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05 October 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, 13 October 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', written over a light blue horizontal line.

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 – 08 September 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, 8 October 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.

	<b>Page No.</b>
<b>5.1 APPLICATION NO. 20/00482/FUL (Presentation)</b>	<b>04 – 16</b>
Change of use from General Industrial (B2) to Commercial, Business and Service Uses (Class E) at the former Hallmark Tractor Site, Ashbourne Road, Sudbury.	
<b>5.2 APPLICATION NO. 20/00617/FUL (Presentation)</b>	<b>17 – 26</b>
Erection of 6 no detached dwellings - Land East Of Les Ardenes Unnamed Section of C3 From Main Road To Carr Farm Hall Access Hulland Ward DE6 3EE.	
<b>5.3 APPLICATION NO. 20/00632/FUL (Presentation)</b>	<b>27 – 47</b>
Erection of 8 no. glamping pods with associated facilities, access track and landscaping - Land Off Millers Green, Wirksworth	

<b>5.4 APPLICATION NO. 20/00255/FUL (Presentation)</b>	<b>48 – 67</b>
Demolition of former doctors surgery and erection of building comprising of 10no. apartments - Surgery Mews, Columbell Way, Two Dales	
<b>6. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS</b>	<b>68 – 78</b>
<b>7. APPEALS PROGRESS REPORT</b>	<b>79 - 90</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.

**Back to Agenda**

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

<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 General Industrial (B2) to Commercial, Business and Service Uses (Class E)	
<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

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• The appropriateness of the proposed uses, having regard to the buildings existing 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.

## INTRODUCTION

This application is being represented to the committee following the resolution to defer the application at the 8<sup>th</sup> September planning Committee where it was resolved that Officers should obtain more information on concerns over highway safety and the views of the Environmental Health team on the proposed change of use.

Since the resolution to defer the application Officers have re-consulted with the Local Highway Authority and the Councils Environmental Health Team. In addition the application description has been updated to reflect the existing use of the building/site (B2) and to take into account recent changes to the Uses Classes Order (2020).

The revised application description is as follows:

*Change of use from General Industrial (B2) to Commercial, Business and Service Uses (Class E).*

This report remains as previously presented with the exception of the updated responses from the Local Highway Authority and the Councils Environmental Health Team within Section 5 (Consultation Responses) and further consideration of their responses within Section 7 (Officer Appraisal) of the Officers report.

### 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 refs: 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 General Industrial (B2) to Commercial, Business and Service Uses (Class E), 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 is was previously storage, will be converted to create two open plan offices 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:
- 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.

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.

Third response (following deferral at the 8<sup>th</sup> September planning committee) –

It was clarified that on the basis of the submitted information there was nothing to suggest HGV use of the site, other than perhaps construction traffic throughout any construction works. My comments were given on that basis. The site is located immediately alongside a principle road and taking account of the previous use, highway objections to HGV use are unlikely to be sustainable.

### 5.2 Environmental Health Officer

Initial response –

No objection, subject to conditions.

Second response (following deferral at the 8<sup>th</sup> September planning committee) –

I could suggest that they look at the building layout and move the noisy and odorous part of the development furthest away from the neighbouring properties. I would recommend



when they send in the final plans as per the conditions proposed, that the extract ventilation should be on the side of the building furthest away from the dwellings.

### 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 where 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
- 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 Alkinton 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 B2 General Industrial Use Class.

7.5 Whilst the application site lies within the countryside, the proposed Commercial, Business and Service Uses (Class E) uses 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. 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.

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 I 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 B2 (general industrial) of the Schedule to the Use Classes Order, to a use for any purpose falling within Class B1 (business) of that Schedule.

7.7 Overall it is considered that the reuse of the former Hallmark Tractors premises as a shop/café and offices uses falling within Class E of the Uses Classes Order is acceptable, in principle. A condition will be imposed to any approval restricting the use of the building as a shop/café and offices only and for no other purpose, including any other activity within the same class of the schedule to that Order to enable the Local Planning Authority to retain effective control of the building having regard to its countryside location.

***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 General Industrial (B2) of the site the proposed Commercial, Business and Service Uses (Class E) use is 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 Authority 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 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.
- 7.24 Further clarification was sought from the Local Highway Authority following the deferral of the application with regard to the future use of the site. It was clarified that on the basis of

the submitted information there was nothing to suggest HGV use of the site, other than perhaps construction traffic throughout any construction works. The Local Highway Comments were given on that basis. The site is located immediately alongside a principle road and taking account of the previous use, highway objections to HGV use are unlikely to be sustainable.

## **Conclusion**

- 7.25 It is considered that the re-use of this building would continue to help contribute towards the creation of 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 proposed Commercial, Business and Service Uses (Class E) uses can co-exist with residential properties without leading to a significant loss of amenity.
- 7.26 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. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (as amended) (or any Order revoking or re-enacting that Order with or without modifications), the premises shall be used as a shop/café and offices only in accordance with the submitted floorplans and for no other purpose, including any other activity within the same class of the schedule to that Order.

Reason:

To enable the Local Planning Authority to retain effective control of the building having regard to its countryside location in accordance with Policies S1, S4, EC1 and EC3 of the Adopted Derbyshire Dales Local Plan (2017).

4. 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).

5. 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:

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

6. 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).

7. 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).

8. 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).

9. 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).

10. 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).

11. 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).

12. 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).

13. 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).

14. 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

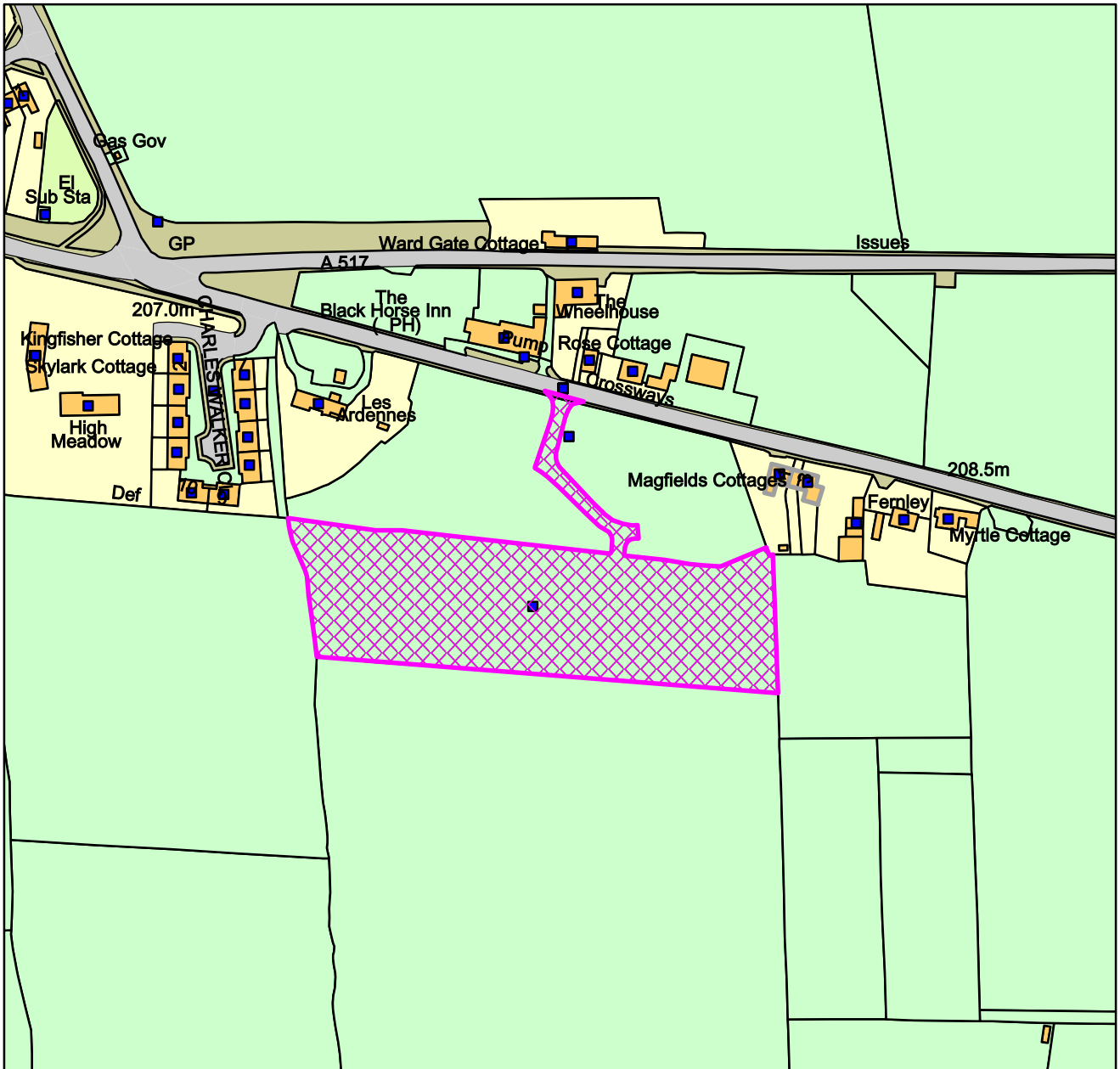
Floor Plans & Elevations As Proposed, ref: 125887-101, date stamped 9<sup>th</sup> June 2020

Planning, Design and Access Statement, prepared by Fisher German



20/00617/FUL

Land East of Les Ardennes, Hulland Ward



Derbyshire Dales DC

1:2,500

Date: 01/10/2020

100019785

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

<b>APPLICATION NUMBER</b>		20/00617/FUL	
<b>SITE ADDRESS:</b>		Land East Of Les Ardennes Unnamed Section Of C3 From Main Road To Carr Farm Hall Access Hulland Ward DE6 3EE	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of 6 no. detached dwellings	
<b>CASE OFFICER</b>	Andrew Stock	<b>APPLICANT</b>	Mr S Binch
<b>PARISH/TOWN</b>	Hulland Ward	<b>AGENT</b>	IMcH Planning and Development Consultancy
<b>WARD MEMBER(S)</b>	Cllr. Richard Bright	<b>DETERMINATION TARGET</b>	28 <sup>th</sup> August 2020
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	The number of dwellings houses to be provided is 3 or more outside of the first, second and third tier settlements	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	n/a

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• Principle of the development, having regard to its location;</li> <li>• Impact on character and appearance of this part of the settlement;</li> <li>• Impact on residential amenity, and;</li> <li>• Highway safety</li> </ul>

<b>RECOMMENDATION</b>
Refusal

## 1. THE SITE AND SURROUNDINGS

- 1.1 The application site is a parcel of agricultural land but has been affected in its current appearance by the housebuilding going on at the adjacent site. It is situated to the south eastern edge of Hulland Ward. The field is undulating but sits on a relatively level plateau. The site fronts onto recently approved and partially completed development of 22 no. dwellings (application ref: 18/01237/REM) and is currently being used to store machinery, contractors vehicles and materials associated with the development at Land East of Les Ardennes.
- 1.2 There is a public house opposite the site with a few dwellings dotted to the east, north and west. A public footpath is located to the western side of the site which leads to the main road adjacent to Charles Walker Close.



## 2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the erection of 6 no. dwellings with associated garaging and parking, as illustrated on submitted plans date stamped 3<sup>rd</sup> July 2020.
- 2.2 The two storey dwellings are set into the ground and therefore partially concealed. They are uniform in their appearance and floor plan and would comprise a pool, cinema, gym and sauna within the basement and 3 no. double bedrooms with en-suites, living room, kitchen/dining area, utility, double garage, WC, cloak room and plant room across the ground floor.
- 2.3 The development would be accessed from the public highway network (Unnamed section of C3 from Main Road to Carr Farm Hall access) through the existing new development to the north of the application site.

2.4 The housing comprises of the following mix: -

House Types	Number	%
Three bed houses	6	100%
<b>Total</b>	<b>6</b>	

### 3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017):

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S4 Development in the Countryside
- S9 Rural Parishes Development Strategy
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- PD3 Biodiversity and the Natural Environmental
- PD4 Green Infrastructure
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodlands
- PD8 Flood Risk Management and Water Quality
- HC1 Location of Housing Development
- HC4 Affordable Housing
- HC14 Open Space, Sports and Recreation Facilities
- HC19 Accessibility and Transport
- HC21 Car Parking Standards

### 4. RELEVANT PLANNING HISTORY

- 18/01237/REM Approval Of Reserved Matters For The Erection Of 22 Dwellings (Outline Application 16/00832/OUT) GRANTED
- 18/00589/REM Approval Of Reserved Matters For The Erection Of 23 Dwellings (Outline Application 16/00832/OUT) REFUSED
- 16/00872/OUT Erection of up to 17 dwellings (outline) REFUSED  
- APP/P1045/W/17/3188285 APPEAL DISMISSED
- 16/00832/OUT Outline application for residential development and associated access GRANTED
- WED/0691/0444 Residential development (outline) REFUSED
- ASR/563/3 Residential development REFUSED

### 5. CONSULTATION RESPONSES

#### 5.1 Parish Council

The Parish Council wish to object to this application as it is not in the local plan and it is outside the village boundary. There are more appropriate sites within the local plan which have not been developed.

#### 5.2 Derbyshire County Council (Highways)

No objection, subject to conditions.

#### 5.3 Derbyshire Wildlife Trust

Initial response –

We advise the Local Planning Authority that a short site visit should be undertaken by an ecologist to check that no additional constraints are present and the Ecological Appraisal updated in accordance with our comments.

Second response –

I would recommend a condition to secure a net biodiversity gain.

5.4 Development Control Archaeologist

No objection - There is no Derbyshire Historic Environment Record information relating to the land in question and a check of Google Earth shows that the proposed development area has already been disturbed as a result of the recent construction of a housing development immediately to the north of the site.

5.5 Environment Agency

Provided that the site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are also no other environmental constraints associated with the site and therefore we have no further comment to make.

5.7 Rural Housing Officer

We would accept an off-site affordable housing contribution for this proposed scheme.

5.8 Derbyshire County Council (Development Contributions)

In line with the Developer Contributions Protocol, although this proposed development is below 11 dwellings, the Gross Internal Area, is over 1000sqm, and therefore contributions can be requested. The County Council requests a financial contribution as follows:

£25,881.90 for the provision of 1 secondary place at Queen Elizabeth's Grammar School towards additional education facilities.

The County Council requests that an advisory note be attached to any planning permission that encourages the developer to make separate enquiries with broadband providers in order to ensure that future occupants have access to sustainable communications infrastructure, and that appropriate thought is given to the choice and availability of providers which can offer high speed data connections. Any new development should be served by a superfast broadband connection unless it can be demonstrated through consultation with the network providers that this would not be possible, practical or economically viable.

5.9 Derbyshire County Council (Lead Local Flood Authority)

No response received.

## 6. REPRESENTATIONS RECEIVED

6.1 A total of 4 representations have been received objecting to the proposed development. The following concerns are raised;

Principle:

- Outside settlement boundary
- Contrary to the Adopted Local Plan

Impact on local residents:

- Increased risk of flooding
- Lack of local infrastructure

## Highway Safety:

- Increase in vehicular movements
- Increase traffic
- Insufficient access

## 7. OFFICER APPRAISAL

- 7.1 It is important in assessing the current scheme to fully understand the history of the site and the adjoining land which have been subject to a number of planning applications. Of particular relevance to this application proposal are the planning permissions relating to the adjoining site (Outline -16/00832/OUT and Reserved Matters -18/01237/REM) together with an outline application for up to 17 dwellings on the current application site (16/00872/OUT).
- 7.2 Application 16/00872/OUT which was refused was also dismissed at a recent appeal (APP/P1045/W/17/3188285). The inspector in her appeal decision in early spring 2019 identified a very marginal shortfall in the Councils 5 year housing land supply. Notwithstanding this she still concluded that the adverse impact on the landscape and settlement were sufficient basis to reject the appeal.
- 7.3 Taking the above into consideration and having regard to the history of the site and the decision made by the planning inspector, the main issues to assess in the consideration of this application are:
- Principle of the development, having regard to its location;
  - Impact on character and appearance of this part of the settlement;
  - Impact on residential amenity, and;
  - Highway safety

### ***Principle of the development, having regard to its location***

- 7.4 In accordance with Policy S2 of the Derbyshire Dales Local Plan (2017), proposals for new development will be directed towards the most sustainable locations and the use of previously developed land will be encouraged.
- 7.5 Hulland Ward is designated as a Tier 3 settlement defined as 'Accessible Settlement with Some Facilities' within Policy S2 of the Adopted Derbyshire Dales Local Plan (2017) where there are some facilities and services that, together with local employment, provide the best opportunities outside the first and second tier settlements for greater self-containment. They will provide for reduced levels of development in comparison to higher order settlements in order to safeguard and where possible, improve their role consistent with maintaining or enhancing key environmental attributes.
- 7.6 Settlement boundaries for First, Second and Third Tier settlements are defined on the Policies Maps. New development should be focused within the settlement boundaries of these settlements in accordance with their scale, role and function unless otherwise indicated in the Local Plan.
- 7.7 The application site lies outside the defined Settlement Development Boundary for Hulland Ward and therefore, the location of the site must be treated as being development within the countryside, which would require justification under Policy S4 of the Adopted Derbyshire Dales Local Plan (2017). Policy S4 sets out that planning permission will be granted for residential development in the countryside where, it comprises development on non-allocated sites on the edge of defined Settlement Development Boundaries of first, second and third tier settlements in circumstances where there is no 5 year supply subject to

consideration against other policies in the Local Plan and provisions of the National Planning Policy Framework (2019).

