Mid C19. Stucco. The main block is of 3 storeys with a 2-storeyed 1 window wing on the left-hand side; 3 sash windows, plus 1 blocked to splayed return on right-hand side, all in moulded architraves; doorway on splayed return has moulded architrave with segmental head and fanlight; bold moulded eaves; part tiles and part slate. 4- windowed returned side to The Causeway. Premises occupied by Lloyd’s Bank, Nos 6 to 14 (even) and Wirksworth Maternity Home form a group.”*
- 1.3 The current building dates from c.1780 and was formerly the townhouse of the Beresford family of Fenny Bentley. It became a bank in the later 18<sup>th</sup> century owned by a John Toplis. In the early 19<sup>th</sup> century the bank ownership had a connection with Richard Arkwright Jnr. With its history and interest it is an important & significant building in local banking and as a former townhouse in the centre of Wirksworth. The long history of the ground floor being used as a banking operation ceased in September 2017. The upper two floors of the building were converted into flats, probably in the 1970s/80s and are now vacant.
- 1.4 There is a car parking area to the south of the building accessed through an archway and enclosed by the Grade II Listed 9 St John Street to the south which is a Solicitors office. Both 15 and 15A The Causeway are Grade II Listed. A 2.6m high wall encloses the rear courtyard of 15A The Causeway to the north west and a 3m high outbuilding and garden wall bounds the car park to the west. The rear elevations of 15 A and 15 The Causeway are to the north west and have main room windows overlooking at small courtyard and the main access to 15 A is via a gennel adjacent to the side walls of 4 St John Street and 15 The Causeway. The rear garden area of 15A is over the wall to the west.





## 2.0 DETAILS OF THE APPLICATION

2.1 Listed Building Consent is sought for a change of use of this former bank to eight apartments. The proposal is to convert the ground floor into two apartments and a self-contained two-storey dwelling. A two-storey extension is proposed for the southern (courtyard) elevation. The first floor is to be converted into three apartments and the second floor into two apartments. As part of the conversion a new communal staircase serving all of the apartments is to be formed in the centre of the building. Four 1 bedroom, three 2-bedroom apartments and one 1-bedroom two storey dwelling are proposed. The existing strong room would be demolished as part of the proposal. Bin and cycle storage is proposed adjacent to the existing 3m wall to the west.

## 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 National Planning Policy Framework (2012)
- 3.2 National Planning Practice Guidance (2014)
- 3.3 Historic Environment Planning Practice Guide (2010)

## 4.0 RELEVANT PLANNING HISTORY:

17/00723/LBALT	Removal of ATM and external signage	PERC	11/09/2017
18/01412/FUL	Conversion from mixed use bank (A2 Use) and residential to 1 no. dwelling house, 5 no. self-contained flats and mixed retail (A1) financial and professional services (A2) Use on ground floor	WDN	11/02/2019
18/01413/LBALT	Internal and external alterations	WDN	11/02/2019
13/00558/ADV	Display of 2 no. non-illuminated fascia signs and 2 no. non-illuminated hanging signs	PERC	27/09/2013

13/00560/LBALT	Alterations to listed building - Display of 2 no. non-illuminated fascia signs, 2 no. non-illuminated hanging signs and panel signs	PERC	27/09/2013
1093/0714	Alterations to listed building	A	09/11/1993
1093/0713	Change of use of part of first floor to residential	A	08/11/1993
1092/0832	Installation of through-the-wall cash dispensing machine	A	03/12/1992
1092/0784	Alterations to listed building	A	11/11/1992
0391/0195	Alterations to listed building	A	11/04/1991

## 5.0 CONSULTATION RESPONSES

### Wirksworth Town Council

- 5.1 No Objection. The council notes that there appears to be no reference to the Neighbourhood Plan within the application. There are serious concerns that 2 parking spaces is insufficient given the proposed number of dwellings. The proposal would increase the demand for parking within the town centre, further exacerbating an issue which the town council and community groups continue to see as a significant inhibitor to the ongoing prosperity of the town. They would therefore ask that the developer be asked to review the proposal and take measures to mitigate this issue. The Town Council would wish to see the commercial space remain part of the high street offering and would welcome any suitable application that supports this. Wirksworth Town Council has declared a Climate Emergency and therefore any development or change should seek to reduce the carbon footprint.

### Design and Conservation Officer (Derbyshire Dales)

- 5.2 The self-contained dwelling with the retention of the historic staircase and staircase hall is considered acceptable. In relation to the proposed extension, historic maps and physical evidence do confirm the former presence of a part of the building in this location, however, the height is not known. The proposed extension follows a similar footprint to the former projection and is considered acceptable and would not be harmful to the character and appearance of the listed building. There is evidence that an internal staircase was removed in the 20<sup>th</sup> Century in a similar location to the proposed central staircase and subject to details this is considered acceptable. Within Apartment 1 the smaller strong room would be opened up into a kitchen and this is a consequence of the general intensity of the residential accommodation being imposed into the building's interior. Within Apartments 4 and 7 the existing large North west room is to be divided and in this regard their historic / spatial qualities would be severely diminished and as such are considered harmful to the character and appearance of this part of the listed building. Conditions to cover specific details in relation to flues, grilles, vents, pipework, alterations and repair of all windows and doors, render including colour and roofs and chimney stacks are recommended.

## 6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 5 representations have been received. A summary of the representations is outlined below:

- The cycle store and bin storage area would cause a noise disturbance.



- 72
- Sufficient car parking has not been provided as with 8 residences there is a potential for 16 cars and existing on street parking is limited and controlled by permits.
  - Lack of parking is a problem within the town with the Market Place car park often full and inhibits visitors and this proposal would increase the issue.
  - The building is Grade II Listed and should be preserved and it is difficult to see that it is possible with such a large extension.
  - One of the main issues for Wirksworth is the lack of parking within the town centre and this proposals would result in a loss of parking within the town centre and does not provide sufficient parking for the proposal which is not in accordance with the Wirksworth Neighbourhood Plan.
  - Wirksworth's retail provision should be protected and space should be available to new traders.
  - Utilising potential retail buildings within the town for residential use is not in the best interests of the community.
  - The extension would be very close to the kitchen and bedroom windows of 15A The Causeway and there is a concern regarding the natural daylight coming into these windows and that the extension would seriously overshadow this property.
  - The kitchen and bedroom windows are already poorly lit and the extension would reduce natural daylight further.
  - The application should be considered against the Building Research Establishment (BRE) Guide 'Site Layout for Daylight and Sunlight' 2011 and a shading survey completed prior to any decision.
  - The noise from 8 apartments would be significant and 15A has main room windows adjacent to the car park and cycle and bin storage area.
  - Should the application go to committee, members are requested to visit 15A The Causeway to gain a better understanding of how badly the development would affect the resident.
  - The proposed extension would cut off light to the French window which is the only source of light to the living room of 15 The Causeway.
  - The sloping rooflight would pose a detriment to the privacy of the garden and main room windows of 15 The Causeway.
  - The layout of apartment 2 means that the living room / dining room would adjoin the gennel between the properties (15 The Causeway) and noise would be amplified.
  - Apartment 7 on the second floor proposes a living room adjacent to the party wall which adjoins the ceiling of 15 The Causeway's master bedroom. Bitter experience from the tenants of the existing flat means that it is known that the wall offer minimal sound insulation and sound is amplified by construction of the floors and ceiling.
  - Lack of a sufficient turning area within the car park is likely to pose a danger on the road at the access and egress.

