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02 November 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, 10 November 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 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

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 of any apologies for absence and substitute arrangements.

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

13 October 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

As the Council cannot hold meetings at the Town Hall, Public Participation can only take place using the Zoom application or by written representations. Members of the public are able to comment or ask questions on the items listed in the agenda and must give notice before 12 noon on the day preceding the meeting by:

Web-form: [Make your submission here](#)

Email: 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)

Written representations, received by the deadline will be read out at the meeting, verbal contributors will be given instructions on how to join the meeting after giving notice.

All meeting proceedings open to the public will be streamed live on our YouTube channel when all non-exempt items are being considered. Recordings of the meeting will also be available after the event on the District Council's website.

5. APPLICATIONS FOR DETERMINATION

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

	Page No.
5.1 APPLICATION NO. 19/01050/REM (Presentation)	04 - 14
Reserved Matters application for the approval of appearance, landscaping, layout and scale of 7no. dwelling houses (Outline planning permission reference 16/00941/OUT) at Land off Pump Close, Starkholmes, Matlock.	
5.2 APPLICATION NO. 20/00577/FUL (Presentation)	15 - 24
Erection of a temporary agricultural workers dwelling at Land West of Wyaston Road, Ashbourne.	
5.3 APPLICATION NO. 20/00652/FUL (Presentation)	25 - 32
Proposed replacement dwelling and garage building at Carr Wood House, Rodsley Lane, Yeaveley.	
5.4 APPLICATION NO. 20/00714/FUL (Presentation)	33 - 40
Erection of building for storage purposes at The Old Coal Yard, Watery Lane, Clifton.	

5.5 APPLICATION NO. 20/00803/VCOND (Presentation) 41 - 51

Variation of condition 2 (approved plans) of appeal decision APP/P1045/A/10/2129072 (planning permission reference no. 09/00496/FUL) to allow for modifications to wall, footpath and landscaping at The Mount, 4 North Avenue, Ashbourne.

6. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS 52 - 61

7. APPEALS PROGRESS REPORT 62 - 73

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.