- 7.8 The District Council has since the appeal decision referred to above re-calculated and published data which shows that it currently has 5.89 years' worth of supply of housing (1<sup>st</sup> April 2019, *Local Planning Authority Monitor Report 2018/2019*). The District Council's Housing Land Supply position demonstrates that the District Council has in excess of a five year supply of land for housing. In accordance with the requirements of the National Planning Policy Framework (2019), development of housing outside of defined settlement boundaries is therefore not required and does not satisfy the policy criteria within Policy S4 of the Adopted Derbyshire Dales Local Plan (2017).

### ***Impact on character and appearance of this part of the settlement***

- 7.9 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.
- 7.10 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 or the setting of a settlement as identified in the Landscape Impact Assessment.
- 7.11 In considering the expansion of villages like Hulland Ward it is important to consider amongst other matters the impact of additional development upon the character and appearance of the landscape and settlement pattern. The Wardell Armstrong report on Landscape Sensitivity was carried out to aid in the determination of where development should be focussed, identifying within each settlement the landscape characteristics and sensitivity prior to the adoption of the Local Plan.
- 7.12 The Study concludes that the application site and the neighbouring site to the north are in an area of high sensitivity. From this Study and a further in-house landscape assessment the site fronting the highway to the north of this application site was considered suitable for development and allocated as a site suitable for development within Adopted Local Plan. It was considered that the frontage site assimilates well with the existing pattern of development to the southern end of the village by continuing the ribbon like form of development along this stretch of the A517, as identified in the Study, nestling between Les Ardennes and Magfields Cottages. The site has since been granted planning permission for 22 no. dwellings (application refs: 16/00832/OUT and 18/01237/REM) and is under construction.
- 7.13 The approved housing development is characterised by linear housing fronting the highway which replicates the character of the immediate area followed by looser development of detached houses to the rear. In contrast the development of the application site would protrude well beyond the edge of the prevailing west-east linear development form of the village. The inspector in her appeal decision (APP/P1045/W/17/3188285) commented that development of this area would extend and consolidate the built up area at a point where the built up area is thinning out towards open countryside, resulting in a significant urbanising effect which would cause material harm to the form and character of Hulland Ward, its setting and the landscape character of the Sandstone Slopes and Heaths.
- 7.14 Whilst it is noted that, apart from the outlook from the rear of the new housing development, public views of the application site will be limited from within the street approach of the estate and from along public footpath (Hulland Ward D57/2/1) that lies to the west of the development site, running in a north-south direction from between Les Ardennes and the rear

of Charles Walker Close towards Hulland Village. This is acknowledged by the inspector in her appeal decision where it is commented that when using the path in either direction, the presence of new development would erode the natural and open character of the site and would significantly detract from the experience of the footpath users.

- 7.15 It is acknowledged that the proposed dwellings have been designed to appear as rolling hummocks to reduce their impact on the immediate and wider landscape. However it is considered that the layout does not fit well with the existing development and the defined settlement boundary. The development design scheme is not of a contextual rural character or vernacular that one would expect to see in the open countryside and the experience of it will be confusing. The roof plan clearly shows a bunker like pattern of development that can only be made sense of by the associated driveways, terraces and retaining walls. Often subterranean houses are a clear design response to a surrounding landscape but here there is no exceptional circumstances to warrant this response.
- 7.16 The repetition in the scheme, the layout and the attempt to disguise these houses in the landscape does not result in a layout that is distinctive or legible, but one that is at odds to the surroundings. Furthermore there is concern that when cars and garden paraphernalia are also added into the scene that the development is collectively a much more modern contemporary solution suited to a more urban/rural edge rather than this village location.
- 7.17 The proposed development would project beyond the ribbon like form of development, which is identified as providing the southern limits to the village within the triangular form of the settlement, as is described in the Study. This projection into the open countryside would result in an incongruous form of development contrary to the prevailing settlement pattern of Hulland Ward, as has been identified in the Study, and as such would be harmful to the character and appearance of this sensitive landscape area.

### ***Impact on residential amenity***

- 7.18 Planning permission has recently been granted for the erection of 22 no. dwelling on Land East of Les Ardennes, north of the application site. The site fronts onto the adjacent development site which is under construction, which comprises a total of 7 no dwellings along the southern boundary of the site. These 7 dwelling would be the closest residential properties to the application site. The closest dwelling would be approximately 15 metres away from window to window.
- 7.19 The partially concealed houses, whilst large have been offset to take advantage of views to the south of the site with only the front glazed door and solid garage door facing away from the site to the adjacent development site. It is considered that careful consideration of the size, scale, design and layout of the dwellings has been given to minimise any impact upon the amenities of the occupants of neighbouring dwellings. The bunker style dwellings would not have any significant overbearing or overshadowing impact for the occupants of neighbouring properties being set into the land.
- 7.20 It is therefore concluded that given the nature of the partially concealed houses that the proposed development would not result in a significant loss of privacy or amenity for the occupants of neighbouring properties sufficient enough to warrant a reason for refusal on its own merits.

### ***Highway safety;***

- 7.21 The development would be accessed from the public highway network (Unnamed section of C3 from Main Road to Carr Farm Hall access) through the existing new development to the north of the application site, approved as part of Outline application 16/00832/OUT and Reserved Matters application 18/01237/REM.



- 7.22 The Local Highway Authority have previously stated that should any additional development off the new access to Derby Road result in excess of 50 dwellings being served by the proposed access, the internal road would require a minimum carriageway width of 5.5m. However, the 6 dwellings proposed under this current application does not result in an overall development of 50+ dwellings. Therefore, the Highway Authority has raised no objection to an additional 6 dwellings being served by the already permitted vehicular access.
- 7.23 The applicant has provided a double garages and a single parking space in accordance with the Delivering Streets and Places Design Guide (DSPDG). The Local Highway Authority is satisfied that the site affords sufficient turning facilities in order to enable service and delivery vehicles to enter and exit the site in a forward gear.
- 7.24 The Local Highway Authority conclude that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

### ***Other matters***

- 7.25 The application is accompanied by an updated Ecological Appraisal, however includes baseline information which was gathered during an extended Phase 1 habitat survey carried out in October 2016. Derbyshire Wildlife Trust comment that whilst the habitats present are not complex at the application site, survey work should be up to date (typically no more than two years old) as it is possible that conditions on site could change, especially with regards to mobile protected species such as badgers. It was advised that a short site visit should be undertaken by an ecologist to check that no additional constraints are present and the Ecological Appraisal updated in accordance with our comments.
- 7.26 The applicants advised that the original assessment included the whole site i.e. the land for Phase 1 and Phase 2 which concluded the entire land had no ecological interest other than the perimeter hedgerow, although the quality of this feature is limited. All hedgerows are still intact and nothing has changed with them since the initial appraisal. Furthermore as the land has (recently) been used for storage, the applicants' ecologist considers that there is no merit in re-assessing the site, particularly as the land was previously assessed as having no ecological interest. Following re-consultation with Derbyshire Wildlife Trust they raise no objection to the application, subject to a condition which secures net biodiversity gain.
- 7.27 Policy PD7 Adopted Derbyshire Dales Local Plan (2017) advises in addressing the move to a low carbon future for the Derbyshire Dales, the District Council will promote a development strategy that seeks to mitigate global warming, adapts to climate change and respects our environmental limits. The application is accompanied by a Sustainability and Energy Statement which highlights that the proposed development of 6 new dwellings will be designed to provide an environmental and sustainable development by delivering dwellings with energy efficient, passive and sustainable design measures, sustainable construction methods and renewable technologies, including fully autonomous features. It is appreciated that this is a sustainable development in terms of energy efficiency and building construction technology that would help minimise the effects of the new development on the environment.
- 7.28 The application is accompanied by a Flood Risk Assessment. Whilst comments are yet to be received from the Lead Local Flood Authority (LLFA) at Derbyshire County Council it is considered that as with the site to the north subject to appropriate conditions and the provision of a land drainage feature on the site matters of drainage could be appropriately resolved. Furthermore surface water disposal schemes would also need to be approved as part of the building regulations approval process in compliance with Part H of the Building

Regulations 2000. Given the unsuitability of the site for development this matter requires no further consideration.

7.29 Policy HC4 of the Adopted Derbyshire Dales Local Plan (2017) seeks to maximise the delivery of affordable housing across the plan area by working in partnership with the Homes and Community Agency, Registered Providers, Developers and Local Communities. In line with the Developer Contributions Protocol, although this proposed development is below 11 dwellings, the Gross Internal Area, is over 1000sqm, and therefore contributions can be requested. The Councils Head of Housing considered an off-site financial contribution towards the provision of affordable housing to be acceptable in this case. Derbyshire County Council requests a financial contribution of £25,881.90 for the provision of 1 secondary place at Queen Elizabeth's Grammar School towards additional education facilities. This would be secured by a Section 106 Obligation, subject to any approval.

### **Conclusion**

7.30 It is considered that the unwarranted residential development would result in an incongruous form of development that would lead to a significant urbanising effect to the south of Unnamed Road (CIII), outside the defined settlement boundary of Hulland Ward. The development would be intrinsically harmful to the form and character of Hulland Ward, its setting and the character and appearance of the landscape, contrary to Policies S2, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2019).

7.31 Accordingly the application is recommended for refusal on this basis.

## **8. RECOMMENDATION**

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

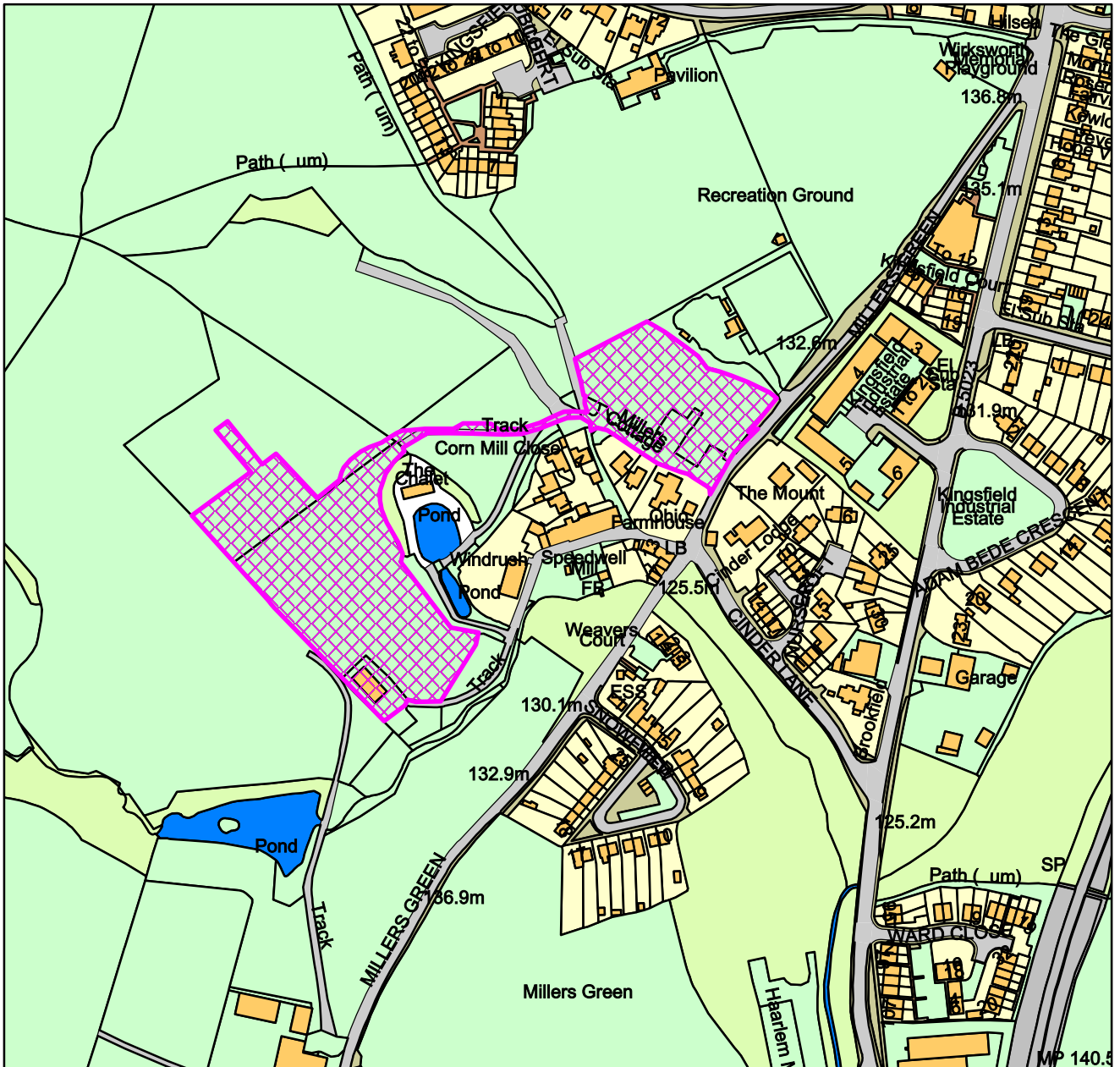
1. The unwarranted residential development would result in an incongruous form of development that would lead to a significant urbanising effect to the south of Unnamed Road (CIII), outside the defined settlement boundary of Hulland Ward. The development would be intrinsically harmful to the form and character of Hulland Ward, its setting and the character and appearance of the landscape, contrary to Policies S2, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and 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 3<sup>rd</sup> July 2020.

20/00632/FUL

Land off Millers Green, Wirksworth, Derbyshire



Derbyshire Dales DC

1:3,500

Date: 01/10/2020

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>		20/00632/FUL	
<b>SITE ADDRESS:</b>		Land Off Millers Green, Wirksworth	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of 8no. glamping pods with associated facilities, access track and landscaping	
<b>CASE OFFICER</b>	Mr. G. A. Griffiths	<b>APPLICANT</b>	Mr. & Mrs Wood
<b>TOWN</b>	Wirksworth	<b>AGENT</b>	Planning & Design Practice Ltd
<b>WARD MEMBERS</b>	Cllr. E. McDonagh Cllr. M. Ratcliffe Cllr. P. Slack	<b>DETERMINATION TARGET</b>	27 <sup>th</sup> October 2020
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major planning application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	

## MATERIAL PLANNING ISSUES

- Principle of the development
- Impact on the character and appearance of the area
- Sustainability and climate change
- Impact on residential amenity
- Highway matters
- Flooding and drainage
- Site contamination
- Archaeology
- Ecology

## RECOMMENDATION

Approval

**1. THE SITE AND SURROUNDINGS**

- 1.1 The site is about one mile to the south of Wirksworth Town Centre and adjacent to a ‘hamlet’ of properties at Millers Green around Speedwell Mill. The site is comprised largely of grassland sloping from the north west to the south east.
- 1.2 The site comprises essentially two different parcels of land. The main area for development are fields to the west of the residential properties at and around Speedwell Mill. This land is bounded by established hedgerow and trees, with a wooded area to the south and west between the field and Millers Green road. There is a modern agricultural building to the south west side of the field. This area is deemed to be open countryside.
- 1.3 Access to this field is via a second parcel of land immediately to the west of Millers Green road, to the north of the Speedwell Mill residential area. This parcel of land was formerly a yard area (Chequers Farm) which has since attracted full planning permission for residential development and more recently outline planning permission for a revised residential scheme. This site has largely been cleared, with some traces of former hardstanding remaining. The access to the main site is proposed to be gained off Millers Green road, across this parcel of land, and then would cross a public footpath which runs alongside Speedwell Mill; this footpath links Millers Green to the edge of Wirksworth to the north. This parcel of land is within the Settlement Boundary for Wirksworth.
- 1.4 Set between the main site area and the Speedwell Mill residential area is the applicants’ dwellinghouse; this is occupied and currently nearing completion in its construction. This property, as with those properties around Speedwell Mill, is within the Settlement Boundary for Wirksworth.