## 7.0 OFFICER APPRAISAL

### Introduction

- 7.1 The proposals result from the proposed change of use of a listed building and, therefore, the impact of the associated alterations have upon the special historic character of the building have to be assessed.

### Impact on the Special Character and Appearance of the Listed Building

- 7.2 In relation to the self-contained two-storey dwelling, whilst a contemporary part of the original building this section of the building has its own historic staircase which is to be retained as part of the conversion and staircase hall (with access doorway) and with the blocking of two interconnecting doorways can be 'self-contained'. The internal alterations are minimal and it is considered that this is an acceptable alteration to his part of the building.



- 7.3 Historic maps and physical evidence confirm the former presence of part of the building in the location the extension is proposed. However, the height of this former part of the building is not known. The proposed extension follows a similar footprint to the former projection and is to be two-storeys in height with an asymmetrical pitched roof over and the walls rendered and painted to match the main property. A benefit of the new extension is the removal of the decaying and unsightly external metal fire escape. It is considered that, based on the evidence of a former projection in this location, and on this similar footprint that a new extension would not be harmful to the character and appearance of the listed building. The removal of the single-storey strong room (south elevation) is acceptable as a later 20<sup>th</sup> century addition. Conditions relating to the extension's roof covering, rainwater goods, window details and render type and colour should be imposed.
- 7.4 The proposed communal staircase, based on an assessment of the existing floor plan / layout and on the elevations (particularly the southern elevation) it appears clear that probably in the 20<sup>th</sup> century the original staircase was removed. The plan-form and layout appear to suggest strongly that the former staircase would have occupied the location of the proposed new communal staircase. The proposed floor plans depict the proposed new staircase and its form, layout and configuration and is considered acceptable subject to details to be controlled by condition.
- 7.5 The proposed ground floor layout is considered to be acceptable. The bank usage has had a significant impact on historic changes to the layout and plan-form of the ground floor and whilst a partly conjectural re-construction of an original layout could be utilised the structural changes are such that the proposed layout respects, as far as possible, what remains. The 19<sup>th</sup> century strong room, with its thick walls, is a significant part of the bank's use of the building. The proposal is to utilise this room as a kitchen which (whilst retaining down stands and the cornice etc.) involves opening up two of the walls to provide physical/visible inter-connection with the layout of Apartment 1. Whilst some alterations to the strong room may be deemed acceptable the requirement to alter this small room is as a consequence of the general intensity of residential accommodation being imposed into the building interior.
- 7.6 On the first floor the proposed layout of Apartment 4 gives cause for concern as a consequence of the intensity of accommodation being incorporated into the existing plan layout to this part of the listed building. The existing large north west room, as originally conceived and which has been retained to date is to be divided almost in half with various partitions forming a lobby, bedroom and living room. It is considered that in this regard its historic/original spatial qualities would be severely diminished. The adjacent room (also to Apartment 4), with an existing chimneybreast is also heavily compromised by its partitioning/division to form a kitchen & bathroom and the formation of an opening by the side of the chimneybreast. Based on, and as a result of the divisional changes and alterations to existing/historic spatial form and qualities it is considered that the proposed alterations to form/create Apartment 4 are harmful to the character and appearance of this part of the listed building. The applicant's Heritage Consultant has reviewed this issue and considers that as the proposed room within apartment 4 is a secondary space which does not retain any significant decoration or detailing. The partition between the bedroom and living room would be reversible and the proposed archway would not be full height and would thus read as new doorway and therefore he considers the proposals would not harm the significance of the building.
- 7.7 On the Second floor layout, whilst in general terms it is considered that the proposed layout of Apartment 7 respects the existing plan layout better than that of Apartment 4 (below it) the large North West room is divided by partitions to create a lobby area, living room and bathroom. In this regard it is considered that its historic/original spatial qualities would be severely diminished. Based on, and as a result of the divisional changes and alterations to existing/historic spatial form and qualities of this space it is considered that the proposed alterations to this part of Apartment 7 are harmful to the character and appearance of this part of the listed building.

- 7.8 The National Planning Policy Framework in paragraph 196 states “*that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighted against the public benefits of the proposal including, where appropriate, securing its optimum viable use*”. This prominent listed building within the historic centre of Wirksworth holds its significance within a group of buildings. The ground floor has been vacant for 3 years.
- 7.9 The concern relates to historic / spatial qualities of two rooms on the first and second floors where no significant decoration or detailing is retained. In the round, the scheme would restore the building to its former glory and the provision of a two storey extension that is considered to be in keeping with its character creates a viable scheme. The partitions would be reversible in the future and the new doorways would be readable as such. The harm identified is less than substantial and is considered to be at the lower scale of harm. When this less than substantial harm is weighted against the substantial benefit of bringing this building back into its optimum viable use, which has been fully evidenced through the marketing provided, the benefit outweighs the harm. It is therefore considered that the proposal accords with National Policy in relation to heritage assets.

### Conclusion

- 7.10 The proposed alterations would allow a beneficial use of the listed building. Whilst some elements of the proposal, in relation to two rooms within the apartments are partitioned and are considered to be harmful to the character and appearance of these rooms, when this harm is weighted against the substantial benefit of securing an optimum viable use for the building, the benefit outweighs the harm in accordance with NPPF paragraph 196.

## **8.0 RECOMMENDATION**

That Listed Building Consent be granted subject to the following conditions:

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.
2. This permission relates solely to the application as amended by drawing No's (20)4001 and (20) 4010 received on the 11<sup>th</sup> March and drawing No's (20) 4004 Rev A and (20)4011 Rev A received by the Local Planning Authority on 8<sup>th</sup> June 2020.
3. Full construction details (including materials and finishes) of the new staircase shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
4. Details of the roof materials for the extension, any repair / replacement to the existing roof and the render type and colour of both the extension and existing building shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
5. Details of all new and re-furbished rainwater goods building shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

- 6<sup>5</sup>. Details of all new or replacement external chimneys, flues, extract ducts, vents, grilles, pipework and meter shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
7. A detailed schedule of all windows and doors to be re-furnished (including external paint colour) shall be submitted to, and approved in writing by the Local Planning Authority prior to any works to any window or door. The window and doors shall then be installed in accordance with the approved details and so retained.

Reasons:

1. This is a statutory period which is specified in Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. For the avoidance of doubt.
- 3-7 To safeguard the special historic character and appearance of the listed building to comply with government guidance contained in the National Planning Policy Framework.

## 9.0 NOTES TO APPLICANT:

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to marketing for community uses, overlooking and overshadowing of residential properties.

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

This decision notice relates to the following plans documents:

Drawing No's (20)4001 and (20) 4010 received on the 11<sup>th</sup> March

Drawing No's (20) 4004 Rev A (20)4011 Rev A received on 8<sup>th</sup> June 2020

Drawing No's (20)4014 Rev A, (20) 4016, (20) 4017, (20)4018 Shadow Surveys existing and proposed.