## 2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the erection of 8 glamping pods on the main field area. One of the pods is proposed to be utilised for an office. These are proposed to be sited to the west side of the field in a roughly circular pattern. The site area is set roughly 100m to the north of the existing agricultural building.
- 2.2 The glamping pods are proposed to measure 7m long by 3.2m wide and 2.5m high and can cater for four people. They are proposed to be of timber construction with an arched roof. The only window/door is proposed at the front of each pod. Each pod would have a bedroom/living area and an ensuite facility. The front element of each pod would overhang a small, decked area. They are also wheelchair accessible.
- 2.3 In terms of sustainability, each pod would be constructed of recyclable materials, be well insulated and have low energy lighting and appliances. The toilets are proposed to be connected to a rainwater harvesting tank. There is proposed to be a cycle and dog washing area, again with the use of harvested rainwater and a recycling area provided. A separate playing area is proposed in the adjacent field to the north west for ball games. The applicant advises that there are a variety of transport options available to access the site including cycling, trains (via the Ecclesbourne railway which links to the main line) and buses, and that, once at the site, the area is ideal for walking and cycling.
- 2.4 Vehicle access to the site is proposed by crossing the parcel of land to the north of Speedwell Mill (former Chequers Farm) along an access which has been detailed through the site as part of the outline planning permission to develop that site with 12 dwellings. The access would then cross over a public footpath and enter into the main field area where the glamping pods are proposed. The access would run along an existing field access to the rear of the dwellinghouses at Cornmill Close, which is to the north west of Speedwell Mill. It is proposed that the existing field access will be improved and extended to allow access to the glamping pod area where a hardstanding is proposed for car parking for 11 vehicles (with three electric vehicle points).
- 2.5 The applicant advises that additional landscaping was provided in the 2018/2019 planting season; this consisted of 350 trees of 1-3m height and included species such as scots pine, wild cherry, silver birch, field maple, beech, oak and hazel. An arc of trees on a bank/bund is also proposed to the east and south of the pods for the purposes of providing a privacy and sound buffer with planting proposed between the access and the dwellinghouses on Cornmill Close. The trees will also provide for a wind break and habitat for wildlife. The applicant has submitted an assessment of views from vantage points on the public highway and public footpaths in the area. Following the emergence of a sink hole, that flooded the upper field to the north west of the pods, a remedial drainage scheme is proposed to be implemented and the underground rainwater harvesting tank is proposed as part of that scheme.
- 2.6 It is advised that this would be a small scale development managed by the applicants who reside at The Chalet, which is located between the main area of the application site and Speedwell Mill. The applicant considers this to be a highly sustainable, eco-friendly development located on the edge of Wirksworth and yet close enough to experience the attraction the Peak District National Park has to offer. The applicants advise that they will manage the site from their nearby dwelling and, when on holiday, a manager will be present.
- 2.7 In terms of economic sustainability, the applicants advise that there would be hoped for an average occupancy rate of 3 persons per pod and that this would equate to spending per person in the area of some £40.00 per day; £120 per pod which could amount to a spend in the locality of some £184,000 annually. The development will also create employment with

the need for a cleaner, a site maintenance person and an administrator/front of house person.

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

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

- S1 Sustainable Development Principles
- S4 Development in the Countryside
- PD1 Design and Place Making
- PD3 Biodiversity and the Natural Environment
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodlands
- PD7 Climate Change
- PD8 Flood Risk Management and Water Quality
- PD9 Pollution Control and Unstable Land
- HC19 Accessibility and Transport
- HC21 Car Parking Standards
- EC8 Promoting Peak District Tourism and Culture
- EC9 Holiday Chalets, Caravan and Campsite Developments
- EC10 Farm Enterprise and Diversification

#### **3.2 Wirksworth Neighbourhood Development Plan (2015-2028)**

- NP1 Setting and Shape of the Settlement
- NP2 Quality and Character of Development within the Settlement
- NP13 Overnight accommodation and tourism development

#### **3.3 National Planning Policy Framework**

#### **3.4 National Planning Practice Guidance**

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

- 20/00800/FUL Erection of two polytunnels – to be determined
- 20/00724/S106M Modification of legal agreement – to be determined
- 19/00455/OUT Outline planning application for a residential development of 12 dwellings with approval being sought for access – Granted.

### **5. CONSULTATION RESPONSES**

#### Town Council

- 5.1 - no comment
- the Town Council has declared a climate emergency and therefore any development or change should seek to reduce the carbon footprint

#### Environment Agency

- 5.2 - site is located on the Bowland Shale which is classified as a Secondary A aquifer and that the site partially intersects a Source Protection Zone 1
- noted that a package treatment plant is proposed to be installed with regard to foul water from the site
- the approach to groundwater protection states that the discharge from the package treatment plant is likely to require a permit if the discharge is within the SPZ1
- request conditions be attached to any planning permission that foul water drainage details are submitted for approval and a remediation strategy is provided should any contamination be identified.



### Lead Local Flood Authority

- 5.3 - no objection.

### Local Highway Authority (Derbyshire County Council)

- 5.4 - the proposed private access track follows the alignment of the access road previously approved under planning application 19/00455/OUT so as to not compromise future development
- satisfied with the proposed, narrower access track, which is to have an effective width of 4.25m in accordance with the Delivering Streets and Places Design Guide (DSPDG)
  - in accordance with the Manual for Streets based on previously recorded vehicle speeds for this section of Millers Green, applicants have demonstrated 2.4m x 59m visibility splays at the access which were condition with outline planning permission 19/00455/OUT
  - have stated that details regarding the public right of way arrangements would be requested at the reserved matters stage of outline planning permission 19/00455/OUT – this is a full application and the proposals could differ once the road is widened, with the additional of footpaths to bring it up to an adoptable standard
  - applicants should submit a plan detailing the relocation of the gates and the signage/road markings it intends to implement at the transition
  - 11 car parking spaces are adequate
  - do not consider that the application can be determined as submitted.

### Derbyshire Dales Group of Ramblers

- 5.5 - no objection providing that Wirksworth FP 59 is both open and unaffected at all times both during and after any development
- note that access is proposed to cross the track which Wirksworth FP 59 runs along; vehicles accessing the glamping site should give way to footpath users, i.e. walkers, and proposals to ensure this should be submitted to both Planning and PRoW for approval
  - the speed of the vehicles should be mitigated and walkers' safety taken into account
  - any change in the surface should not unduly encourage high speeds
  - note that previously there has been considerable flooding on the track/FP 59 at this point and nearby which, earlier this year, the flooding rendered the footpath impassable to walkers.

### Peak and Northern Footpaths Society

- 5.6 - no objection provided vehicle users of the new access road are made aware that walkers may be crossing the road while using Footpath 50 Wirksworth and that arrangement for safe crossing need to be satisfactory
- if it is proposed to alter the surface of the footpath where the access road crosses it, the approval of the Local Highway Authority will be required

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

- 5.7 - may have potential to create a detrimental effect on the landscape and its enjoyment by local residents and visitors
- recommend that the applicants commission a Landscape and Visual Impact Assessment (LVIA) to be produced by an independent chartered landscape professional to define the effects of the proposed development on views and on the landscape itself
  - note that the applicants have submitted a series of photographs taken from a number of vantage points around the site but this is inadequate to satisfy my opinion that an independent LVIA is required
  - the scale of the proposals and their location, at the boundary between countryside and built up area, make an independent, expert-produced LVIA an essential tool to help inform decision making for this planning application
  - an LVIA would consider the impact of the proposals on the landscape and its visual amenity and interpret these in terms of their severity in a standardised way – the submitted photographs do not interpret the impact of the proposals in this way.

### Councillor M. Ratcliffe

- 5.8
- at first glance, the proposed site appears to be a reuse of that which may have formed part of the outline application for a 50 unit development at Millers Green, Wirksworth - this was refused for reasons that are applicable in the main to this application
  - leisure/tourist element would appear on the surface to have beneficial outcomes for Wirksworth and Derbyshire Dales in general
  - the development and necessary infrastructure would be out of context with this local settlement on the edge of the town - the land is used primarily for agricultural purposes and is countryside in its landscaping
  - overall, as before, this proposal would constitute an unwarranted intrusion and encroaching development in the countryside that would be harmful to its character and appearance
  - one of the interesting aspects is the highway access is said to be unsatisfactory - told the applicant believes he can use the access through the development (12 units) at the roadside of Millers Green
  - concerns of the impact of this activity in this area
  - not making an outright objection but there are considerations to be assessed
  - as ever, I am guided by your good self and the planning criteria.

## **6 REPRESENTATIONS RECEIVED**

- 6.1 A total of five representations have been received objecting to the proposals. A summary of the representations is outlined below:

### Principle

- have a collective of concerns as a neighbourhood of 16 households and over 60 residents
- the area near to the proposed site has already been subject to a planning rejection for houses based on it being a green belt site and outside the neighbourhood plan
- all previous plans to develop this area have been rejected to protect the 60 plus residents that inhabit this area of risk
- Millers Green residents association believe this application is an attempt to circumnavigate planning regulations to effectively turn the site into a brown belt, site from a green belt, to allow for a higher impact (for residents) yet more lucrative development (for the owners and associates)
- application may predominantly be about the access track in the hope that, if it were granted, it would pave the way for a repeat application to build houses on the field behind the close
- strong concern that the purpose of this application is to change the nature of the area from Green belt to brown belt as the same applicants have previously submitted an application for 50 houses that was rejected - believe they still have an intent to pursue this development by first erecting an alternate structure such as the proposed glamping pods
- there are 4 known other eco/glamping/camping sites in the locality and anecdotal evidence suggests that they don't reach capacity putting in to question whether the applicants have conducted the correct market research to examine the commercial viability and impact this proposal may have
- refusal of the application will also ensure that the Planning Department's original rejection of the housing development four years ago for 50 houses is cemented.

### Character and appearance

- the pods would not be in keeping with the historic Mill location
- green field site would be compromised if such a track were to be built

### Amenity

- an area of private dwellings where children and animals enjoy opportunities to play and roam and needs to be preserved
- the resulting traffic and noise would be a nuisance to the surrounding residents.

### Highway matters

- proposed access site as it joins Millers Green is inappropriate as it is not possible for 2 cars to pass at the point of the junction described.

### Site Contamination

- the area has been highlighted in previous planning studies as one that was used as an area to dump contaminated spoil from various industries and high levels of lead deposits have been found which could pose a risk to persons working or staying in the glamping pods
- due to waste tipping that took place by over several years, as well as the large amount of historical lead mining in the immediate area, highly likely that the land proposed for the glamping pods would be contaminated
- application 16/00704 requested a survey of the land be carried out which found a number of contaminants in the bore hole samples, the land associated with application 16/00704 covers some of the land proposed in the site of the glamping pods suggesting further surveys of land are required so that corrective action can be taken if necessary.

### Drainage and Flooding

- flooding and sink holes are a major problem in this area - this year alone have witnessed a huge sinkhole appear overnight a few 100 meters from the proposed site
- area has previously had significant changes made to the natural flow of the water course and drainage areas which has resulted in increased risk of flooding and land movement –should any further land movement or sink holes appear at the proposed site of the glamping pods, this could lead to a loss of life
- three springs have appeared without explanation and Severn Trent and the County Council have been able to problem solve the issue to prevent the risk of flooding of the proposed access and beyond
- this year the proposed access track became impassable which would cut off the site from access - only other access point would be across the front of Speedwell Mill across 5 private properties
- some residents have asserted that the proposed area has already been flooded this year during heavy rains - note that the owners of the land have been digging trenches, perhaps to mitigate this
- a culvert which runs along the front of Speedwell Mill regularly swells and breaks its banks flooding the gardens of residents and, in the past 6 years, homes
- while 8 glamping pods may seem like it may cause little impact the hardstanding for car parking alone will create significant run off to the culvert and increase the chance of flooding.

### Ecology

- highlighted as an area where conservation of wildlife should be a priority - there are significant sightings of wildlife that are protected and the proposals are not aligned to the future protection of nature.

### Other matters

- the chalet (the applicants' dwelling) has a right of access but will not allow this development the same rights.

6.2 A total of four representations have been received from local businesses supporting the proposals. A summary of the representations is outlined below:

- as a local outdoor activity provider, and clients coming from around the UK and abroad, need accommodation to be able to enjoy the fantastic location and what it has to offer - rely on accommodation providers to supply places to stay especially in the busy summer months
- the proposed glamping pods make a great alternative to the many holiday cottages in the area and offer affordable and sustainable accommodation for those not wanting to camp and the eco-friendly pods will appeal to many as an additional feature
- Wirksworth is a small town that relies on tourism to help keep its shops and businesses open, with the many events that are offered throughout the year - visitors need a wide range of accommodation on offer to them
- being on the high street we are seeing more and more visitors to the area, who are very welcome as less people shop locally and more accommodation can only be a positive move
- as landlord of The Blacks Head, Wirksworth, constantly coming in to contact with visitors and holiday makers who are desperately seeking accommodation in and around this lovely historical town
- it appears that the town itself is severely lacking in said accommodation and believe that such a venture would be a major asset to the town of Wirksworth and the surrounding areas
- site seems to be an ideal location, not only away from the town hub, but because of the clever planting of trees to blend it in with the surrounding countryside.

## 7. OFFICER APPRAISAL

### Principle of Development

- 7.1 There are several policies in the Adopted Local Plan (2017) by which the development needs to be assessed. Policy S1 is the overarching Policy by which developments need to be considered. This advises that all developments should seek to make a positive contribution towards the achievement of sustainable development by improving the economic, environmental and social conditions of the area wherever possible. This will be achieved by meeting most development needs within or adjacent to existing communities and making use of land which has been previously developed. Such development will also need to conserve and enhance the distinct Peak District character. The Policy also states that development should have regard to impacts on matters, such as landscape value, achieving high quality design, amenity, ecology, drainage and pollution prevention
- 7.2 As the site is within the open countryside, regard has to be given to Policy S4 which advises that planning permission will be granted where it represents the sustainable growth of tourism in sustainable locations, provided it does not adversely affect the purposes of the Peak District National Park and is not harmful to its valued characteristics.
- 7.3 Specifically, in terms of tourism development, regard has to be given to Policy EC8 of the Adopted Local Plan. This seeks to support Peak District tourism through provision for visitors which is appropriate to settlements and the countryside, where this is consistent with environmental objectives and where this would relieve tourist pressures on the most sensitive areas of the Peak District National Park. In terms of the specific nature of the development, Policy EC9 relates to holiday chalets, caravan and campsite development. This requires that development does not have a prominent or adverse impact on the landscape, is well screened, is in a sustainable location and does not affect the amenity or tranquillity of an adjoining area. Other Policies relate to design and impact in the landscape which include Policies S4, PD1, PD5 and PD6 of the Adopted Local Plan (2017).
- 7.4 Whilst most of the site is outside the settlement boundary for Wirksworth, the part of the site at the former Chequers Farm is within the boundary. To this end, relevant policies in the Wirksworth Neighbourhood Development Plan (2015-2028) need consideration. Policies

NP1 and NP2 seek to ensure a level of quality to any development. Specifically to tourist accommodation Policy NP13 advises that planning permission will be granted for:

- 1. changes of use to hotel and other overnight accommodation and for extensions to existing hotels or bed and breakfasts,*
- 2. new buildings and other development related to tourism, provided that they would not have significant harmful impacts on the local community, the wider visitor experience or the character or appearance of natural and historic environment of the plan area and the surrounding countryside.*

### Sustainability and Climate Change

- 7.5 Sustainable development comprises three elements as defined in the National Planning Policy Framework; the economic, environmental and social roles. In terms of the impact of the proposals on the environmental elements of sustainable development, this is a greenfield site and development on such sites would normally be resisted unless the harm was outweighed by benefits. The overall site is partly within and partly outside the Settlement Boundary for Wirksworth. The town is a tier one settlement (as defined in Policy S2 of the Adopted Local Plan (2017) and can be accessed by regular public transport services and the site is within a ten minute walk of a bus stop as required by Policy EC9; this gives a level of environmental sustainability to the means of getting to and from the site in a sustainable manner.
- 7.6 In seeking to address the carbon footprint of the development and climate change, the applicants have proposed structures to be constructed of renewable, timber materials and has proposed rainwater harvesting to serve the development. In addition, the applicants have proposed tree planting to provide screening of the site, the extent of which will also lessen the carbon footprint of the development. The impact of the development proposals within the environment is assessed below.
- 7.7 In terms of economic benefits, the development would provide employment in developing, managing and maintaining the site and, in providing overnight accommodation and will result in tourism spending within the District. As such, the proposal would meet the economic aims for sustainable development and reflect upon the aims of Policy EC9 of the Adopted Local Plan and NP13 of the Neighbourhood Plan.
- 7.8 In terms of social sustainability, there are concerns with regard to the proximity of the site to the residential properties at Millers Green; this is assessed below.

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

- 7.9 The development is proposed to be sited in the countryside and there will therefore be some impact on its open character and appearance. The site will be visible from public footpaths 58 and 59 which run to the north, west and east of the site and from the footpath. To this end, the applicant has introduced planting to seek to soften the glamping pods within the countryside in views from these locations and proposes further planting. It is considered that the development will have some impact on such views, but that the development is also read contextually with the residential development nearby and in and around Speedwell Mill and Millers Green.
- 7.10 The District Council's Arboriculture and Landscape Officer requested a Landscape and Visual Impact Assessment (LVIA) be submitted to enable assessment of the impact of the development in its surroundings. To this end, the applicant has submitted an assessment of views from vantage points on the public highway and public footpaths in the area. In views from the north, east and west, the glamping pods would be set in a foreground of established planting to the south and east of their proposed site. There will be some views

of the glamping pods from Millers Green road, albeit this will be largely screened in the summer months by the mature wooded area to the south of the site and these trees will serve to filter the views of the structures in the winter months. The glamping pods would also be sited in the context of a modern farm building. There are also distant views of the site from the public highway on higher ground to the west. However, given the relative distance, intervening trees/landscaping, and the reading of the townscape, it is not considered that the glamping pods will not appear overly intrusive in such views.

7.11 Given the above, there is some harm that would be caused by the development within the wider landscape, as does much development that encroaches into the open countryside. However, this has to be assessed against the wider planning merits of the application.

Impact on Residential Amenity

7.12 There are residential properties at Cornmill Close that would be some 120m from the area proposed for the glamping pods. These properties also back onto the part of the field where vehicle access is proposed to be gained to the main part of the site; the access would be sited some 15m from the nearest dwelling (9m from the garden boundary) at its nearest point close to the access to the field. Policy EC9 of the Adopted Local Plan states:

*Development proposals for new holiday chalets, touring caravan and campsite developments will be permitted provided that:.....*

*d) The development would not adversely affect the amenity, tranquillity or public enjoyment of any adjacent area..*

To this end, objections have been raised by local residents with regard to the impact of the development on their amenity.

7.13 The access track to the rear of Cornmill Close exists as a means of gaining access to the field and could be utilised from time to time for access to the applicants' dwelling, The Chalet, which is otherwise mainly accessed via the frontage of Speedwell Mill. Therefore, the current use of the access would be rather limited to agricultural related use (it should also be noted that the field can again be accessed via the access to the dwellinghouses and via an off-shoot to that access).

7.14 To this end, comings and goings by vehicles and on foot would increase and bring noise and disturbance into this rather tranquil area to the rear of Cornmill Close. There is also the matter that, in the evening, there would be car lights and possibly torches in use to allow for safe passing along the access; this could also have negative impacts on the amenity currently enjoyed. It is also noted that the dwellinghouses are set on a lower level to the field; this means that bedroom windows may be subject to occasional glare from car headlights.

7.15 Whilst the access track comes within 15m of the nearest dwelling, it is proposed that this be realigned in order to take it away from the dwellinghouses for the large part, the proposal being to relocate the access track some 70m to the west. The applicant has proposed to provide some additional planting between the access and the rear gardens to seek to reduce the impacts of noise and light pollution on the local residents.

7.16 The applicants reside immediately adjacent to the site and a condition can be required that the site ownership and its management remain with the owners of The Chalet. Given this situation, any matters of disturbance can be quickly addressed and a condition can be attached to any permission that requires details of the site rules, and how this would be managed to limit disturbance to themselves and neighbouring residents from the use of the site by visitors. On this basis, it is considered that the level of activity associated with 7

glamping pods is not going to lead to such harm to the amenity of the local residents that this itself would justify a recommendation of refusal of planning permission.

- 7.17 An additional matter for consideration is general lighting around the site. It is considered that the internal lighting to the glamping pods should provide adequate light to serve the porch area and that, given that this is essentially a camping experience, with self-contained facilities in each pod, there should be no requirement for additional lighting around the site which may impact on the character, appearance and amenity of the site.

#### Highway and Access Matters

- 7.18 The Local Highway Authority, Derbyshire Group of Ramblers and the Peak and Northern Footpaths Society have raised some concern with the pedestrian traffic interface where the proposed access road would cross the public footpath no. 59. The applicants have advised that they are aware of the legal duty to ensure the route of the footpath remains unobstructed at all times and they are agreeable to reasonable measures to ensure that the crossing of the public right of way does not cause any safety concerns.
- 7.19 They propose measures to slow traffic and to warn both motorists and pedestrians of the intersection, including 5 mph speed limit signs, speed humps either side of the crossing, signs warning both motorists and pedestrians of the approaching intersection and the narrowing of the access track to a single lane on both approaches to the crossing so that only one vehicle can pass across at any one time - they have advised that they would be happy for the details of this to be dealt with by way of a condition. Whilst the Local Highway Authority has advised that this should be resolved prior to granting any planning permission, it is considered by Officers that this matter can be addressed with an appropriately worded condition requiring appropriate measures.
- 7.20 The applicants have advised that it is not their intention for the site to come into use until the highway access is constructed in line with the housing development on the site adjacent to Millers Green. Nevertheless, this has to be assessed in a worse-case scenario and it is considered reasonable to attach conditions that ensure an appropriate access is provided. In addition, as the access comes through a site which currently has outline planning permission, but no commencement of development, it is considered reasonable that this part of the site be subject to a condition with regard to a landscaping scheme, to improve its appearance should the residential development not materialise or be delayed in implementation.
- 7.21 To this end, whilst the Local Highway Authority has a 'holding objection,' and provided no conditions on any grant of planning permission, Officers consider it reasonable to attach conditions relating to the access provision, with appropriate visibility splays, that parking and access be provided in accordance with the layout plan and that details of the access road/public footpath intersection, to include measures to highlight pedestrians using the footpath and reducing vehicle speeds, be provided. It is also considered appropriate to attach a condition which requires details of how refuse will be collected from the site.

#### Flooding and Drainage

- 7.22 Concern has been raised with regard to drainage of the site and the formation of a sinkhole in recent times. The applicants have advised that a drainage scheme has already been installed to control water from the sinkhole. The Environment Agency has advised that the application site is located on the Bowland Shale, which is classified as a Secondary A aquifer. Furthermore, the site partially intersects a Source Protection Zone 1. It is noted that a package treatment plant is proposed to be installed with regard to foul water from the site. The Environment Agency has advised that its approach to groundwater protection state that

the discharge from the package treatment plant is likely to require a permit if the discharge is within the SPZ1.

### Site Contamination

- 7.23 Concern has been raised that the glamping pods would be site on an area that was subject to landfill. The applicant have advised that this is not the case and that the landfill site was to the north and east of the site proposed for the pods. Nevertheless, the Environment Agency has requested a condition be attached to any planning permission that a remediation strategy is provided should any contamination be identified.

### Ecology

- 7.24 The applicant advises that surveys for great crested newts were carried out in June 2019 to inform the outline planning application for the 12 dwellings and it was confirmed that all ponds in 500m of the site had no newts. The applicant advises that the site consists of semi-improved grassland which has low ecological value. The proposed additional planting as part of the landscaping proposals for the site would create an enhanced habitat.

### Conclusion

- 7.25 It is considered that the site meets with the requirements for tourism development in terms of it being sustainably located. It is considered that there will be some impact of glamping pods in the field but that this will be softened with the existing and proposed landscaping. It is considered that matters of access and the potential conflict between walkers and vehicles can be addressed with a condition. Matters of drainage and site contamination have also been addressed and the site operation may require a permit from the Environment Agency under separate legislation.
- 7.26 The principle matter for concern is the potential impact on the amenity of local residents. It is considered that the main impact will be in the evening with the potential for vehicles and pedestrians to be passing to the rear of those properties, particularly those on Cornmill Close. However, the applicants reside immediately adjacent to the site and a condition can be required that the site ownership and its management remain with the owners of The Chalet (currently the applicants). Given this situation, any matters of disturbance can be quickly addressed and it is considered reasonable, prior to first occupation of any of the glamping pods, that the applicants submit details of the site rules and how the site would be managed to limit disturbance to themselves and neighbouring residents from the use of the site by visitors. A condition will also be required to restrict the occupation of the pods to holiday accommodation. On this basis, it is recommended that planning permission be granted.

## **8. RECOMMENDATION**

That planning permission be granted subject to the following conditions:

1. Condition ST02A Time Limit on Full

Reason:

Reason ST02A

2. Prior to the development being brought into use, details of the colour of the timberwork to the glamping pods shall be submitted to and approved in writing by the Local Planning Authority and the glamping pods shall be provided as such, and maintained as such, unless otherwise agreed in writing by the Local Planning Authority.



Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1, NP2 and NP13 of the Wirksworth Neighbourhood Development Plan (2015-2028).

3. The glamping development hereby approved shall remain within the ownership and management of the occupiers of The Chalet, Millers Green, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To seek to ensure the appropriate management of the site in the interest of safeguarding the amenity of local residents to comply with Policies S1, S4, PD1 and EC9 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1, NP2 and NP13 of the Wirksworth Neighbourhood Development Plan (2015-2028).

4. Prior to the first occupation of any of the glamping pods a management plan for the site, to include site rules during stays, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be advised to all visitors to the site on or prior to their arrival.

Reason:

To safeguard the amenity of local residents to comply with Policies S1, S4, PD1 and EC9 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1, NP2 and NP13 of the Wirksworth Neighbourhood Development Plan (2015-2028).

5. Prior to the commencement of the development, details of the means for refuse collection, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be advised to all visitors to the site on or prior to their arrival

Reason:

To ensure the provision of appropriate refuse collection facilities to comply with Policies S1, S4, PD1 and EC9 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1, NP2 and NP13 of the Wirksworth Neighbourhood Development Plan (2015-2028).

6. The accommodation hereby approved shall be used solely for the purposes of temporary holiday accommodation and shall not at any time be occupied as permanent residential accommodation. No person shall occupy the holiday accommodation for a continuous period of more than three weeks in any calendar year or more than a total of six weeks in a calendar year and it shall not be re-occupied by the same person(s) within 28 days following the end of that period. A register of all occupiers of the holiday accommodation, detailing dates of occupation, names and usual addresses, shall be maintained by the owner(s) and a copy shall be provided to Local Authority in writing by no later than 31<sup>st</sup> December each year.

Reason:

The development is not considered appropriate other than as a holiday facility because it is within an open countryside location, outside any Settlement Boundary, and such a use would not accord with policy S4 of the Adopted Derbyshire Dales Local Plan (2017).

7. No external lighting shall be provided at the development site unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the character and appearance of the area and the amenity of local residents to comply with Policies S1, S3, S4, PD1 and EC9 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1, NP2 and NP13 of the Wirksworth Neighbourhood Development Plan (2015-2028).

8. Notwithstanding the details on the approved drawings, prior to the glamping pods being provided on the site, 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 building 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) means of enclosure;
  - f) hard surfacing materials.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S3, S4, PD1, PD5, PD6 and EC9 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1, NP2 and NP13 of the Wirksworth Neighbourhood Development Plan (2015-2028).

9. 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, S3, S4, PD1, PD5, PD6 and EC9 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1, NP2 and NP13 of the Wirksworth Neighbourhood Development Plan (2015-2028).

10. Before the site is first brought into its approved use, the parking facilities shall be provided as detailed on the approved Drawing No. 2366-003D and shall thereafter be retained as such for the life of the development.

Reason:

To ensure the provision of adequate off street parking in the interests of highway safety to comply with Policy HC21 of the Adopted Derbyshire Dales Local Plan (2017).

11. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4m by 59m are provided at the site access onto Millers Green. These shall thereafter be permanently maintained with nothing within the splays higher than 1.0m in height (0.6m in the case of vegetation) above the level of the adjacent carriageway channel level.

Reason:

In the interests of highway safety.

12. Prior to the development being brought into use, the access onto Millers Green shall be surfaced in a bound material for the first 5m rear of the highway edge and any gate(s) shall also be set a minimum of 5m rear of the highway edge.

Reason:

In the interests of highway safety.

13. No development shall commence until such time as a construction traffic management plan, including minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities and a timetable for their provision, is submitted to and approved in writing by the Local Planning Authority. The construction of the development shall take place in accordance with the approved details and timetable.

Reason:

In the interests of highway safety.

14. Notwithstanding the submitted details, before the access track to the site and passing bays are provided, details of their form and surfacing shall be submitted to and approved in writing by the Local Planning Authority and these shall be provided in accordance with the approved details prior to any construction works commencing on the site, where such works require access along the approved access track, and, in any event, prior to the occupation of the glamping pods.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S3, S4, PD1, PD5, PD6 and EC9 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1, NP2 and NP13 of the Wirksworth Neighbourhood Development Plan (2015-2028).

15. Notwithstanding the submitted details, before the access track to the site is provided, details of measures to slow vehicles on the approaches to Footpath 59 Wirksworth shall be submitted to and approved in writing by the Local Planning Authority and these shall be provided in accordance with the approved details and these shall be provided in accordance with the approved details prior to any construction works commencing on the site, where such works require access along the approved access track, and, in any event, prior to the occupation of the glamping pods.

Reason:

In the interest of highway safety and to ensure the satisfactory appearance of the development to comply with Policies S1, S3, S4, PD1, PD5, PD6 and EC9 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1, NP2 and NP13 of the Wirksworth Neighbourhood Development Plan (2015-2028).

16. If contamination not previously identified is found to be present at the site during development, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing

how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason:

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

17. The development hereby permitted may not commence until a foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and completed prior to the development being brought into use.

Reason:

To ensure that the proposed non-mains drainage system does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement G2 of the 'The Environment Agency's Approach to Groundwater Protection and to comply with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

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

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

- the flood warning procedure
  - a safe point of extraction
  - how users can safely evacuate the site upon receipt of a flood warning
  - the areas of responsibility for those participating in the plan
  - the procedures for implementing the plan
  - how users will be made aware of flood risk
  - how users will be made aware of flood resilience
  - who will be responsible for the update of the flood evacuation plan.
- H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.
- I. Surface water drainage plans should include the following:
- rainwater pipes, gullies and drainage channels including cover levels
  - inspection chambers, manholes and silt traps including cover and invert levels
  - pipe sizes, pipe materials, gradients, flow directions and pipe numbers
  - soakaways, including size and material
  - typical inspection chamber / soakaway / silt trap and SW attenuation details
  - site ground levels and finished floor levels.
- J. On Site Surface Water Management;
- the site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land
  - the applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA)
  - Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed
  - a plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).

#### **Peak Flow Control**

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

#### **Volume Control**

- for greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability

annual rainfall event must not exceed the greenfield runoff volume for the same event

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

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

- details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional
- where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway
- guidance on flood pathways can be found in BS EN 752
- the Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

K. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- ground percolation tests to BRE 365
- ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells
- soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003
- volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2
- location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure
- drawing details including sizes and material
- details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

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

L. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable).

- M. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.
2. The Environment Agency has advised that inside a Source Protection Zone 1 (SPZ1) and the discharge of domestic sewage associated with this development will require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016 from the Environment Agency.

All permit applications will be considered on the basis of risk assessment and the appropriateness of the discharge with respect to the local environmental setting. For new discharges you should contact the Environment Agency to discuss whether or not it is likely to grant a permit.

Existing\* small sewage discharges in SPZ1

If there is no evidence of pollution or significant risk of pollution associated with the discharge from an existing single sewage treatment system, then the Environment Agency will normally grant a permit.

If an unpermitted discharge is discovered in a SPZ1 and there is evidence of pollution or a significant risk of pollution, the Environment Agency will work with the operator to address the issue on a site specific basis. Where necessary, the Environment Agency may use a notice to deal with any unacceptable discharge.