Drawing No. (20) 4019 – 25 and 45 Degree Rule Diagrams

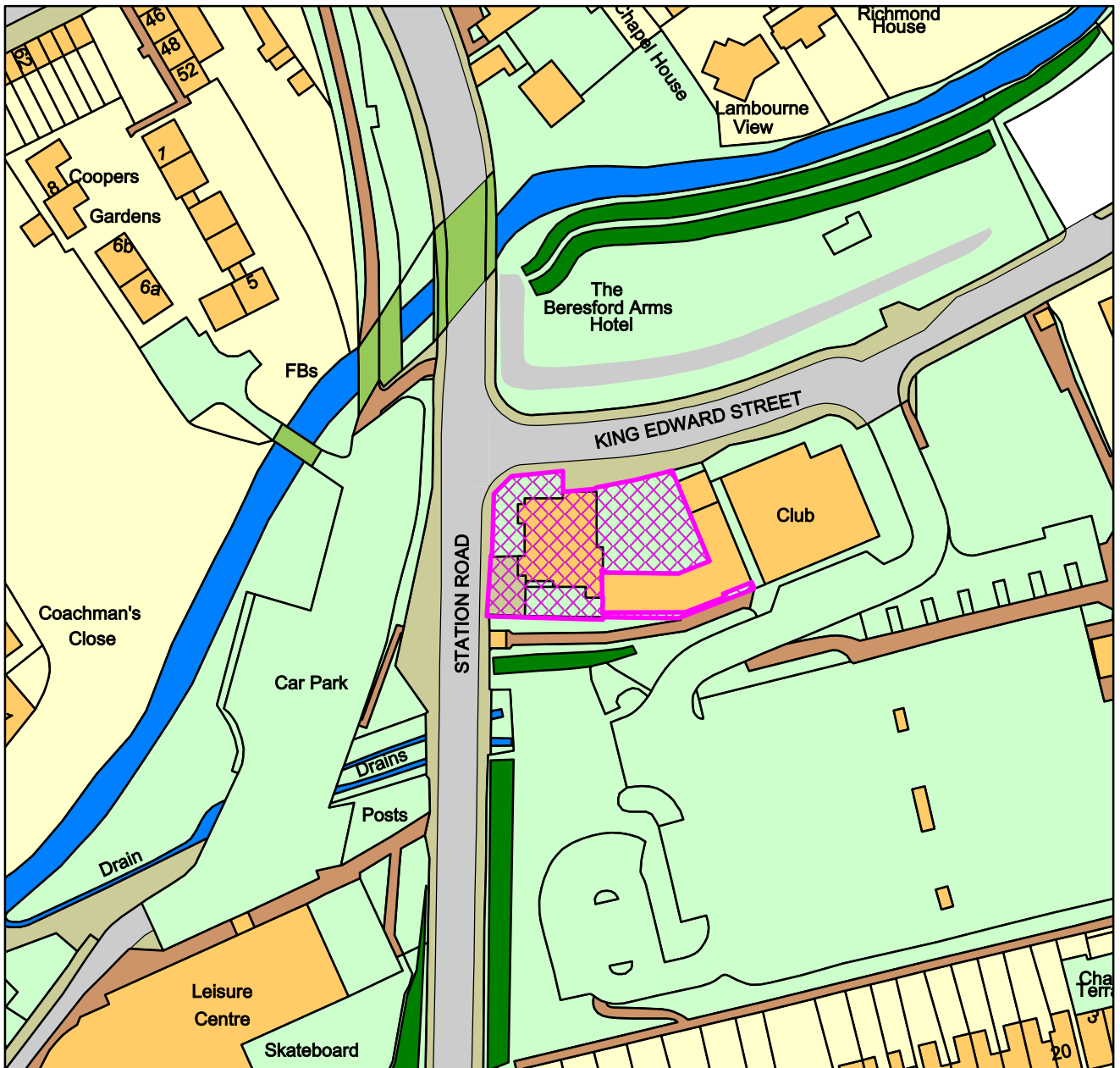
Design and Access Statement and Planning Statement by Spawforths

Transport Technical Note by MJM Consulting Engineers

Heritage Statement by Graeme Ives

20/00346/FUL

The Station Hotel, Station Road, Ashbourne



Derbyshire Dales DC

1:1,250

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

# Planning Committee 8<sup>th</sup> September 2020

<b>APPLICATION NUMBER</b>		20/00346/FUL	
<b>SITE ADDRESS:</b>		The Station Hotel, Station Road, Ashbourne, DE6 1AA	
<b>DESCRIPTION OF DEVELOPMENT</b>		Change of use and conversion of hotel to form 6 no. apartments	
<b>CASE OFFICER</b>	Mr. Andrew Stock	<b>APPLICANT</b>	Mr & Mrs Dougan
<b>PARISH/TOWN</b>	Ashbourne	<b>AGENT</b>	Darren Archer
<b>WARD MEMBER(S)</b>	Cllr. T. Donnelly Cllr. R. Archer	<b>DETERMINATION TARGET</b>	15 <sup>th</sup> June 2020
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Requested by Ward Member.	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	n/a

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>the appropriateness of the proposed use of the building, having regard to its previous use and location;</li> <li>impact on the character and appearance of the existing building and its surroundings;</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.

## 1. THE SITE AND SURROUNDINGS

- 1.1 The application site is located within the defined settlement boundary of Ashbourne, at the junction of King Edward Street and Station Road. The site is accessed directly off King Edward Street via an existing metal gated entrance which leads to a rear courtyard area.
- 1.2 Station Hotel is a brick and tiled three-storey building with timber detailing, which fronts onto Station Road. The Hotel falls outside but is in close proximity, and visible from, Ashbourne Conservation Area which lies to the north of the site. The site comprises the existing courtyard and buildings to the rear of the hotel which have all been converted to residential units. Planning permission was granted in 2011 for the conversion of annexe hotel accommodation to form 3 no. residential dwellings and conversion of 2 no. residential flats to 2 no. two storey dwellings (application code ref: 11/00092/FUL) and more recently the remaining store into a single dwelling house (application code ref: 20/00338/FUL).
- 1.3 There is a social club situated to the rear of the hotel and a public pathway which leads towards the Sainsbury's store, on the southern side of the premises.
- 1.4 The application site lies approximately 30m to the south of Henmore Brook and falls within Flood Zones 2 and Flood Zone 3.



## 2. DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the change of use and conversion of Station Hotel to form 6 no. residential apartments. The accommodation will comprise 6 no. 2 bed apartments across the ground, first and second floors. The basement will be unchanged and remain as a series of stores to be used as non-habitable spaces by the apartment owners. The applicant is currently taking advice from estate agents on how best to allocate them.
- 2.2 External alterations include the reconfiguration of the external escape stairs, formation of a new fire door within the second floor (east elevation), a new opening formed within the

ground floor (south elevation) and a new entrance canopy (west elevation), as illustrated on submitted plans date stamped 14<sup>th</sup> April 2020.

- 2.3 Vehicular access would continue to be gained via the existing metal gated access directly off Kind Edward Street. 1 no. parking space would be allocated within the rear courtyard and a further 5 no. parking spaces retained which front Station Road.