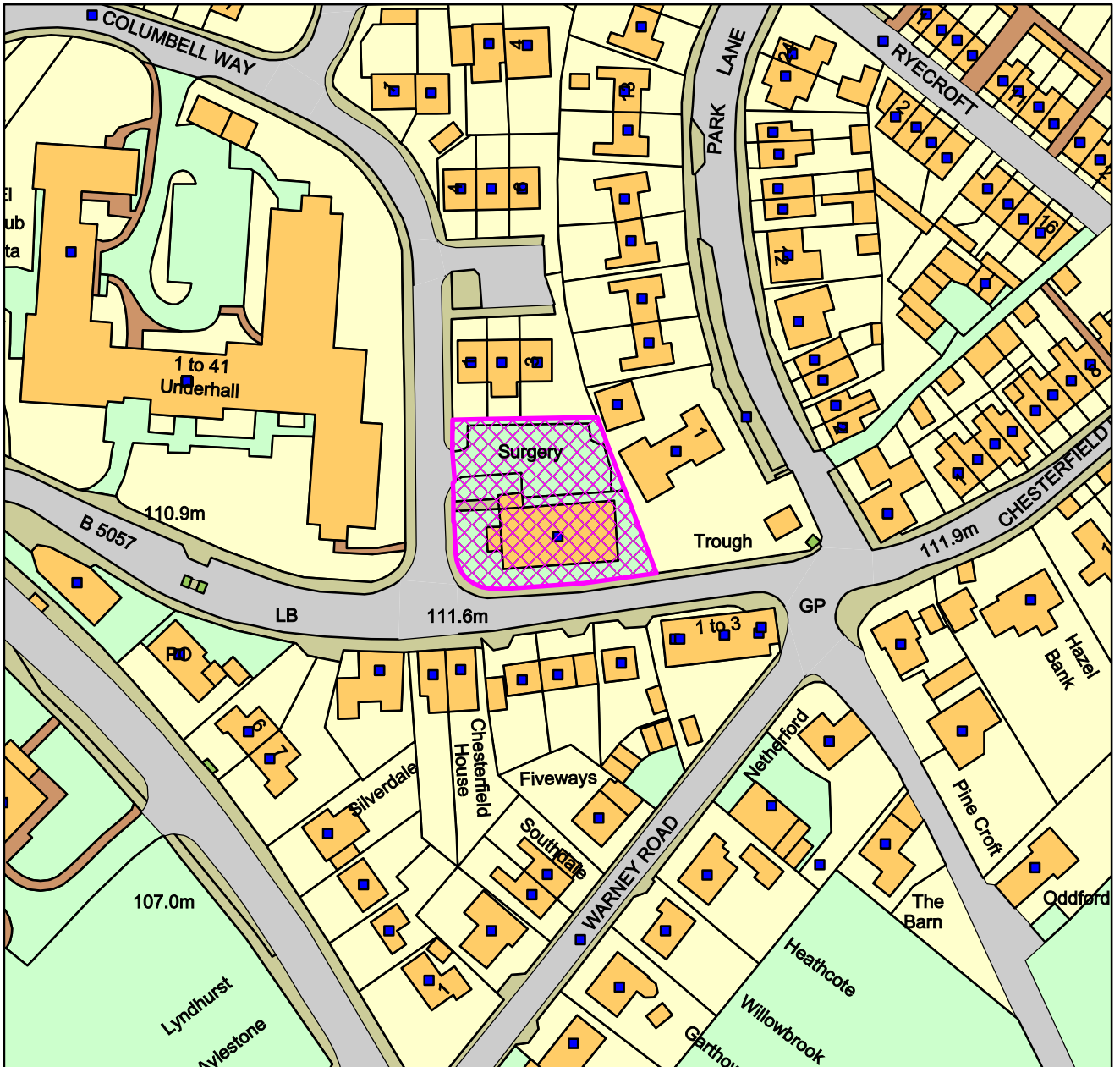
*\*An existing small sewage discharge is one that was in place before 1 January 2015*

The applicants are advised that find more information can be online at <https://www.gov.uk/permits-you-need-for-septic-tanks/permits> or contact the Environment Agency on 03708 506506 for an application form and guidance. The applicants should be aware that the permit may not be granted. A permit will only be granted where the risk to the environment is acceptable.

3. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
4. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation
5. This decision notice relates to the following documents:  
Drawing Nos. 2266-001B, 002, 003D and 005 received on 28<sup>th</sup> July 2020  
Planning, Design and Access Statement received on 28<sup>th</sup> July 2020  
Visual Impact Assessment received on 7<sup>th</sup> September 2020  
Additional Information received on 2<sup>nd</sup> and 21<sup>st</sup> September 2020.

20/00655/FUL

Surgery Mews, Columbell Way, Two Dales, Derbyshire



Derbyshire Dales DC

1:1,250

Date: 01/10/2020

100019785

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





# Planning Committee 13<sup>th</sup> October 2020

<b>APPLICATION NUMBER</b>		20/00655/FUL	
<b>SITE ADDRESS:</b>		Surgery Mews, Columbell Way, Two Dales	
<b>DESCRIPTION OF DEVELOPMENT</b>		Demolition of former doctors surgery and erection of building comprising of 10no. apartments	
<b>CASE OFFICER</b>	Mr. G. A. Griffiths	<b>APPLICANT</b>	Ben Briant
<b>TOWN</b>	Darley Dale	<b>AGENT</b>	Smith and Roper
<b>WARD MEMBERS</b>	Cllr. J. Atkin Cllr. M. Salt Cllr. A. Statham	<b>DETERMINATION TARGET</b>	21 <sup>st</sup> October 2020
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	

## MATERIAL PLANNING ISSUES

- Principle of the development
- Impact on the character and appearance of the area
- Impact on local amenity
- Highway matters
- Climate change
- Affordable housing provision

## RECOMMENDATION

Approval

# 1. THE SITE AND SURROUNDINGS

- 1.1 The site is the former Doctor's Surgery which is currently vacant further to the relocation of the surgery to the south side of the A6, some 100m away from the application site.
- 1.2 The site is surrounded to the north, east and west by residential properties. Opposite the site, to the south of Chesterfield Road, there are a mix of residential and commercial properties. The site is within the Settlement Boundary for Darley Dale and close to local facilities.





## 2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought to demolish the former doctor's surgery and to erect 10 dwellings in its place within a singular building. The element of the building, where it fronts Chesterfield Road, is proposed to measure some 27m wide (with a recess in the centre of 500mm) by 8.1m deep on the south facing gable and 7.7m deep on the north facing gable. It is proposed to be 8.5m high on the southern element and 8m high on the northern element of the building. The rear element is proposed to measure some 26.8m wide by 7.7m deep and 8m high and to take the form of two, hipped roof elements, with a flat roof between, facing the car park.
- 2.2 It is proposed that the front element of the building, and the south facing gable would be constructed of split faced, 'Forticrete' reconstituted stone facings. The rear element, and north side gable, are proposed to be constructed of render-Rend 'Fintry Stone' render with a Forticrete stone panel proposed to be set centrally on the rear elevation. All window/door cills and head are proposed to be constructed from Forticrete. The roof is proposed to be of Buenza Blue Best Slate.
- 2.3 The windows are proposed to be recycled plastic with an Anthracite Grey colour (RAL 7016). The doors would also be of this colour. Four rooflights are proposed on the rear roofslope and one on the north facing roofslope. It is advised that, further to discussion with the Fire Officer, the construction of the building will meet with the latest fire safety regulations.
- 2.4 The building is proposed to provide one and two bedroomed apartments on the ground and first floor, all with open plan living/dining/kitchen space, ensuites to the main bedroom, a bathroom and utility room.
- 2.5 The car parking area is proposed to have 20 parking spaces (2 per apartment) and a cycle rack for the storage of 8 bicycles. The remainder of the site would contain hard and soft

landscaping, including trees and low level planting. A bin store is proposed on the boundary to 1 Columbello Way to the west side of the car park. This is proposed to have a hit and miss fence enclosure.

- 2.6 The applicant has submitted a Planning, Access and Design Statement with the application. This advises that the proposal is to provide self-contained, high quality, secure homes aimed at the elderly perhaps looking to downsize or for those who need one level living accommodation and persons who may not want the responsibility of general repairs, a garden. The units are within walking distance of a range of shops and facilities. The building would replace what he considers to be an obsolete and incongruous building as commercial remnant in the centre of Two Dales in what is a primarily residential area.
- 2.7 In terms of landscaping, it is proposed that the existing landscaping will be retained where possible and protected by hoarding during demolition and redevelopment. It is proposed that further landscaping will be provided on completion of the redevelopment. It is advised that a management company would be set up where each purchaser will own a share of the company and through an annual levy will contribute towards the cost of upkeep of the building and site.
- 2.8 The applicant advises that there are no health and safety issues relating to the demolition of the building and the existing concrete floor slab will be retained and there are therefore no archaeological issues. It is advised that there is no historical engineering or mining operations affecting the site and, as the site is less than 1ha in area, no Flood Risk Assessment has been submitted, albeit the applicant has subsequently submitted surface and foul water drainage details.
- 2.9 The applicant advises that the site displays no evidence of protected species or significant habitats.

### **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
  - PD1 Design and Place Making
  - PD7 Climate Change
  - PD8 Flood Risk Management and Water Quality
  - PD9 Pollution Control and Unstable Land
  - HC1 Location of Housing Development
  - HC4 Affordable Housing
  - HC15 Community Facilities and Services
  - HC21 Car Parking Standards
- 3.2 Darley Dale Neighbourhood Plan (2019-2033)
  - Policy NP6: Protecting the Landscape Character of Two Dales
  - Policy NP16: Design Principles for C3 Residential Development in Two Dales
- 3.3 National Planning Policy Framework
- 3.4 National Planning Practice Guidance.

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

19/00652/FUL Proposed change of use from Doctor's Surgery to House in Multiple Occupation – Granted

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

##### Town Council

- 5.1
- object
  - overbearing - too big for the site
  - plans show 20 parking spaces - concerned there is not enough room for so many spaces
  - visual appearance and finishing materials
  - poor design and inappropriate building materials, not compliant with Neighbourhood Plan
  - smells and fumes - the proposed refuse area is in close proximity to neighbouring properties
  - incompatible or unacceptable uses - concern that these properties will become social housing and would recommend an age restriction of 60 plus be imposed, in order to fit the existing demographic, whether private or social housing.

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

- 5.2
- no objection subject to conditions on parking provision, a traffic management plan for construction and visibility splay provision/retention.

##### Environment Agency

- 5.3
- site lies fully within Flood Zone 1 and have no fluvial flood risk concerns associated with the site
  - there no other environmental constraints associated with the site.

##### Lead Local Flood Authority

- 5.4
- no objection subject to conditions.

##### Rural Housing Enabler (Derbyshire Dales District Council)

- 5.5
- note that the number of dwelling units proposed on the site falls short of the number of dwellings (11 units), or a combined floor space in excess of 1000sqm, that would normally trigger the need for affordable housing provision in accordance with Policy HC4 of the Adopted Derbyshire Dales Local Plan (2017)
  - provided that the number of dwelling units is deemed appropriate for the site, it would not be justifiable to request the provision of affordable housing on the site or to justify an offsite financial contribution in this instance.

##### Councillor Jason Atkin

- 5.6
- see from the plans that finish to all sides is to be brick
  - given the streetscene of Two Dales is mostly of natural stone to the front and side elevations, this would fit better in the streetscene than brick
  - if natural stone is a cost factor, should use a Forticrete type product to the front and gable ends
  - would like consideration given to the windows and openings in the front and side elevations to mix better with the wider streetscene.

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

- 6.1 Six letters of representation have been received to the proposal. A summary of the representations is outlined below:

## Principle

- a better use for the site than the previous 'hostel style' idea
- a better alternative would be to erect five affordable, two bedroomed dwellinghouses to provide accommodation for the same number of people and to better meet the needs of the community

## Character and Appearance

- residents expect any new-build to enhance the local environment, which the proposed development would fail to do
- the designer lacks the capacity to design something that is at least acceptable, let alone charming or beautiful
- the windows are a particularly weak part of the elevational design, both in the proportions of the individual windows and the dreadful alignment of them with vertical panels
- nature of the materials specified lacks any sort of human quality
- the local community, as well as prospective tenants, deserve better
- the look of a place can be described as being subjective but surely there is some planning remit to ensure a building fits its environment
- other local people who have seen the plans have been less than polite about the poor image it presents.
- exterior looks as though it is proposed to be done 'on the cheap'
- very proud of surroundings in Two Dales and the heritage of some of the buildings - can the developer not be persuaded to spend a bit more money and create something more in keeping?
- proposed building will be significantly higher and larger than the existing former Doctors Surgery
- exterior is of a type of office building found on a bland industrial estate/storage facility
- building seems devoid of any detail which could make this a welcome addition to the village of Two Dales
- urge elected Members, with hopefully Officer support, to extract something from the applicant which architecturally brings a very drab building to life and to obtain a much better and attractive result which everyone could then feel was a good outcome on this particular visually sensitive site in Two Dales
- might help with selling the properties as character is up there with utility with many prospective purchaser
- hope with Officer negotiation that a much better exterior could be achieved.

## Amenity

- strongly object to the relocation of the bin store for the proposed development to be situated near to neighbour's boundary wall and very concerned about the noise, smell, rodent and insect infestation, particularly in hot weather - as the property has a very small garden, the bin store would be in very close to the building.
- refuse disposal areas for new developments should be located away from neighbouring residential properties and boundaries to avoid causing issues for the existing resident
- 5ft fence at the front side of Park Grange - would it be allowed for the whole fence to be the same height and the applicant to do something to the existing fence to make his property more saleable
- side higher fence - would it be possible to get it agreed that the hedging is not to be taken out, otherwise the car park and neighbours' house would be fully visible through the fence, including the annexe which is less than 10 feet away from the boundary having a low level window
- current windows to the side overlooking neighbour are privacy glass and the only clear window is the stairs/fire exit, this looks straight onto our property
- feel privacy will no longer be available
- have young children and there are bedrooms which could cause issue if they are undressing or noise as it is so close to the property

- when purchasing a property, told that could not have any windows on the side as planning would not agree to it and they are much further away
- new extension on the back will have windows also looking onto neighbours' property which are extremely close, although not visual because of the size of fence, but will be within 10 metres of the boundary - this again will cause problems if the windows to the bedroom or living room are open with noise (suggest they are not to be opened windows and with privacy glass as you can still see through the fence in places)
- the accommodation is cramped

#### Drainage

- would like to understand if sewage goes under neighbours' property and, if so, this is a large amount of waste - there have been problems before and, with the number of people, this could cause a big issue.

#### Highway Matters and Parking

- only 4 additional spaces for visitors
- parking in Two Dales is already bad
- will mean the additional visitors will filter out onto the road, to the front of the old surgery, and this always is badly congested and have large lorries regularly stuck because of the parked cars

#### Ecology

- worried that bats are in the roof of the former doctors surgery and ask that this is looked into and that they are relocated.

A letter of representation has been received from the Two Dales Action Group which is summarised as follows:

- external design is seriously flawed in respect to visual impact – local comments include bog standard, more like a warehouse and reference to Cell Block H (reference to the bleak apartment block at the Bakewell Road entrance to Matlock) and the sheer size and appearance of the proposal seems to equally deserve that description
- Design Statement makes only passing reference to the Neighbourhood Plan
- many of the village buildings are 19<sup>th</sup> century and some have 17<sup>th</sup> century origin - believe it is possible to develop a more pleasant focal point in sympathy with the more traditional building styles
- would make following suggestions:
  - use of local, real stone on the major elevations – there is a ready supply of quarried gritstone at Stancliffe Quarry just over ½ a mile away
  - possible mock balconies of stone to the first floor levels at intervals capable of containing flower boxes
  - banding to break up and enhance the wall surfaces and/or dressed real stone lintels at windows
  - shallow porches in stone with feature lintel at the ground floor entrances
  - reasonably sized stone planting troughs for planting at the pavement boundary and there could be interest in maintaining such by the local community which engages in such activity
- hope the Planning Department can engage at an early stage and believe there is a unique opportunity to enhance the community and offer alternative visual options for the Planning Committee before coming to a decision
- rather optimistic claim of 20 car parking spaces.