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

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

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S3 Development within Defined Settlement Boundaries
- S8 Ashbourne Development Strategy
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- PD3 Biodiversity and the Natural Environment
- PD8 Flood Risk Management and Water Quality
- HC1 Location of Housing Development
- HC15 Community Facilities and Services
- HC19 Accessibility and Transport
- HC21 Car Parking Standards
- EC3 Existing Employment Land and Premises
- EC6 Town and Local Centres
- EC8 Promoting Peak District Tourism and Culture

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

- |     |              |  |         |
|-----|--------------|--|---------|
| 4.1 | 20/00338/FUL | Change of use and conversion of existing stores to 1no. dwelling and associated installation of rooflights   | GRANTED |
| 4.2 | 11/00092/FUL | Conversion of annexe hotel accommodation to form 3 no. residential dwellings and conversion of 2 no. Residential flats to 2 no. two storey dwellings | GRANTED |

### **5. CONSULTATION RESPONSES**

- 5.1 Town Council  
No objection raised.
- 5.2 Derbyshire County Council (Highways)  
No objection, subject to conditions.
- 5.3 Environmental Health Team  
No objection, subject to conditions.
- 5.4 Derbyshire County Council (Lead Local Flood Authority)  
No comments to make.
- 5.5 Derbyshire Wildlife Trust  
Initial response –

It is advised that a preliminary bat roost assessment is completed focusing on those areas of the building that will be subject to alterations especially the section of tiled lean to roof.

<sup>80</sup>Second response –

No objection following the submission of additional supporting information, subject to the mitigation measure being fully implemented.

5.6 Environment Agency

No objection, subject to conditions.

## 6. REPRESENTATIONS RECEIVED

6.1 None received.

## 7. OFFICER APPRAISAL

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

- the appropriateness of the proposed use of the building, having regard to its previous use and location;
- impact on the character and appearance of the existing building and its surroundings;
- whether the development would result in a significant loss of amenity for residents of neighbouring properties, and;
- whether there would be any adverse highway safety implications.

### ***The appropriateness of the proposed use of the building, having regard to its previous use and location***

- 7.2 The application site is located within the defined settlement boundary of Ashbourne which is designated as a first tier settlement within Policy S2 in the Adopted Derbyshire Dales Local Plan (2017).
- 7.3 Tier 1 settlements are identified as the District's main towns which are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres. They will continue to provide significant levels of jobs and homes, together with supporting community facilities and infrastructure to meet their economic potential in the most sustainable way, consistent with maintaining or enhancing key environmental attributes.
- 7.4 Policy HC1 Adopted Derbyshire Dales Local Plan (2017) sets out that the District Council will ensure provision is made for housing by promoting the effective re-use of land by encouraging the change of use of existing buildings to housing on suitable sites.
- 7.5 Being located within the defined settlement boundary of Ashbourne, the change of use of the building to residential apartments is considered to be acceptable, in principle.
- 7.6 Notwithstanding the above, due consideration has to be given to the loss of the hotel use which provides serviced accommodation to tourists and visitors in the town and whether this is likely to have a negative impact upon the visitor economy.
- 7.7 The buildings has been operated as a Hotel (C1 Use Class) which incorporated a licensed bar on the ground floor. The applicants have owned the hotel since January 2004 and confirm that they initially continued to run the Hotel with restaurant and associated services to compliment this, which included the use of the bar for non-residents. Following further clarification from the applicants they confirm that Hotel bar use for non-residents ceased in 2007 and the licensed bar has been operated as residents bar ever since. The buildings last



Known material planning use of the building is a Hotel (C1), albeit with a licensed bar on the ground floor. The licensed bar has not been operated separately to the Hotel since 2007, therefore it cannot be reasonably construed as a Public House. As such, Policy HC15 of the Adopted Derbyshire Dales Local Plan (2017) which deals specifically with 'Community Facilities and Services' does not apply in this case.

- 7.8 The District Council has no specific policy with respect to the protection of hotels in the District from changes of use, however Policy EC8 Adopted Derbyshire Dales Local Plan (2017) 'Promoting Peak District Tourism and Culture' sets out the District Councils approach to retain and enhance existing serviced accommodation in towns in order to encourage overnight visitor stays.
- 7.9 Although the proposal would not result in the loss of employment land or premises to which Policy EC3 could apply, the presumption set in Policy EC8 of the Local Plan concerning the retention of tourist accommodation considers that evidence should be presented that seeks to demonstrate the extent to which the applicants have sought to retain the building as a hotel.
- 7.10 The application is accompanied by marketing details from Fleurets', a leisure property agents summarising their involvement in the disposal of the hotel as a going concern for holiday accommodation and a letter from the current owners setting out why the hotel is no longer commercially viable.
- 7.11 In a letter from Fleurets', dated 20<sup>th</sup> February 2019 it set out the marketing undertaken prior to the application submission, which in brief set out below;
- Instructed in late December 2017, with the property first coming onto market in January 2018 at a freehold asking price of £650,000 and was immediately marketed on the internet via Fleurets' website.
  - On the 2<sup>nd</sup> January 2018 a full press release was prepared by Fleurets', with two separate mailshots which went to 4,254 parties plus 893 parties respectively.
    - Fleurets' confirm that four viewings were undertaken following the mailshots, one interested in taking a lease and the other three looking at developing the site.
  - On the 9<sup>th</sup> February 2018 the property was advertised in the Caterer, the main publication read by all individuals and companies working in the hotel trade.
  - In February the Hotel was emailed to 344 developers.
  - On the 9<sup>th</sup> March 2018 the asking price was reduced to £600,000, this went out via additional mailshots to a total of 8,927 parties and it was re-advertised again at this figure in the Caterer on 23<sup>rd</sup> March 2018.
  - On the 29<sup>th</sup> May 2018 four weeks' notice to withdraw the property from the market, with our agreement terminating on 26<sup>th</sup> June 2018 was submitted.
    - no formal funded offers were received, although an indicative offer of £550,000 was discussed and by termination the property had been mailshot to 10,140 parties.
  - On 5<sup>th</sup> December 2018 the building was relisted on Fleurets' website and mailshot back out again to previous applicants at an asking price of £600,000.

- 7.12 Pleurets' conclude that in the six months that Station Hotel was actively on the market that they are satisfied, in their opinion, that Hotel was fully exposed to the market as a going concern with interest only received exclusively for alternative uses.
- 7.13 The supporting statement from the applicants raises a number of important points with regard to the Hotels longer term viability for this type of serviced accommodation within Ashbourne. Firstly the applicants highlight that the lack of demand for the type and nature of the accommodation provided in today's market due to the array of alternative serviced accommodation providers in the locality through increase of online travel agencies. Secondly the increase of national branded hotels in surrounding towns, such as Matlock, Leek, Buxton and Alton Towers which has had knock on effect to desirability of the accommodation offered at Station Hotel.
- 7.14 The Local Planning Authority is aware that The Travelodge premises recently opened on the south eastern approach into Ashbourne will have widened the choice of visitor accommodation the town has to offer. Whilst it is acknowledged that the application would result in a loss of serviced accommodation within Ashbourne, having regard to the justifications set out above as to the reasons for the closure of the hotel, which appears to be attributed to local competition and lack of interest of another hotel operator for this type of accommodation it is considered that the application represents an opportunity to re-use an otherwise empty building within a main market town for housing that will contribute towards the overall housing need in the District and is unlikely result in a significant negative impact upon the visitor economy of the area. It is considered that this no longer used accommodation is unlikely to be essential to the town's wellbeing and it is considered unlikely that it will be brought back into use, in the short term.
- 7.15 Given the above considerations and on balance the change of use of the Hotel to form 6 no. residential apartments is therefore considered to be acceptable, in principle.

***Impact on the character and appearance of the existing building and its surroundings***

- 7.16 Policy S3 of the Adopted Derbyshire Dales Local Plan (2017) sets out that within defined settlement development boundaries planning permission will be granted where the proposed development retains any existing buildings that make a positive contribution to the character and appearance of the settlement.
- 7.17 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.
- 7.18 Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) deals with protecting the historic environment which states the District Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.
- 7.19 The application site is located within a prominent area of Ashbourne, at the junction of King Edward Street and Station Road. Station Hotel is a brick and tiled three-storey building with timber detailing and is of unique and characterful design. The Hotel lies outside but is in close proximity, and visible from, Ashbourne Conservation Area. Whilst not a listed building or within a Conservation Area the building, due to its age, distinctive character and appearance is considered to be an non-designated heritage asset which contributes significantly to the character and appearance of the locality.

- 7.20 The application proposes only a number of modest external alterations including; the reconfiguration of the external escape stairs, formation a new fire door within the second floor (east elevation), a new opening formed within the ground floor (south elevation) and a new entrance canopy (west elevation), as illustrated on submitted revised plans date stamped 18<sup>th</sup> October 2019. It is considered that the proposed conversion works appropriately uphold the character, fabric and appearance of the existing building with the retention of all the buildings existing decorative features. The principal elevations, fronting Station Road and King Edward Street will remain unchanged. The reconfiguration of the external escape stair, subject to conditions relating to design and finish are relatively diminutive and would not look incongruous against the building. A condition will be attached to any approval requesting such detail to be formally assessed prior to the installation of the external stair case.
- 7.21 The proposed alterations, following amendments, are considered not to result in a detrimental impact upon the character and appearance of the existing building or adversely affect the setting of Ashbourne Conservation Area.

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

- 7.22 The closest neighbouring residential properties are the former annexed accommodation that were associated with the Station Hotel and now comprise 3 no. dwellings and 2 no. flats (application ref: 11/00092/FUL) to the rear of the Hotel within the courtyard area. It is considered that there is sufficient distance between buildings to not result in any direct overlooking into adjacent buildings. As previously advised the basement, which leads on the rear courtyard will remain unchanged.
- 7.23 Whilst the use of the building would become more intensive being for private residential uses, given the town centre location of the building and its previous hotel use, the proposed development is considered to be compatible with neighbouring land uses and would not result in a significant loss of privacy to both the occupants of existing and the proposed residential apartments.
- 7.24 No objection has been raised by the Councils Environmental Health Officer, subject to conditions requiring appropriate noise attenuation measures between the residential units. A condition will be attached to any approval requesting such detail to be formally assessed prior to conversion works.

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

- 7.25 Vehicular access would be gained via the existing metal gated access directly off King Edward Street. Seven parking spaces would be allocated within the rear courtyard and a further 3 no. parking spaces retained fronting Station Road.
- 7.26 The Local Highway Authority comment that parking spaces 4 and 5 on the submitted plans should be removed from the proposal as there is not a sufficient depth to park a vehicle clear of the public highway and the use of these spaces would involve drivers reversing to or from Station Road within the signalised junction. A condition will be attached to any approval requesting a revised parking layout prior to first occupation.
- 7.27 Whilst it is acknowledge that the level of off-street parking is below current design guidance, given the town centre location and former Public House use, the Local Highway Authority raise no objections to the application, subject to conditions.

## **Other<sup>84</sup> matters**

- 7.28 The application site lies approximately 30m to the south of Henmore Brook, as such 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 are satisfied that subject to a condition addressing some of the mitigation measures in the submitted Flood Risk Assessment being imposed, they do objection to the application.
- 7.29 Turning to the impact of the development on the local environment and, in particular protected species. Initially no ecological assessments accompanied the application. Following consultation with Derbyshire Wildlife Trust it was advised that a Preliminary Bat Roost Assessment should be undertaken to determine if any nocturnal bat surveys are required. A Preliminary Bat Roost Assessment was submitted by the applicant which confirms evidence of a day roost of common pipistrelle bats within the roof. In addition it is noted that a swifts nest is present on the eastern elevation of the hotel. Following further amendments to the ecological reports submitted, Derbyshire Wildlife Trust confirm the proposed mitigation measures are now suitable for each of the target species and they concur with this assessment and consider that the mitigation proposed are suitable for the species affected. No objections are therefore raised, subject to appropriately worded conditions.

## **Conclusion**

- 7.30 Whilst it is regrettable to lose the hotel use which provides serviced accommodation to tourists and visitors in the town, it is considered that sufficient evidence has been presented to demonstrate that all efforts have been made to safeguard the building as a hotel.
- 7.31 The application represents an opportunity to re-use an otherwise empty building within a main market town for housing that will contribute towards the overall housing need in the District through a conversion which preserves the character and appearance of the non-designated heritage asset and without any significant negative impact upon the visitor economy of the area.
- 7.32 Taking the above into consideration the application satisfies the relevant provision of the Adopted Derbyshire Dales Local Plan (2017). Accordingly the application is recommended for approval with conditions.

## **8. RECOMMENDATION:**

Planning Permission to be granted subject to the following conditions:

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

Reason:

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

2. 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 dwellings hereby

85 approved and no buildings, extensions, gates, fences, hardstanding 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 protect the external appearance and setting of the building in accordance with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

3. Prior to installation, details of any new windows and doors (inc 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 S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

4. Notwithstanding the submitted details, constructional details of the external fire escape stairs (inc finish) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of conversion works. The development shall be constructed in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development and in the interests of preserving the amenities of the occupants of the proposed apartments in accordance with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

5. The residential apartments hereby permitted, shall not be brought into use until a scheme of works for noise attenuation measures have been submitted to and approved in writing by the Local Planning Authority and implemented in full. The approved scheme shall be maintained in accordance with the approved details at all times thereafter.

Reason:

In the interests of preserving the amenities of the occupants of the proposed apartments in accordance with Policies PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

6. Throughout the construction phase, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason:

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

7. No residential unit shall be occupied until details of the proposed parking and manoeuvring areas within the site have been submitted to, and approved in writing, by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

## Reason:

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

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

## Reason:

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

9. No works or demolition of the buildings shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

## 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).

10. The mitigation measures proposed Bat & Bird Mitigation Measures shall be implemented in full. If the application is unable to comply fully with this mitigation plan then a revised mitigation plan should be submitted to and approved in writing by the Local Planning Authority. A short statement of compliance shall be submitted to the Local Planning Authority upon completion of works.

## Reason:

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

11. The development shall be carried out in accordance with the submitted flood risk assessment (Dated 16<sup>th</sup> April 2020, Ref: 20-141) and the following mitigation measures it details;
  - No development/conversion of the basement of the main hotel building into residential (habitable accommodation – Section 4.1.1
  - Owner/occupiers to sign up to the flood warning service – Section 6.3

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).