## 7. OFFICER APPRAISAL

### Principle of the Development

- 7.1 The premises is a former doctor's surgery and Policy HC15 of the Adopted Derbyshire Dales Local Plan (2017) seeks to maintain and improve such facilities and services. Whilst this facility has recently closed, this is because the Doctors Surgery has relocated to the nearby, newly constructed and improved facilities to the south of the A6 some 150m away. Planning permission (ref: 19/00652/FUL) has since been granted to the applicant to turn the building into a house of multiple occupation (HMO) which the applicant no longer wishes to pursue and there was significant local concern raised with regard to that development. To this end, there is no reason to not consider the merits of the current proposal the subject of this application.
- 7.2 In terms of planning policy, Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) advises that all developments should seek to make a positive contribution towards the achievement of sustainable development and includes making effective use of land which has been previously developed. It also advises of the need to provide a mix of types and tenures of quality homes to meet the needs and aspirations of existing and future residents in sustainable locations. This seeks to minimise the need to travel by promoting development in locations where there is access to a broad range of jobs, services and facilities which are accessible by foot, cycle or public transport with reduced reliance on the private car.
- 7.3 The site is within the Settlement Boundary for Darley Dale which is defined in Policy S2 as a Second Tier Local Service Centre. In this respect, Policy S2 seeks to direct new development towards such a location, which has the ability to provide for additional jobs and homes to help sustain current services and facilities to promote better levels of self-containment and a viable, sustainable community. This Policy also advises of the need for developments to provide a high standard of amenity for all existing and future occupants of land and buildings, ensuring that communities have a healthy, safe and attractive living environment.
- 7.4 Policy PD1 seeks to ensure that the layout and design of new development creates well designed, socially integrated, high quality successful places where people enjoy living and working. This also seeks to ensure that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable loss to local character and amenity. This also includes developments being designed to minimise opportunities for anti-social or criminal behaviour and to promote safe living environments. Developments are required to provide inclusive design in order that they can be accessed and used by everyone. Policy PD9 seeks to ensure that people are protected from nuisance and harm to amenity, health and safety.
- 7.5 Policy HC1 seeks to ensure provision is made for housing in a number of ways, including changes of use of existing buildings to dwellings. Policy HC21 seeks to ensure that there is adequate car parking facilities to serve the intended use of a building.
- 7.6 The Darley Dale Neighbourhood Plan (DDNP) (2019-2033) sets out several community objectives which include ensuring that all new development is designed and located so that it minimises its impact on the natural and built environment, whilst providing direct benefit to local people by:
- a) being suitable to meet Parish needs;
  - b) being informed by the Darley Dale Place Analysis (as well as other District and County studies); and
  - c) being underpinned by extensive local consultation



7.7 A further community objective is to seek to ensure that all new development is designed so that it respects the materials, style, and layout of the existing settlement (where applicable), and enhances, rather than diminishes, the existing character of Darley Dale Parish.

Policy NP6 (Protecting the Landscape Character of Two Dales) advises that planning permission will be supported for development in Two Dales where the proposal can demonstrate:

- a) a layout contained within the steep landscape that maintains both far and local views; and
- b) a layout that follows the existing development pattern along the roads through Two Dales; and
- c) a distinction between the layout on the steeper slopes (which is more fragmented and terraced into the landscape) with a layout lower in the valley which fronts the street.

Policy NP16 (Design Principles for C3 Residential Development in Two Dales) advises that planning permission will be supported for residential development in Two Dales where the proposal is of a high design quality that will positively contribute to the character of its setting and may demonstrate:

- a) inspiration taken from the range of local materials (local stone, red brick and slate roof tiles) to ensure a narrow range of colours reflecting the hues of local materials; and
- b) it is of a scale and plot orientation that reflects the local character (eaves perpendicular to the street edge, or facing onto the street, relatively narrow fronted properties, with regular plots) and with buildings behind a strong boundary; and
- c) the use of features reflecting local character (brick and stone banding, window headers and door casings); and
- d) a scale and mass that does not obstruct views to the wider landscape; and
- e) boundary treatments that clearly define the street using locally sourced materials for stone walls and which allow greenery along the boundary to be seen from the street.

7.8 Given the above, the proposals would meet with the 'in principle' aims of Local Plan Policies for providing residential properties in a sustainable town location. However, there are several matters which need to be considered in terms of the impact of the proposed development on the character and appearance of the area, the amenity of local residents and other site constraint matters.

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

7.9 In terms of size and scale, the proposed development is larger in terms of footprint than the existing building and is clearly two storey as opposed to single storey with use of the roofspace was the case with the existing building. However, at a height up to 8.5m, it is not considered that the building would be significantly larger in height than surrounding properties and the two storey appearance would be in keeping with much of the local environment of two storey residential and commercial properties when viewed contextually with properties on Chesterfield Road and on the south side of Columbelle Way, albeit with some bungalows set recessively to the rear of the site.

7.10 There is some concern that the building, as a singular entity, will appear as a commercial building. However, it is considered that with the break in the frontage elevation and the roofscape that the building will reflect upon a terrace of dwellings (albeit there would only be three doors on the frontage). Officers have discussed amendments with the applicant with regard to seeking to further emphasise the residential nature of the building. This has resulted in a more simplified use of the Forticrete stone and render and has removed proposed panelling from the scheme. Windows have also had heads and cills included to reflect more so on a residential character and appearance.

- 7.11 It is considered that the window proportions now detailed provide a degree of hierarchy with ground floor windows being larger than those on the first floor. The south gable elevation has been amended with a reduction in the size of the first floor windows from 3 pane to 2 pane.
- 7.12 The applicant advises that there appears to be some misunderstanding regarding the main construction material to be used. As set out in the Planning, Design and Access Statement, it is proposed that split faced 'Forticrete' reconstituted stone will be used and the applicant refers to that used in the St Elphin's development. There are other developments in the town where this material has been utilised in a reasonable manner. Concern has been raised that the applicant is seeking to minimise costs or enhancing the developer's profit. In this instance, the viability of the proposal is not considered a significant matter for consideration of the application other than assessing whether the materials proposed are acceptable in this context.
- 7.13 In terms of the materials, the proposed reconstituted stone and render are materials to be found throughout the town. Whilst there is always a preference for the use of natural stone on development, it is considered that the scale of the development proposed is so relatively modest that the use of Forticrete will be acceptable; this has been used on other developments within the town and most notably on individual properties on the southern fringe at St. Elphins. In this regard, it is considered that, with the alterations to the design detail and the re-working of the materials on each elevation, the development will be an acceptable addition into the streetscene and in accordance with the aims of the local policies for Two Dales, contained in the DDNP, and wider design policies contained in the Adopted Local Plan (2017).

#### Impact on Amenity

- 7.14 It is considered by Officers that the building is of a size and siting that will not significantly harm the amenity of neighbouring properties. In terms of privacy, the front facing windows would be some 11m away from the dwellinghouses on the opposite side of Chesterfield Road. Whilst this is a relatively short distance, it is consistent with many streetscenes with properties facing each other across a main road. With regard to the rear facing windows, these would overlook the bungalows to the rear but, at a distance of some 14m to the boundary, and 21m to the rear elevations of the dwellings, it is considered that reasonable levels of privacy are achieved.
- 7.15 In terms of light, there will be some impact on the property at Park Grange to the north of the site, to the modest part of its curtilage to the side of that property; this is not considered to result in a significant loss of amenity to the overall property. It is considered that the building would be far enough away from other properties to not lead to a significant loss of light. In terms of outlook, there will be an increased mass of built form which would be looked out upon by the neighbouring properties but this is not considered to be to such an extent that this would justify a reason for refusal of planning permission.
- 7.16 Concern has been raised with regard to the proximity of the proposed bin store to 1 Columbell Way. This is proposed to be enclosed by 'hit and miss' vertical timber boarded fencing and set behind a new wall, with landscaping to the foreground, close to the access onto Columbell Way. From a practical point of view, the bin store needs to be located in an area where it is accessible for refuse collection and that, in this respect, it is considered to be appropriately sited. Whilst there may be some odour from time to time when the bins are opened, it is not considered that this would be so overwhelming an impact on the property of 1 Columbell Way to justify refusal of planning permission. Alternative locations have been considered by Officers but the proposed siting is considered to be the most practical, functionally and visually, within the scheme.

7.17 In terms of the amenity associated within the development, concern has been raised with regard to the size of the units. The applicant advises that, at 56 to 58 sqm for a one-bed unit, and 75 to 89 sqm for a two-bed unit, the proposed accommodation is generously spacious and must be judged against market evidence of properties marketed for sale, or indeed sold, within the immediate vicinity. It is the view of Officers that the size of the units is acceptable to provide reasonable living space within each dwelling.

7.18 The Town Council has raised concern with the potential occupancy of the dwellings and that the properties will become social housing. To this end, the Town Council recommends an age restriction of 60 plus be imposed, in order to fit the existing demographic, whether private or social housing. This is considered inappropriate and restrictive on the development, which is clearly designed to provide open market properties at the more affordable end of the market spectrum and there is considered no justification for such a condition in an area of mixed residential development. This comment from the Town Council may reflect upon concerns raised over the previous approval for the conversion of the existing building of a house of multiple occupation, which was in itself deemed acceptable by the District Council.

#### Highway Matters

7.19 It is considered that the car park can provide adequate parking spaces to serve the use of the premises. The Local Highway Authority has considered the proposals and advised of no objection subject to conditions with regard to the visibility splay off the access, a traffic management plan during construction and the provision of the parking facilities is made and are retained for the life of the development.

#### Drainage and Flooding

7.20 The Lead Local Flood Authority initially raised concern with regard to the impact of the development on surface water drainage and the lack of information submitted with the planning application. The applicant subsequently advised the following:

- construction and development work will fully adhere to latest Building Control Regulations;
- the site is surrounded (on all sides) by existing residential properties, which by definition, must include a fully formed network of drains;
- the land making up the site fronts directly on to these two public highways;
- the current building built to exacting NHS standards includes a fully formed drainage network
- the existing building has a number of amenities currently discharging into the drainage network
- a network of fully formed, fully operational, and well-maintained drains (foul and surface water) currently direct all waste into public sewers situated on the public highway just 30 metres distant;
- the proposed development will broadly occupy a similar footprint to the existing building and fully utilise the existing drainage network; and
- surface water from the existing car park flows (by gravity) into three large drains, then collects together in the roof surface water drains, all of which then flows into the public sewer.

On this basis, it is considered that drainage matters can be addressed through conditions on any grant of planning permission.

7.21 In terms of flood risk, and as confirmed by the Environment Agency, the site falls within Flood Zone 1 which sits on high ground and has no rivers nearby and the permeable area will not change significantly from that which currently exists. The applicant advises that all surface water run-off will continue to discharge into public sewers and that the development or surrounding area is not at risk from groundwater flooding. On this basis the applicant

considers that the absence of a Drainage Strategy at this stage is no impediment to the planning application being determined.

### Climate Change

7.22 The applicant has provided details on the construction of the building and how this will meet with Building Regulations, but there are no proposals to utilise sustainable energy sources to serve the development. However, given the nature of the building, and the size of the dwelling units, it is considered that such infrastructure on the building could harm its appearance, particularly at first floor apartment level. Nevertheless, the proposal seeks to reuse a previously developed site which is itself a sustainable re-use of land. The dwellings, because of their form, also have a number of internal walls between the units that may assist with heat transfer within the building. It is proposed to use a sustainably sourced, local facing product with Forticrete walls, heads and cills. To this end, it is considered that the development would seek to achieve some of the aims of limiting the carbon footprint that would be associated with the development and is deemed to be in reasonable compliance with Policy PD7 of the Adopted Local Plan (2017).

### Affordable Housing Provision

7.23 The number of dwelling units proposed on the site falls short of the number of dwellings (11 units), or a combined floor space in excess of 1000sqm, that would normally trigger the need for affordable housing provision in accordance with Policy HC4 of the Adopted Derbyshire Dales Local Plan (2017). As the number of dwelling units is deemed appropriate for the site, it is not be justifiable to request the provision of affordable housing on the site, or to require an offsite financial contribution, in this instance. Nevertheless, the dwellings will be at the more affordable end of the open market spectrum.

### Conclusion

7.24 The site is in a sustainable location where residential development is normally supported. The proposals make good re-use of this site which has been made redundant by the improved, replacement medical centre and will provide accommodation for a demographic of people seeking to get into the property market or to downsize. It is considered that, whilst a large, singular building, that there is sufficient stepping of the prominent elevations to break its sense of mass and that the materials proposed are an appropriate reflection of those used in the developments in the town.

7.25 Whilst the two storey building may lead to some impact on the amenity of local residents, compared to the doctor's surgery, it is considered that the building is sited and designed so that these are not of such an impact that would significantly harm that amenity. As such, it is recommended that planning permission be granted subject to conditions with regard to materials, landscaping, highways and drainage matters.

## **8. RECOMMENDATION**

That planning permission be granted subject to the following conditions:

1. Condition ST02a Time Limit on Full

Reason:

Reason ST02A

2. Notwithstanding the original submitted drawings and specifications, the development hereby approved shall be carried out in accordance with the amended drawings received on 29<sup>th</sup> September 2020 except insofar as may otherwise be required by other conditions to which this permission is subject.

Reason:

To define the permission for the avoidance of doubt and to ensure the satisfactory character and appearance of the development to comply with Policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP6 and NP16 of the Darley Dale Neighbourhood Plan (2019-2033).

3. 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:

- samples of the stone for the elevations (to include details of the bed height and lengths of the stone);
- samples of the heads and cills;
- a sample of the roofing materials;
- details of the finishes to the eaves;
- details of all rainwater goods (to be on rise and fall brackets without the use of barge boards)
- details of 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) and Policies NP6 and NP16 of the Darley Dale Neighbourhood Plan (2019-2033).

4. 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) and Policies NP6 and NP16 of the Darley Dale Neighbourhood Plan (2019-2033).

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 building 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;
- g) details of the boundary wall to the bin store to face Columbell Way; and
- h) 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) and Policies NP6 and NP16 of the Darley Dale Neighbourhood Plan (2019-2033).

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) and Policies NP6 and NP16 of the Darley Dale Neighbourhood Plan (2019-2033).

7. Before the site is first brought into its approved use, the parking facilities shall be provided as detailed on the approved Drawing No. 1165-100 and shall thereafter be retained as such for the life of the development.

Reason:

To ensure the provision of adequate off street parking in the interests of highway safety to comply with Policy HC21 of the Adopted Derbyshire Dales Local Plan (2017).

8. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4m by the maximum achievable visibility are provided at the site access. These shall thereafter be permanently maintained with nothing within the splays higher than 1.0m in height (0.6m in the case of vegetation) above the level of the adjacent carriageway channel level.

Reason:

In the interests of highway safety.

9. No development shall commence until such time as a construction traffic management plan, including minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities and a timetable for their provision, is submitted to and approved in writing by the Local Planning Authority. The construction of the development shall take place in accordance with the approved details and timetable.

Reason:

In the interests of highway safety.

10. No development shall take place until a detailed design and associated management and maintenance plan of the surface water/foul drainage for the site is submitted in accordance with the:
  - a. required information list contained in the Advisory/Informative notes in this document and to be approved by the Flood Risk Management Team; and

b. DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

11. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance."

Reason:

To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- i) into the ground (infiltration);
- ii) to a surface water body;
- iii) to a surface water sewer, highway drain, or another drainage system;
- iv) to a combined sewer

in order to comply with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

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

13. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason:

To ensure that the drainage system is constructed to the national non-statutory technical standards for sustainable drainage and CIRIA standards C753 to comply with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

## NOTES TO APPLICANT:

1. The Lead Local Flood Authority has advised that the following advisory/informative will be required as an absolute minimum in order to discharge any of the drainage conditions set by the Local Planning Authority):
  - A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
  - B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact [Flood.Team@derbyshire.gov.uk](mailto:Flood.Team@derbyshire.gov.uk).
  - C. No part of the proposed development shall be constructed within 3-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.
  - D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
  - E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.
  - F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.
  - G. The applicant should provide a flood evacuation plan which outlines:
    - the flood warning procedure
    - a safe point of extraction
    - how users can safely evacuate the site upon receipt of a flood warning
    - the areas of responsibility for those participating in the plan
    - the procedures for implementing the plan
    - how users will be made aware of flood risk
    - how users will be made aware of flood resilience
    - who will be responsible for the update of the flood evacuation plan.
  - H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.
  - I. Surface water drainage plans should include the following:
    - rainwater pipes, gullies and drainage channels including cover levels
    - inspection chambers, manholes and silt traps including cover and invert levels
    - pipe sizes, pipe materials, gradients, flow directions and pipe numbers



- soakaways, including size and material
- typical inspection chamber / soakaway / silt trap and SW attenuation details
- site ground levels and finished floor levels.

J. On Site Surface Water Management;

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

**Peak Flow Control**

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

**Volume Control**

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

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

- details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional
- where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway
- guidance on flood pathways can be found in BS EN 752

- the Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.
- K. If infiltration systems are to be used for surface water disposal, the following information must be provided:
- ground percolation tests to BRE 365
  - ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells
  - soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003
  - volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2
  - location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure
  - drawing details including sizes and material
  - details of a sedimentation chamber (silt trap) upstream of the inlet should be included.
- Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.
- L. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable).
- M. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.
2. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant to seek amendments to the scheme, albeit the applicant declined to consider these having been given pre-application advice.
3. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.

4. This decision notice relates to the following documents:

Site Location Plan (1:1250) and Block Plan (1:500) received on 15<sup>th</sup> July 2020

Drawing Nos. 1165-001, 005 Rev.B, and 106 received on 15<sup>th</sup> July 2020

Amended Drawing Nos. 1165-101A, 103A and 104A and 105 received on 29<sup>th</sup> September 2020

Planning, Access and Design Statement received on 15<sup>th</sup> July 2020

Additional Information received on 11<sup>th</sup> September 2020

Drainage Information received on 18<sup>th</sup> September 2020

Details of Bin Store received on 18<sup>th</sup> August 2020.