## NOTES TO APPLICANT:

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

This decision notice relates to the following documents:

Design and Access Statement, dated 7<sup>th</sup> April 2020

Flood Risk Assessment, dated 16<sup>th</sup> April 2020

Submitted Plans date stamped 14<sup>th</sup> April 2020.

Existing Plans, ref: 01A

Proposed Plans, ref: 02B

Existing Elevations, ref: 03

Proposed Elevations, ref: 04A

Location Plan and Block Plan, ref: 05

Existing Photos, Ref: 06

20/00482/FUL

Former Hallmark Tractors Site, Sudbury



Derbyshire Dales DC

1:1,500

Date: 25/08/2020

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



# Planning Committee 8<sup>th</sup> September 2020

<b>APPLICATION NUMBER</b>		20/00482/FUL	
<b>SITE ADDRESS:</b>		Former Hallmark Tractor Site, Ashbourne Road, Sudbury	
<b>DESCRIPTION OF DEVELOPMENT</b>		Change of use from Light Industrial B1(c) to Retail (A1), Café (A3) and Office (B1(a)) uses	
<b>CASE OFFICER</b>	Andrew Stock	<b>APPLICANT</b>	Mr J Nash
<b>PARISH/TOWN</b>	Sudbury	<b>AGENT</b>	Fisher German
<b>WARD MEMBER(S)</b>	Cllr Jacqueline Allison	<b>DETERMINATION TARGET</b>	4 <sup>th</sup> August 2020
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Requested by Ward Member	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	N/A

## MATERIAL PLANNING ISSUES

- The appropriateness of the proposed uses, having regard to the buildings existing use and location;
- Impact on the character and appearance of the existing building and its surroundings;
- Whether the development would result in a significant loss of amenity for residents of neighbouring properties, and;
- Whether there would be any adverse highway safety implications.

## RECOMMENDATION

Approval, subject to conditions.

## 1. THE SITE AND SURROUNDINGS

- 1.1 The site is located along the A515 Ashbourne to Sudbury, road just north of the staggered Somersal and Boylestone village crossroads within a small hamlet of properties in the countryside. The area comprises several residential properties, the former Hallmark Tractors site (the subject of this application) and the recently developed site for the relocation of Hallmark Tractors depot building to the north.
- 1.2 The application site is the former Hallmark Tractors business premises which comprises a large depot/maintenance shed with an enclosed compound to the side where vehicles, plant and equipment were stored. To the rear is a further storage area, which was used to store vehicles and machinery. This area has recently benefited from planning permission for the erection of 4no. dwellinghouses (application ref: 20/00343/REM and 17/00329/FUL).
- 1.3 The site is access directly off the A515 via the existing vehicular access.



## 2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the change of use of the former Hallmark Tractors premises from Light Industrial B1(c) use to mixed use including Retail (A1), Café (A3) and Office (B1(a)) uses, as illustrated on submitted revised plans date stamped 7<sup>th</sup> August 2020.
- 2.2 The applicant advises that the existing workshop will accommodate a storage area, and part of the shop/café area as well as an accessible toilet. The current sales area will comprise of a shop/café area. The existing office will be converted into toilets, and the existing toilet/storage area will house the kitchen. The first floor, which was previously storage, will be converted to create two open plan office with communal toilets in the centre. There would be a slight internal extension to the existing Mezzanine floor to create additional office space.
- 2.3 The external changes include:

- <sup>91</sup>On the northern elevation the two central shutter doors will be converted to form two access doors to the shop/café and the first floor offices. The remaining two shutter doors will be removed;
  - On the eastern elevation a window will be added on the first floor and centrally on the ground floor; on the western elevation, the existing central shutter will be reduced in height in order to accommodate the installation of a window to serve the first floor office space, and;
  - On the southern elevation the existing central door will be replaced with a window.
- 2.4 The application site would continue to be accessed directly off the A515 via the existing vehicular access with 17 no. customer parking spaces (inc 2 no. disabled parking spaces) to the east and north side of the application site. The proposal also includes an external seating area to the east of the building. Staff parking is accommodated to the west totalling 9 no. spaces.

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

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

- S1 Sustainable Development Principles
- S4 Development in the Countryside
- S9 Rural Parishes Development Strategy
- PD1 Design and Place Making
- PD9 Pollution Control and Unstable Land
- PD7 Climate Change
- PD8 Flood Risk Management and Water Quality
- HC19 Accessibility and Transport
- HC21 Car Parking Standards
- EC1 New Employment Development
- EC3 Existing Employment Land and Premises

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

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

- |     |                |   |
|-----|----------------|---|
| 4.1 | 09/00762/VCOND | Section 73 Application - Extension of existing building, creation of new access road and use of land for storage of vehicles (Variation to Condition 3 of planning permission 09/00468/FUL) – Refused |
| 4.2 | 09/00468/FUL   | Extension of existing building, creation of new access road and use of land for storage of vehicles (modifications to planning permission 08/00649/FUL) – Granted                                     |
| 4.3 | 08/00649/FUL   | Extension of existing building, creation of new access road and use of land for storage of vehicles - Granted   |

### **5. CONSULTATION RESPONSES**

#### **5.1 Local Highway Authority (Derbyshire County Council)** Initial response –

The applicants redline boundary does not extend to the highway and the proposed one-way system is outside their control, and not within the highway. I would be grateful to receive clarification on the access arrangements.

<sup>92</sup>The applicants redline boundary does not extend to the highway and the proposed one-way system is outside their control, and not within the highway. I would be grateful to receive clarification on the access arrangements.

Whilst the site is in a somewhat unsustainable location and likely to be highly dependent on private car trips, in view of the existing authorised use of the site, and the potential trips that could occur with a new occupier, it is not considered that a highway objection to the change of use would be sustainable. I would however seek revised details regarding the parking and access arrangements, either pre-determination or, by condition.

Second response –

The submitted details are considered acceptable to address the concerns raised previously.

5.2 Environmental Health Officer

No objection, subject to conditions.

5.3 Local Ward Councillor (Cllr. Jacqueline Allison)

Having read through the original application and been involved in the consultation on the remaining matters for the outline consent on the housing, I do not support the change of use application from B1c usage to retail, cafe and office accommodation. The application suggests 10 fte will be created however, the type of employment will not support the aspirations clearly stated in DDDC corporate plan to have higher value employment for Dales residents. Work in food service and retail is usually minimum wage, unskilled on zero hour's contracts. As it was reported to councillors that wage levels in the district fell by 7% in 2018 this change of use will not reverse that trend.

The district should retain were possible sites that will create semi-skilled/ skilled employment opportunities, preferably in the green manufacturing sector. Have the promised 26 jobs on the new Russell tractors site been delivered? And are local people working there, anecdotal information I have suggests not. Russell group currently employ 137 employees across 9 UK sites, therefore the average is 15 per site.

My other concerns on the site relate to parking which I believe will be inadequate. As most traffic on the A515 is HGV, the 10 proposed parking spaces will not be able to accommodate these vehicles and they will start to park on the road. The food preparation area at the rear of building will produce food smells that will impact on the surrounding properties, as will the frequent traffic in and out of a site with retail and food sales.

I have requested that this application goes to the next planning committee which are due to restart after the Council annual meeting on the 22/7.

## 6. REPRESENTATIONS RECEIVED

6.1 A total of 10 representations have been received. A summary of the representations are outlined below:

Impact on residential amenity:

- Noise disturbance
- Light pollution
- Anti-social behaviour from café customers
- Air pollution
- Litter
- Vermin levels

- 93 ○ Extractor fan disturbance
- Illuminated signage
- Loss of privacy
- Fear of crime

#### Highway Safety:

- Increase in vehicular movements
- Insufficient parking allocation
- No transport assessment submitted
- No HGV parking provision
- Increase traffic
- Dangerous access
- Poor visibility splays
- Cars/HGV parking on the A515

#### Other matters:

- Lack of clarity of the end users
- The existing use of site should be extinguished
- Is there a need for the café
- The site is contaminated
- Unsustainable location

## 7. OFFICER APPRAISAL

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

- the appropriateness of the proposed uses, having regard to the buildings existing use and location;
- impact on the character and appearance of the existing building and its surroundings;
- whether the development would result in a significant loss of amenity for residents of neighbouring properties, and;
- *whether there would be any adverse highway safety implications*

### ***The appropriateness of the proposed uses, having regard to the buildings existing use and location;***

- 7.2 The application site is located within the countryside, between Ashbourne and Sudbury. Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) advises that development in the countryside should 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 EC1 of the Adopted Derbyshire Dales Local Plan (2017) supports proposals for new or expansion of existing business or industrial development in sustainable locations that contribute towards the creation and retention of a wide range of jobs, an increase in higher value employment opportunities.
- 7.4 Planning permission has recently be granted for the relocation of Alkmonon Tractors to a purpose built facility to the north of the application site. The existing premises have since become redundant following the completion of the new depot building. It is considered that the proposal represents an opportunity to re-use an otherwise redundant building which benefits from a B1 (c) Light Industry business use.

- 7.5 Whilst the application site lies within the countryside, the proposed uses of the building including Retail (A1), Café (A3) and Office (B1(a)) would continue to help contribute towards the creation employment opportunities within the rural area and would thus represent a viable re-use of the building.
- 7.6 Notwithstanding the above, due consideration has to be given to recent changes in planning legislation which allows much more flexible uses of existing buildings located within the countryside. Class D of The Town and Country Planning (General Permitted Development) 2015 Order permits the change of use of a building and any land within its curtilage from Class B1 (business) to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1 (business) of that Schedule for a single continuous period of up to 2 years beginning on the date the building and any land within its curtilage begins to be used for the flexible use.
- 7.7 The reuse of the former Hallmark Tractors premises is therefore considered to be acceptable in principle. Notwithstanding that the existing use (protected under Policy EC3) has been retained through the development of a new depot building on nearby land to the north, the proposed uses for the original building include a protected employment use (Use Class B1) and will provide for other employment opportunities.

***Impact on the character and appearance of the existing building and its surroundings, and;***

- 7.8 Policy S4 of the Adopted Derbyshire Dales Local Plan seek to ensure that new development protects and where possible, enhances the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment.
- 7.9 Policy PD1 of the Adopted Derbyshire Dales Local Plan requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, development on the edge of settlements to enhance and/or restore landscape character, contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.10 Policy PD5 of the Adopted Derbyshire Dales Local Plan seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape.
- 7.11 A number of external alterations are proposed as part of the application, as detailed within the 'Details of the application' section of this report. The building has fallen into disrepair following the relocation of Hallmark Tractors to their new site and the building is in need of a significant refurbishment
- 7.12 The proposed conversion works to the building are considered to enhance its character and appearance. The works are not considered to have any adverse impact on the character and appearance on this part of the countryside. Following the submission of amended plans to address the level of parking provision on site the submitted revised layout plan appears to be lacking in details of soft landscaping. An appropriately worded condition will therefore need to be attached to any approval requesting such detail to ensure an appropriate level of hard and soft landscaping is provided, as well as being able to provide appropriate levels of screening between the development and neighbouring land uses / properties.
- 7.13 The Local Planning Authority would exercise control over any advertisements requiring approval. Such advertisements would be assessed as part of a separate application for express advertisement consent and are not a consideration as part of this application.

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

- 7.14 The site is located along the A515 Ashbourne to Sudbury within a small hamlet of residential properties. The application site is bounded by Willow Cottage to the north, Springfield to the south and Coppice View to the west.
- 7.15 The application has been assessed by the District Council's Environmental Health Team who have raised no objection to the proposal. This is subject to conditions relating to full details of arrangements for internal air extraction, odour control, and discharge to atmosphere, noise assessment mitigation measures, confirmation of the hours of operation of the businesses and confirmation that level of land contamination caused from the previous use is acceptable for the proposed use. Subject to addressing the above, it is considered that the development would not result in any adverse impacts on the residential amenity of the occupants of nearby / neighbouring dwellings.
- 7.16 Whilst no details have been submitted with regard to opening hours, it is considered reasonable to restrict the operating hours of the premises to between 0800 - 1800 Monday to Sunday including Bank Holiday Mondays unless otherwise agreed in writing by the Local Planning Authority. This will ensure minimal disturbance to residents and control over the proposed uses of the building. Although the previous use operated without restriction, such opening times would be generally consistent with the previous use (with the exception of Saturdays and Sundays).
- 7.17 It is also considered that it would be reasonable to require fencing along the northern, southern and eastern boundaries of the site to assist with noise reduction and provide screening of the activities of the application site and vehicle headlights in winter months. A condition to cover this is recommended on the grant of any planning permission.
- 7.18 The application site is the former Hallmark Tractors business premises and compound which until recently included a compound to the side, rear and front of the site where vehicles, plant and equipment was stored. Given the existing lawful use Light Industry (B1(c)) of the site the proposed uses (A1, A3 and B1(a)) are considered to be compatible with neighbouring land uses and would be unlikely result in a significant loss of privacy or amenity for the occupants of neighbouring properties subject to conditions.

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

- 7.19 The application site would continue to be accessed directly off the A515 via the existing vehicular access.
- 7.20 It was proposed that the site will operate a one-way system from and egress onto the A515, however following concerns raised by the Local Highway Authority with regard to the introduction of a one-way system to access the site with regard to visibility splays it has been agreed to omit the one-way system, and the access will be utilised as existing.
- 7.21 The Local Highway further comment that the level of parking including provision for cyclists outlined in the application form is acceptable and there is adequate on-site manoeuvring space. However the plan demonstrates 11 no. spaces to the front/side of the premises, with the remainder provided within the secure yard. It is noted that of the 25 no. spaces, more than 50% are provided for staff and being located behind a gate would provide no overspill for customers. The level of parking available for customers and visitors appears low, especially if used by staff.

- 7.22 <sup>96</sup>The comments made by the Ward Member are also noted and a revised block plan has been submitted which has increased the level of customer parking to 17 no. spaces (inc 2 no. disabled spaces) and the gates that segregated the staff parking from the customer parking have been removed in order to accommodate overflow parking for customers and visitors.
- 7.23 Following re-consultation with the Local Highway Authority they concluded that whilst the site is in a somewhat unsustainable location and likely to be highly dependent on private car trips, in view of the existing authorised use of the site, and the potential trips that could occur with a new occupier, it is not considered that a highway objection to the change of use would be sustainable.