## 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/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
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## Brailsford

ENF/17/00058	Unauthorised erection of replacement fencing around boundary of South Lodge, Long Lane, Longford, Derbyshire	South Lodge Long Lane Longford Derbyshire DE6 3DS	Pending Consideration
ENF/18/00009	Unauthorised building works to barn at West Mammerton Farm, Sutton Lane, Longford	Buildings At West Mammerton Farm Sutton Lane Longford Derbyshire	Pending Consideration
ENF/18/00138	Unauthorised change of use of Agricultural land and the erection of a timber built cabin.	Land North East Of Willow Croft New Road Mercaston Derbyshire	Notice Issued
ENF/19/00062	Creation of new fishing lake	Birch House Fishing Lake Derby Lane Ednaston Derbyshire	Pending Consideration
ENF/19/00063	Unauthorised building of hay store. Building in different location to that approved under 16/00946/AGR.	Land North Of Willow Croft New Road Mercaston Derbyshire	Pending Consideration
ENF/19/00095	Has access road been built to correct width and planting on verge (related planning permissions - 16/00567/OUT (outline) and 18/00397/REM and 19/00467/REM (reserved matters))	Land Off Main Road Brailsford Derbyshire	Pending Consideration
ENF/20/00037	Installation of velux roof lights	The Lodge Painters Lane Ednaston Derbyshire DE6 3BA	Pending Consideration

## Carsington Water

ENF/16/00034	Unauthorised erection of Dog kennels	Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ	Notice Issued
ENF/18/00013	Building not built in accordance with approved plans	Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR	Pending Consideration
ENF/18/00196	Works to Holiday Let - Installation of chimney, erection of conservatory and extension to single storey element. Other Works - Caravan hookups, associated timber structure and extension to shower block	New Harboro Farm Manystones Lane Brassington Derbyshire DE4 4HF	Pending Consideration
ENF/19/00066	Breach of Condition 2 (Time Limit for siting of chalet) of planning permission 13/00158/EXF	Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR	Notice Issued

ENF/19/00067	Unauthorised engineering works to create a raised platform base for the approved building, and a new access and access track onto land off Manystones Lane, Brassington.	Land North Of Wirksworth Dale Brassington Derbyshire	Pending Consideration
ENF/19/00096	Unauthorised change of use of the building known as Shaws Barn, from B8 (Limited storage and distribution) use, to a use including the sale of alcohol.	Shaws Barn Winn Lane Atlow Derbyshire DE6 1NS	Pending Consideration
ENF/20/00028	Siting of 1no. caravan/ mobile home	Land East Of Turlowfields Lane Hognaston Derbyshire	Pending Consideration
ENF/20/00128	Erection of shed in front garden	4 Haven View Mill Lane Bradbourne Derbyshire DE6 1PA	Pending Consideration

## Clifton And Bradley

ENF/19/00151	Alterations to bridleway including resurfacing to create access track, recessing of gateway and tarmac of entrance onto Sides Lane	Snelston BW 3 Sides Lane Snelston Derbyshire	Pending Consideration
ENF/19/00159	Formation of a new access off a Classified Road	The Flatts Wyaston Road Ashbourne Derbyshire	Pending Consideration
ENF/20/00005	Clearance of hedgerow at 'The Firs' residential development and erection of fence - Related planning applications 16/00340/OUT and 18/00699/REM	Land At The Firs Main Road Wyaston Derbyshire DE6 2DR	Pending Consideration

## Darley Dale

ENF/12/00034	Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.	Stancliffe Quarry, Darley Dale, Matlock.	Notice Issued
ENF/17/00016	Breach of pre commencement conditions on planning permission 15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building.	Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT	Pending Consideration
ENF/19/00102	Continued siting of mobile home (Breach of Condition 1 of Appeal Decision APP/P1045/C/15/3131891)	Woodside Farm Back Lane Darley Moor Matlock Derbyshire DE4 5LP	Pending Consideration

## Doveridge And Sudbury

ENF/19/00017	Unauthorised commencement of development prior to correctly discharging planning conditions relating to planning permissions 15/00389/OUT - residential development of upto 70 dwellings and 18/00891/REM - Approval of reserved matters for the erection of 62 dwellings- Land East of Bakers Lane, Doveridge	Land To The East Of Bakers Lane Doveridge Derbyshire	Pending Consideration
ENF/20/00010	Change of use of land to site a crane and condition 4 (landscaping works to screen mounding) of planning permission 11/00806/FUL not fully implemented	Steve Foster Crane Hire Units 1 To 3 Derby Road Doveridge Derbyshire DE6 5JU	Pending Consideration

## Hulland

ENF/15/00004	Unauthorised engineering works including substantive excavation on land at Common Farm.	Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP	Pending Consideration
ENF/15/00024	The unlawful use of the buildings outlined and hatched green on the 1:2500 and 1:1000 Scale attached plans, as a dwellinghouse (Use Class C3).	Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Notice Issued
ENF/18/00155	Replacement agricultural storage building not built in accordance with permission 15/00616/AGR, construction of car park and building being used as a dog training business	Moorside Farm Moor Lane Kirk Ireton Derbyshire DE6 3JZ	Pending Consideration
ENF/18/00206	Unauthorised use of site for wood processing and storage	Poplars Farm Belper Road Hulland Ward Derbyshire DE6 3ED	Pending Consideration
ENF/19/00106	Unauthorised engineering works including the creation and extension of a new access, the re-surfacing of an access track and the excavation of new footings around the existing hay barn, on land opposite Hulland Grange, Upper Lane, Hulland Ward.	Hay Barn Upper Lane Hulland Ward Derbyshire	Pending Consideration
ENF/20/00115	Unauthorised siting of caravan	Land To East Of Hoon Well Lane Biggin Ashbourne Derbyshire	Pending Consideration
ENF/20/00123	Provision of additional caravan pitches, Breach of Condition 6 of Planning Permission Reference 16/00568/FUL and erection of storage buildings and band stand	Blackbrook Lodge Camping And Caravan Site Intakes Lane Turnditch Derbyshire DE56 2LU	Pending Consideration

## Masson

ENF/15/00054	Unauthorised alterations to a Grade II Listed Building.	Rita's Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/17/00022	Erection of two wooden sheds.	The Cottage Puddle Hill Bonsall Derbyshire DE4 2BA	Notice Issued
ENF/18/00003	Untidy site - Land at Gullivers Kingdom, Adjacent to the upper car park, Matlock Bath, Derbyshire	Gullivers Kingdom Temple Road Matlock Bath Derbyshire DE4 3PG	Pending Consideration
ENF/18/00077	Unauthorised change of use of buildings from fully self contained holiday cottage.	The Carriage House Building 24 Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ	Pending Consideration
ENF/18/00078	The painting of the shopfront with a paint colour that is not approved under the Matlock Bath Conservation Area Article 4 Direction	196-198 South Parade Matlock Bath Derbyshire DE4 3NR	Notice Issued
ENF/18/00140	Commencement on site prior to discharging conditions 3, 4 and 7 of planning application 17/01097/FUL	Outbuilding To The Rear Of 14 - 16 Yeoman Street Bonsall Derbyshire DE4 2AA	Pending Consideration
ENF/18/00177	Unauthorised erection of decking in the rear garden of Ranmoor, Waterloo Road, Matlock Bath	Ranmoor Waterloo Road Matlock Bath Derbyshire DE4 3PH	Pending Consideration
ENF/19/00086	Breach of condition 16 (paint finish and colour of all external joinery) of planning permission DDD/0697/0381/C - Repainting of premises without prior consent to variation	Unit 5 The Riverside South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/19/00139	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	Notice Issued
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/20/00097	Use of shed as letting accommodation, installation of outdoor toilet and shower room and creation of wetroom in property	14 The Hill Cromford Derbyshire DE4 3QL	Notice Issued
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## 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	(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	Pending Consideration
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	The extension of domestic curtilage, engineering works and laying of hardsurfacing.	Land And Barn At The Corner Of Thatchers Lane And Alders Lane Tansley Derbyshire	Pending Consideration
ENF/20/00103	Breach of Condition 14 of planning permission 15/00861/FUL and formation of roadway and associated engineering works (raising of land and formation of swales)	Land South Of Bentley Bridge Chesterfield Road Matlock Derbyshire	Pending Consideration

## Norbury

ENF/17/00056	Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire	Old House Farm Can Alley Roston Derbyshire DE6 2EF	Pending Consideration
ENF/17/00156	Unauthorised engineering works to create a vehicular access to the holiday lets from the Roston Inn car park	Roston Inn Mill Lane Roston Derbyshire DE6 2EE	Pending Consideration
ENF/18/00142	Siting of shipping container	Land Off Rodsley Lane Yeaveley Derbyshire	Pending Consideration
ENF/19/00034	Erection of Building	The Orchard Audishaw Lane Boylestone Derbyshire	Notice Issued
ENF/19/00079	Breach of condition 11 of planning permission 16/00587/FUL - No machinery shall be operated on the site, no process or operations shall be carried out and no deliveries shall be taken at or despatched from the site except between 8:00 and 18:00 hours Monday to Friday and 9:00 and 13:00 on Saturdays or at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.	Mushroom Farm Rodsley Lane Yeaveley Derbyshire DE6 2DT	Pending Consideration

ENF/20/00006	Change of use of land to use for the stationing of caravans for the purposes of human habitation with associated building and engineering works comprising of the construction of amenity buildings, laying of hard surface and erection of fencing.	Land East Of Grove Lane Somersal Herbert Derbyshire	Notice Issued
ENF/20/00018	Unauthorised change of use of garage block to independent dwelling	Coton Wood Lodge Muse Lane Boylestone Derbyshire DE6 5AB	Pending Consideration

## Stanton

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

ENF/20/00016	Construction of storage buildings approved under application code ref. 19/00525/FUL using corugated steel sheets to the walls finished in an unauthorised off white colour	H J Enthoven And Sons Darley Dale Smelter Oldfield Lane Warren Carr Derbyshire DE4 2LP	Pending Consideration
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## Wirksworth

ENF/17/00002	Unauthorised engineering operations to create a raised area	11 New Road Bolehill Derbyshire DE4 4GL	Pending Consideration
ENF/17/00018	Unauthorised works to remove a fire surround in a Grade II Listed Building.	Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET	Pending Consideration
ENF/17/00023	Breach of conditions on planning permission 14/00891/FUL	Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS	Pending Consideration
ENF/17/00051	Unauthorised change of use of garage/store to beauty studio.	The Mews 3 Wirksworth Hall Farm Wash Green Wirksworth Derbyshire DE4 4FD	Pending Consideration
ENF/18/00126	Removal of front wall and erection of ply wood replacement	Kenwood Cottage Wash Green Wirksworth Derbyshire DE4 4FD	Pending Consideration
ENF/18/00216	Breach of conditions 3 and 4 of planning permission 15/00793/FUL - Conversion and extension of garage to form dependant relative unit.	38 West End Wirksworth Derbyshire DE4 4EG	Pending Consideration
ENF/19/00004	Installation of hot tub to front of property	Stowe Cottage 4 New Road Middleton By Wirksworth Derbyshire DE4 4NA	Pending Consideration

ENF/19/00059	Without planning permission the stationing of a caravan on the land for the purposes of human habitation	Land To East Of Kings Lot Wood Longway Bank Whatstandwell Derbyshire	Notice Issued
ENF/19/00140	Engineering works to garden area	Fountain House 13 Main Street Middleton By Wirksworth Derbyshire DE4 4LQ	Pending Consideration
ENF/20/00008	Unauthorised ground works to facilitate a car park and large plant training area.	Land To The North Of Jacksons Ley And Porter Lane Middleton By Wirksworth Derbyshire	Pending Consideration
ENF/20/00043	Two storey garden building not being built in accordance with approved plans (planning application reference number 19/01424/FUL) <sup>2</sup>	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 <sup>2</sup>	The Old Barn Rise End Middleton By Wirksworth Derbyshire DE4 4LS	Pending Consideration

**Total Open Cases**

**92**

# Enforcement Investigations Closed

In the Month Prior to 30/09/2020



## Ashbourne South

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	Complied Voluntarily	29/09/2020
ENF/20/00040	Incorporation of additional land into residential curtilage	Land Adj. 31 Keepers Croft Ashbourne Derbyshire DE6 1TF	Justification from Officer	28/09/2020
ENF/20/00086	Erection of shed structure	5 Oak Crescent Ashbourne Derbyshire DE6 1HR	Justification from Officer	28/09/2020

## Carsington Water

ENF/20/00090	Breach of Condition 3 (holiday accomodation time restriction) of planning permission 09/00515/FUL (Change of use and conversion of barn to holiday unit) - Use of converted barn as a residential let	Barn At Brookfields Nether Lane Brassington Derbyshire	Planning Application Received	30/09/2020
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## Darley Dale

ENF/20/00072	Change of use of land for storage of material removed from a recently erected menage'	Mount Pleasant Farm Bent Lane Hackney Derbyshire DE4 3LN	Complaint Unfounded	14/09/2020
ENF/20/00122	Alleged unauthorised erection of fence at front of property.	Morfu Farley Hill Matlock Derbyshire DE4 5LT	Complaint Unfounded	10/09/2020

## Doveridge And Sudbury

ENF/20/00058	Extension to existing outbuilding and use of building to house livestock	5 Brook Close Doveridge Derbyshire DE6 5LY	Justification from Officer	28/09/2020
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## Masson

ENF/20/00088	Installation of extractor flue and works to rear of property.	The Promenade Fish Bar (Formaly Route 66) 134 North Parade Matlock Bath Derbyshire DE4 3NS	Amalgamated with another case	16/09/2020
ENF/20/00111	Breach of condition 4 of planning permission 19/01042/FUL - Widening of drive and associated retaining feature (retrospective)	14 The Hill Cromford Derbyshire DE4 3QL	Complied Voluntarily	16/09/2020

ENF/20/00121	Installation of 2no. roof lights in barn/ workshop	Building Opposite 84 And 86 High Street Bonsall Derbyshire DE4 2AR	Complaint Unfounded	14/09/2020
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## Wirksworth

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	Complaint Unfounded	16/09/2020
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**Total Closed Cases 11**

**NOT CONFIDENTIAL** - For public release

PLANNING COMMITTEE – 13<sup>th</sup> October 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 dismissed – copy of the decision attached
20/00281/FUL	The Beehive, Well Banks, Kirk Ireton	HOUSE	Appeal allowed – copy of decision attached
20/00108/FUL	1 Church Street, Ashbourne	WR	Appeal being processed
20/00109/LBALT	1 Church Street, Ashbourne	WR	Appeal being processed
19/01409/FUL	Jinglers Coach House, unnamed section of A517 from Brunwood Lane to Gorse Lane, Hulland Ward (Ashbourne Camping and Caravanning Club Site)	WR	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
20/00493/FUL	10 Thatchers Croft, Tansley	HOUSE	Appeal being processed

20/00196/FUL	9 Water Lane, Cromford	HOUSE	Split Decision – copy of decision attached
20/00143/FUL	Seth Punchard Storage & Distribution, Middlepeak Wharf, Middleton Road, Wirksworth	WR	Appeal being processed
ENF/19/00167	Land And Barn At The Corner Of Thatchers Lane And Alders LaneTansley	WR	Appeal being processed
ENF/20/00092	Land And Barn At The Corner Of Thatchers Lane And Alders LaneTansley	WR	Appeal being processed

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

**OFFICER RECOMMENDATION:**

That the report be noted.



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# Appeal Decision

Site visit made on 7 September 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

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Appeal Ref: APP/P1045/W/20/3254347

Land at Nether Lane, Kirk Ireton, Ashbourne, Derbyshire Easting: 426911

Northing: 350100

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Aled and Dominie Edwards against the decision of Derbyshire Dales District Council.
  - The application Ref 19/01326/FUL, dated 19 November 2019, was refused by notice dated 24 January 2020.
  - The development proposed is 2no. proposed 4-bed dwellings to infill land on the east side of Nether Lane, Kirk Ireton.
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## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Mr and Mrs Aled and Dominie Edwards against Derbyshire Dales District Council. This application is the subject of a separate Decision.

## Main Issue

3. The main issue in this case is whether the proposed development would preserve or enhance the character or appearance of the Kirk Ireton Conservation Area (KICA).