## **Conclusion**

- 7.24 It is considered that the re-use of this building would continue to help contribute towards the creation employment opportunities within the rural area and would thus represent a viable re-use of the building with the conversion works considered to be appropriate for this rural context and that the retail (A1), café (A3) and offices (B1(a)) uses can co-exist with residential properties without leading to a significant loss of amenity.
- 7.25 Taking the above into consideration the application satisfies the relevant provision of the Adopted Derbyshire Dales Local Plan (2017). Accordingly the application is recommended for approval.

## **8. RECOMMENDATION**

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

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

Reason:

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

2. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority 7<sup>th</sup> August 2020.

Reason: For the avoidance of doubt.

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

Reason:

To safeguard the character, appearance and amenity of the site and its surroundings to comply with Policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

4. The premises the subject of the application shall not be taken into use until access and parking (including secure cycle parking) has been provided in accordance with the revised application drawing and maintained thereafter throughout the life of the development.

Reason:



<sup>97</sup>In the interest of highway safety in accordance with Policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

5. Prior to the first use of the building, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the local planning authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the local planning authority.

Reason:

In the interests of preserving the amenity of neighbouring residents in accordance with Policies S4 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

6. Prior to the first use of the building, a scheme shall be submitted to and agreed in writing by the local planning authority that specifies the provisions that will be implemented for the control of noise emanating from the site. The noise mitigation scheme shall be maintained for the life of the approved development and shall not be altered without the prior written approval of the local planning authority.

Reason:

In the interests of preserving the amenity of neighbouring residents in accordance with Policies S4 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

7. Prior to the first use of the building details shall be submitted to and agreed in writing by the local planning authority to confirm that the level of land contamination caused from the previous use is acceptable for the proposed use.

Reason:

In the interests of preserving the amenity future occupants of the building in accordance with Policies S4 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

8. The use of the premises shall be restricted to the hours of 0800 - 1800 Monday to Sunday including Bank Holiday Mondays, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of preserving the amenity of neighbouring residents in accordance with Policies S4 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

9. The delivery of goods to and from the site shall be between the hours of 08:00 - 18:00 Monday to Friday and 08:00 - 13:00 Saturday only with no deliveries on Sundays and Bank Holidays.

Reason:

In the interests of preserving the amenity of neighbouring residents in accordance with Policy S4 of the Adopted Derbyshire Dales Local Plan (2017).

- 10.<sup>98</sup> Details of any external lighting for the site shall be submitted to and agreed in writing with the Local Planning Authority prior to installation. Details shall include luminance levels and spread of light together with measures to prevent glare to users on the adjoining public highway.

Reason:

In the interests of preserving the amenity of neighbouring residents in accordance with Policy S4 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To ensure an appropriate landscaped setting in accordance with Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

12. The development hereby permitted shall be constructed of facing and roofing materials to match in terms of colour, texture, size and material those used in the construction of the existing building.

Reason:

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

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

Reason:

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

## **NOTES TO APPLICANT:**

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

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

3. This decision notice relates to the following documents:

Block Plan Proposed, ref: 125887-002B, dated stamped 7<sup>th</sup> August 2020

Block Plan As Existing, ref: 125887-001, date stamped 9<sup>th</sup> June 2020

Location Plan, ref: 125887-003B, date stamped 20<sup>th</sup> July 2020

Floor Plans & Elevations As Existing, ref: 125887-100, date stamped 9<sup>th</sup> June 2020

Floor Plans & Elevations As Proposed, ref: 125887-101, date stamped 9<sup>th</sup> June 2020

Planning, Design and Access Statement, prepared by Fisher German

## 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 102	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 <sub>103</sub>	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
ENF/20/00115	Unauthorised siting of caravan	Land To East Of Hoon Well Lane Biggin Ashbourne 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 to fully self contained holiday cottage.	The Carriage House Building 24 Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ	Pending Consideration
ENF/18/00078	The painting of the shopfront with a paint colour that is not approved under the Matlock Bath Conservation Area Article 4 Direction	196-198 South Parade Matlock Bath Derbyshire DE4 3NR	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 105	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 verrandah 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 106	(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/19/00168	Replacement windows in Grade II* Listed Building	St Andrews House Lumsdale Road Matlock Derbyshire DE4 5NG	Pending Consideration
ENF/20/00012	Unauthorised erection of garage within the domestic curtilage	20 Lynholmes Rise Matlock Derbyshire DE4 3DX	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 107	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

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

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

## 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 108	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
ENF/20/00101	Erection of shed ?	The Old Barn Rise End Middleton By Wirksworth Derbyshire DE4 4LS	Pending Consideration
ENF/20/00110	Unauthorised painting of front door and windows of property covered by an Article 4 Directive.	The Barn Greenhill Wirksworth Derbyshire DE4 4EN	Pending Consideration

### Total Open Cases

94

# Enforcement Investigations Closed

In the Month Prior to 27/08/2020



## Carsington Water

ENF/19/00162	Unauthorised change of use of land for clay shoot	Harboro Rocks Clay Shoot Manystones Lane Brassington Derbyshire	Complaint Unfounded	20/08/2020
--------------	---	--	---------------------	------------

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

## Matlock St Giles

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	Complied Voluntarily	24/08/2020
ENF/20/00053	Internal window display / advertisement comprising a skull curtain	30B Matlock Green Matlock Derbyshire DE4 3BT	Complied Voluntarily	31/07/2020
ENF/20/00108	Alleged unauthorised erection of fencing in rear garden	Veronica Alders Lane Tansley Derbyshire DE4 5FB	Complied Voluntarily	14/08/2020

## Norbury

ENF/20/00104	Development not built in accordance with approval (19/00276/FUL - Two storey side and single storey rear extensions) - Integral garage now a room	Valley View Shields Lane Roston Derbyshire DE6 2EF	Planning Application Received	14/08/2020
--------------	---	---	-------------------------------	------------

## Stanton

ENF/19/00150	Erection of gate and gate posts enclosing area historically used for turning and overflow parking and extension of residential curtilage	Northleigh Dale Road North Darley Dale Derbyshire DE4 2HY	Complaint Unfounded	14/08/2020
--------------	--	--	---------------------	------------

Total Closed Cases 7

**USE THIS DOCUMENT WHEN THE DATE HAS BEEN DECIDED****NOT CONFIDENTIAL** - For public releasePLANNING COMMITTEE – 8 September 2020**PLANNING APPEAL – PROGRESS REPORT**Report of the Corporate Director

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
18/00662/LBALT	Brook Cottage, Pethills Lane, Kniveton	WR	Appeal being processed
19/01326/FUL	Land at Nether Lane, Kirk Ireton	WR	Appeal being processed
20/00281/FUL	The Beehive, Well Banks, Kirk Ireton	HOUSE	Appeal being processed
Central			
19/01321/FUL	The Cottage, Alfreton Road, The Cliff, Matlock	HOUSE	Appeal being processed
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
20/00196/FUL	9 Water Lane, Cromford	HOUSE	Appeal being processed
20/00143/FUL	Seth Punchard Storage & Distribution, Middlepeak Wharf, Middleton Road, Wirksworth	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.

## **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**