## Reasons

4. The appeal site relates to a parcel of agricultural land located on the eastern fringe of the rural settlement of Kirk Ireton. The site lies between the dwellings of Hill View and Netherfield Cottage. Nether Lane like many other roads in Kirk Ireton is narrow and lined by residential development. Much of this is sited close to the roads. Dwellings on the western side of the lane take advantage of the elevated ground above the site and the long-range views east of the site into the Ecclesbourne Valley. The public right of way (PROW) behind these dwellings also affords similar views. Nether Lane also offers this experience, **albeit the mature hedgerow along the southern portion of the site's boundary** with the lane, to an extent, inhibits views down the valley. Ground levels fall from the lane through the site and to the east.
5. The KICA was originally designated in 1971 around the village core which comprises of buildings mainly from the 18th and 19th centuries, with later 20th century properties at its periphery. The KICA was extended in 1992 into its current form to include the rural setting afforded by the countryside that surrounds the village. This is characterised by rolling hills, open fields, trees and hedgerows, **which are typical of the area's 'Woodland Slopes and Valleys'**

- landscape type. Narrow lanes enclosed by hedgerows provide 'secretive' approaches to the village which has retained a strong visual integrity due to construction methods and materials.
6. The open nature of the site and the surrounding countryside is influenced by topography, but there are also other areas in the village where the countryside leads straight into the village framework. So, while the site affords a rural edge to the settlement and the development would result in a change, this is not synonymous with harm. Having regard to Policy S2 of the Adopted Derbyshire Dales Local Plan (Local Plan), the proposal would infill an existing gap between existing dwellings and respond to the looser form of development found on the edge of the settlement. The proposal would also be commensurate with the scale and function of the settlement whilst the new dwellings would be read as part of Kirk Ireton when viewed from Hob Lane and along Nether Lane. The proposal would also, as a result of its infill nature, promote an effective use of land, and thus accord with Local Plan Policy HC1.
  7. Proposals are, however, subject to all other policies in the Local Plan. The main parties dispute centres on the **proposal's effect on the Principal View** eastwards from the KICA into the Ecclesbourne Valley and across the attractive landscape. This is one of the most important and defining views from within the KICA and part of the special interest of the KICA stems from such views.
  8. Nevertheless, the dispute does not centre on the design or form of the proposed dwellings, their relationship with neighbouring dwellings, use of materials or the detailing proposed. It is also clear that the appellants have sought to make full use of existing ground levels and to retain relatively wide spaces between the properties.
  9. Spaces, as The Kirk Ireton Conservation Area Character Appraisal (CA) confirms, between the buildings are just as important as the buildings and should therefore be given a significant degree of consideration in proposals for development. Owing to the combination of local topography and the siting of each dwelling, views from Nether Lane, the PROW and dwellings on the western side of the lane, would remain between Hillview and site 1, between **site's 1 and 2, and between site 2 and Netherfield Cottage**. Although the Principal View would not be lost altogether, the two proposed dwellings would reduce, frame and alter the extent of the Principal View.
  10. The orientation of the rear block on the dwelling proposed at site 1 would be parallel to the lane and result in an elongated form of development that would harm the Principal View away from the KICA and the contribution that it makes to its special interest. The effect would be also be experienced from dwellings on the western side of the lane and to a lesser extent the PROW due to its elevated position. The dwelling proposed at site 1 has been designed to respond to the **site's ground levels**, but it would not achieve the same degree of sensitivity required as the dwelling at site 2 would do in terms of responding **to the site's ground levels** whilst minimising the change to the Principal View.
  11. The loss of the existing hedgerow would help make the most of the Principal View either side of the dwelling at site 2. However, it would not counter act the scale and siting of the dwelling at site 1 which would be higher than the existing hedge. Further hedgerow planting would not change my view as there would be no certainty or mechanism that could ensure its height would be kept in perpetuity and have the same effect as the dwelling on site 1 would do. A hedgerow may have once extended across **site 1's** frontage, but I have

- considered the proposal based on the circumstances as I have found them.
12. While the appeal scheme would allow for further landscaping of the site, this does not alter my view that the proposal would have a harmful effect on the character and appearance of the KICA. Having regard to paragraph 196 of the National Planning Policy Framework (the Framework) the proposal would lead to less than substantial harm. Even so, this is still a harmful impact which adversely affects the significance of the KICA as a heritage asset. This requires clear and convincing justification.
  13. Modest public benefits would stem from the new housing which would help sustain existing services and facilities in Kirk Ireton and provide jobs linked to their construction and spending in the supply chain. Matters relating to risk of contamination, highway safety, occupants living conditions and flooding are also modest public benefits. However, the harm to the KICA would, to which I attach considerable importance and great weight, in my view, clearly outweigh these modest public benefits.
  14. Although the proposal would accord with Local Plan Policies S2 and HC1 in respect of this issue, this is outweighed by my conclusion that the proposed development would not preserve or enhance the character or appearance of the KICA due to its effect on the Principal View. As such, the proposal would not accord with Local Plan Policies PD1, PD2 and PD5. These collectively seek, among other things, high quality design that conserves heritage assets in a manner appropriate to their significance, taking into account the scale, siting and views away from the heritage asset, with development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement being resisted. The proposal would also for these reasons conflict with Framework paragraphs 127 and 130, while the assessment of the **appeal scheme's public benefits mean that the proposal would not accord with Framework paragraphs 194 and 196.**
  15. I note the progress being made with The Kirk Ireton Neighbourhood Plan, and while it has not been relied on by the Council in refusing planning permission, conflict would arise with Policy P2, which attracts moderate weight, due to the **scheme's effect on the view away from the village.**

#### Conclusion

16. I have no reason to disagree with the appellants that the proposal would accord with Local Plan Policies S1, S4, S9, PD3, PD7, PD8, HC19 or HC21. However, I do not consider that the proposed development is in accordance with the development plan as a whole and there are no relevant considerations that indicate that I should take a different stance.
17. For the reasons set out above, I conclude that the appeal is dismissed.

*Andrew McGlone*

INSPECTOR



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## Costs Decision

Site visit made on 7 September 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

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Costs application in relation to Appeal Ref: APP/P1045/W/20/3254347  
Land at Nether Lane, Kirk Ireton, Ashbourne, Derbyshire Easting: 426911  
Northing: 350100

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr and Mrs Aled and Dominie Edwards for a full award of costs against Derbyshire Dales District Council.
  - The appeal was against the refusal of planning permission for 2no. proposed 4-bed dwellings to infill land on the east side of Nether Lane, Kirk Ireton.
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### Decision

1. The application for an award of costs is refused.

### Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. In order to be successful, an application for costs needs to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense. Parties in the appeal process are normally expected to meet their own expenses.
3. The applicant is of the view that the planning application subject of the appeal should have been granted and thus the appeal should not have been necessary. In their view they have as a result incurred unreasonable expense.
4. The applicant and the Council actively engaged in pre-application discussions about developing the site. These discussions seem to have taken place in good faith and broad agreement was reached about the potential development of the site. I note amendments were made to the design of the scheme with a view to finding a solution that would ultimately be acceptable to the Council.
5. Pre-application advice can be a material consideration in the consideration of a development proposal. However, a local planning authority is not bound by this advice when considering a formal planning application. The applicant has included extracts of the advice provided by the Council within their application for an award of costs.
6. Notwithstanding this, and although the Council did not respond to the **applicant's** application for an award of costs, the **proposal's effect did require** careful consideration in relation to the designated heritage asset. It strikes me

that in this case there are different professional judgments about the proposal's effect. This does not necessarily mean that one carries greater standing than the other. The Council was also entitled to consider the planning application before them and reach a conclusion on it. In doing so, despite my findings in respect of the **Council's stance, it has** substantiated its case, and hence it is not clear that the planning application should have been granted or the appeal not been necessary. As such, the Council has not acted unreasonably and thus unnecessary or wasted expense has not been incurred by the applicant.

#### Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated.

*Andrew McGlone*

INSPECTOR



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## Appeal Decision

Site visit made on 7 September 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2020

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Appeal Ref: APP/P1045/D/20/3255027

The Beehive, Well Banks, Kirk Ireton DE6 3JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Dick Delves against the decision of Derbyshire Dales District Council.
  - The application Ref 20/00281/FUL, dated 13 March 2020, was refused by notice dated 19 May 2020.
  - The development proposed is alterations and extension of garage and proposed ramped access to rear garden.
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### Decision

1. The appeal is allowed and planning permission is granted for alterations and extension of garage and proposed ramped access to rear garden at The Beehive, Well Banks, Kirk Ireton DE6 3JW in accordance with the terms of the application, Ref 20/00281/FUL, dated 13 March 2020, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1716/01 Rev A; 1716/02 Rev B; and 1706/03.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Main Issue

2. I agree with the Council that the ramped access and stone retaining wall would not harm the character or appearance of the Kirk Ireton Conservation Area (KICA). Hence, these aspects of the appeal scheme would result in a neutral effect. Thus, the main issue is the effect of the proposed alterations and extension to the garage on the character and appearance of the KICA.

### Reasons

3. The Beehive forms part of the KICA and is of later 20<sup>th</sup> century construction. The two-storey property has a link-detached double garage that has a gable elevation which abuts a retaining wall and the off-street parking spaces that serve Raglan House. Within the site, ground levels slope towards Well Banks, which extends next to, and south from the site. Vehicular access to the site is

taken from the junction of three narrow lanes: Well Banks, Coffin Lane and Hemp Yard. Generally, ground levels fall from north to south along these roads which are lined by traditional buildings with pitched roofs. As with other buildings in the KICA, the garage is constructed from materials characteristic to the area, namely coursed gritstone and Staffordshire blue roof tiles.

4. The existing garage is read in the context of a variety of built form that forms a tight-knit relationship with the roads extending through this part of the KICA. Although the ridge height of the garage would be raised, and its footprint slightly extended, the garage, once extended and altered, would still be a subservient part of the host dwelling. By re-orientating the roof slope, it would reflect the host dwelling and many other roof slopes nearby that angle away from the roads. This would, as a result, help maintain its relationship as an outbuilding to the property.
5. Re-siting the garage door to the elevation facing the roads would be a noticeable change. However, across the KICA there are variety of small and large window and door openings, including garage doors. It is also a characteristic of the KICA for gable elevations to adjoin or face roads. These, among other characteristics, **comprise the area's special character**. The proposal would help preserve the strong sense of visual integrity in the KICA due to construction methods and materials.
6. I conclude that the proposed alterations and extension to the garage would preserve the character and appearance of the KICA. Thus, the proposal would accord with Policies PD1, PD2 and HC10 of the Adopted Derbyshire Dales Local Plan. Jointly these seek, among other things, extensions to dwellings to respond positively to the character of the built and historic environment in terms of the height, scale, form and design so that they conserve heritage assets in a manner appropriate to their significance. As I have not found any harm, I have not needed to undertake the assessment outlined in paragraph 196 of the National Planning Policy Framework.

#### Conclusion and conditions

7. In the interests of certainty, I have imposed a plans condition. I have also imposed a matching materials condition so that the development reflects the characteristic use of materials in the KICA.
8. For the reasons set out above, I conclude that the appeal is allowed.

*Andrew McGlone*

INSPECTOR



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## Appeal Decision

Site visit made on 14 September 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22<sup>nd</sup> September 2020

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Appeal Ref: APP/P1045/D/20/3254740

9 Water Lane, Cromford DE4 3QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Sally Wright against the decision of Derbyshire Dales District Council.
  - The application Ref 20/00196/FUL, dated 24 February 2020, was refused by notice dated 30 April 2020.
  - The development proposed is 2 no. dormer windows to front and replacement porch.
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### Decision

1. The appeal is dismissed insofar as it relates to the 2 no. dormer windows to the front. The appeal is allowed insofar as it relates to the replacement porch and planning permission is granted for a replacement porch at 9 Water Lane, Cromford DE4 3QH, in accordance with the terms of the application, Ref 20/00196/FUL, dated 24 February 2020, and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as relevant to that part of the development permitted: Location Plan Scale 1:1250; Block Plan Existing Scale 1:500; Block Plan Scale 1:500; Existing Elevations v 01 Scale 1:100; Proposed Elevations v 01 Scale 1:100; Existing Ground and First Floor Plan v 01 Scale 1:100; and Proposed Ground and First Floor Plan v 01 Scale 1:100.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Procedural Matter

2. I note the detailed description of development on the application form. The more succinct description used in the above banner heading and the formal decision is that used on the decision notice and appeal form. In her appeal statement the appellant noted the description had been changed and, although not notified of the change, she indicated she would have agreed it.



## Main Issue

3. The main issue in the appeal is whether or not the proposed development would preserve or enhance Cromford Conservation Area and the effect of the development on the character and appearance of the Derwent Valley Mills World Heritage Site and the host property.

## Reasons

4. The appeal site lies within Cromford Conservation Area and the Derwent Valley Mills World Heritage Site. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be had to the desirability of preserving or enhancing the character and appearance of a conservation area.
5. The common use of materials and details in many of the buildings, the consistent form of the housing and the relatively urban character of the village reflect its historic development as an industrial estate village with a common landowner. These are key architectural features of the conservation area and **give a strong sense of unity to the village. The village's association with Richard Arkwright, a key figure in the industrial revolution, also gives historic significance to the conservation area.**
6. The appeal property is a 1930s detached bungalow situated in an elevated position above Water Lane, a busy road through the village. Although views of the property from this road are limited, the dwelling, and particularly its roof, is clearly visible from Scarthin "promenade", where it occupies a prominent position in views across the mill pond, as well as from properties along this side of the valley. The *Cromford Conservation Area Appraisal (November 2007)* highlights that it forms one of an uncharacteristic assortment of buildings on this part of Water Lane.
7. The front elevation of the bungalow is symmetrical and, although a 20<sup>th</sup> century property, the plain uncluttered roof form is consistent with the simple roof form of the majority of the older dwellings in the conservation area. Two pitch roof dormer windows are proposed on the front roof plane. These are modest in size, set down from the ridge and up from the eaves.
8. Notwithstanding this, whilst dormer windows may, in general terms, be common on bungalows, they are not a feature of properties in the conservation area. As such, they would appear alien and incongruous features, which would be out of keeping with the character of the area. Moreover, the increased bulk they would add to the roof would serve to make this uncharacteristic property more prominent in views along Water Lane, as well as from Scarthin. The fact that the dwelling is uncharacteristic does not justify the addition of further discordant features to it.
9. In support of the appeal my attention has been drawn to a dormer window on a terraced property on the hillside above Scarthin which is clearly visible in views from Water Lane, and also to a number of properties in the vicinity that have solar panels on their roofs. However, I observed that such properties are very much in the minority, and the property with the dormer window appeared to be the only dormer in the area. I do not know the circumstances that led to the dormer being considered acceptable, or the policies that applied at the time of its consideration and so cannot be sure it represents a direct parallel to the

appeal scheme. In any event, it confirmed that dormers are detrimental to the character and appearance of the host property and the conservation area and so it does not set a precedent to be followed. Nor do the small number of properties with solar panels on their roofs justify allowing dormer windows on this property.

10. The appellant has indicated that the dormers would provide better head height and increase the amount of useable floor space in the bedrooms they would serve. Be that as it may, this is not sufficient reason to allow them given the harm I have identified they would cause.
11. The proposed porch would be wider and higher than the current lean-to porch on the property. The pitch roof would match the angle of the main roof. As a result, it would cut slightly into the front roof slope. In addition, the width of the porch would be such that there would only be limited space between it and the two windows on either side. However, given the vegetation in the front garden the porch, unlike the dormers, would be virtually unnoticeable from Water Lane, and often obscured in views from Scarthin. As a result, it would not have a detrimental visual impact on the character and appearance of the area.
12. In addition, although, larger than the existing porch, the scale and mass of the proposed new porch would still be proportionate to the main dwelling. As such, it would be a sympathetic addition to the bungalow. As this element is clearly severable from the dormer windows, I consider it can be allowed on its own.
13. Overall, I consider that the replacement porch would preserve the character and appearance of Cromford Conservation Area and not have a detrimental impact on the Derwent Valley Mills World Heritage Site, or the host property. However, the proposed dormers would not preserve, and would unacceptably harm, the character and appearance of Cromford Conservation Area and would have an adverse impact on the Derwent Valley Mills World Heritage Site. Accordingly, the dormers would conflict with Policies PD1, PD2 and HC10 of the *Derbyshire Dales Local Plan (adopted December 2017)* which require that development in general, and house extensions in particular, should have a high quality of design, conserve heritage assets in a manner appropriate to their significance and respect the character and context of the area.
14. Having regard to paragraph 196 of the *National Planning Policy Framework*, the harm caused to the conservation area would be less than substantial but there are no public benefits that would outweigh the harm caused.

#### Conclusion and Conditions

15. For the reasons set out above, I conclude the appeal should be allowed in respect of the replacement porch but dismissed in respect of the 2 dormers at the front. In addition to the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition is required to control the external appearance of the porch.

*Alison Partington*

INSPECTOR

## **BACKGROUND PAPERS**

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

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

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

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