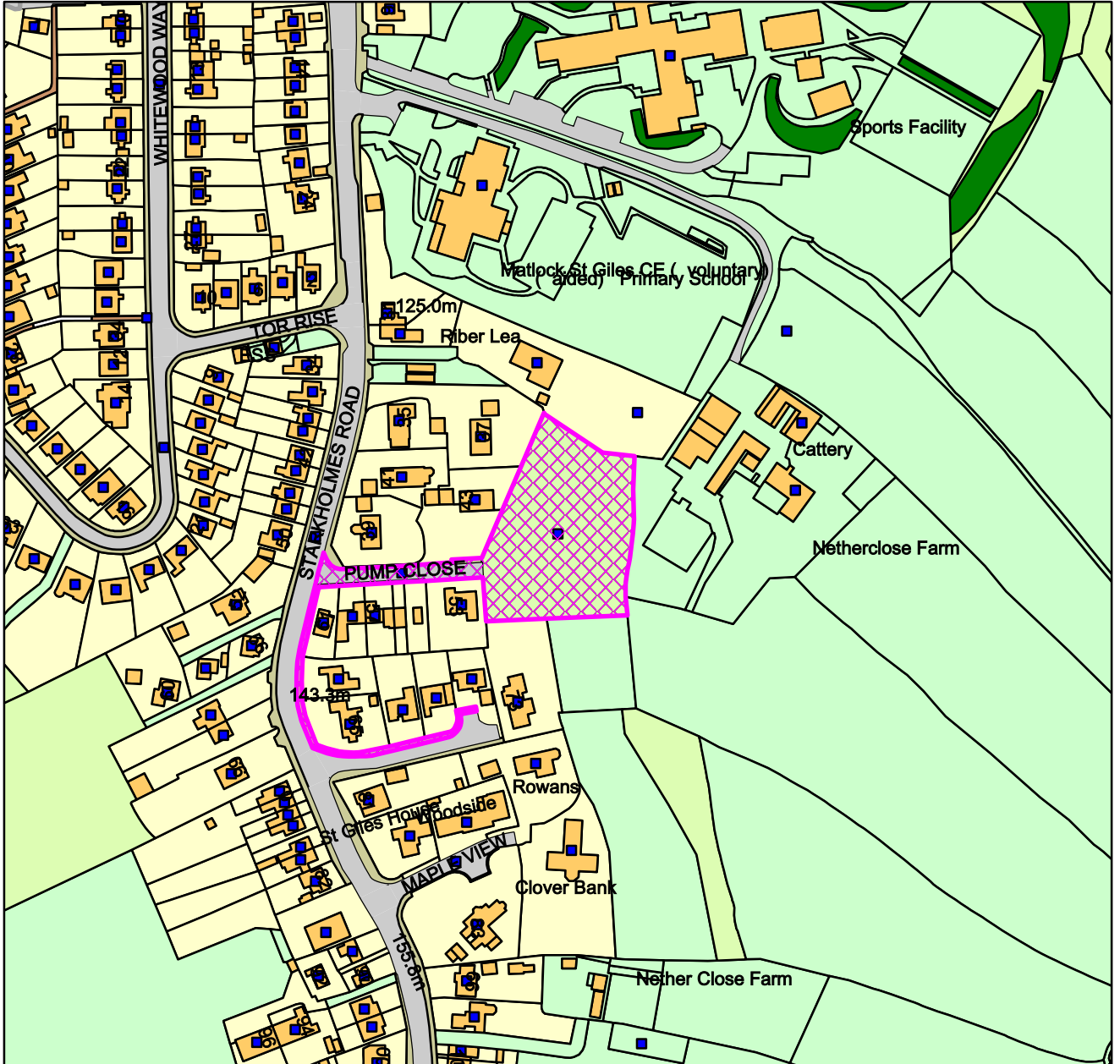
APPLICATION NUMBER		19/01050/REM	
SITE ADDRESS:		Land off Pump Close, Starkhomes, Matlock	
DESCRIPTION OF DEVELOPMENT		Reserved Matters application for the approval of appearance, landscaping, layout and scale of 7 no. dwellinghouses (outline planning permission reference 16/00941/OUT)	
CASE OFFICER	Sarah Arbon	APPLICANT	Mrs A Saunders
PARISH/TOWN	Matlock Town	AGENT	Mr J Neville
WARD MEMBER(S)	Cllr S Flitter Cllr P Cruise Cllr D Hughes	DETERMINATION TARGET	3 rd December 2019
REASON FOR DETERMINATION BY COMMITTEE	5 or more unresolved objections received	REASON FOR SITE VISIT (IF APPLICABLE)	n/a

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - The principle of the development and access arrangements - Appearance, layout and scale - Impact on residential amenity - Trees and ecology, and - Drainage

RECOMMENDATION
That the application be granted with conditions.

19/01050/REM

Land Off Pump Close, Matlock



Derbyshire Dales DC

1:2,500

Date: 29/10/2020

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

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site comprise an undulating field, some 0.36 hectare in area beyond the Pump Close cul-de-sac, off Starkholmes Road. The land level on the southern boundary is 7m higher than that of land within the north western corner. There are trees on the northern and eastern boundaries with trees on the eastern boundary covered by a County Council TPO 035/A1. There is an Oak tree in the south eastern corner of the site and an established hedge encloses the southern boundary with the adjacent field. Netherclose Farm is adjacent to the eastern boundary and there are dormer bungalows that step down along the western boundary with a mix of detached and semi-detached stone properties running parallel with the south side of Pump Close. An existing gate provides access to the field adjacent to the end of the road.

2.0 DETAILS OF THE APPLICATION

- 2.1 Reserved Matters approval is sought for appearance, landscaping, layout and scale. Outline permission (16/00941/OUT) was granted on the 12th April 2017 for 9 dwellings including access. This proposal which has been amended during the application from 5 three-bed bungalows and 3 four-bed two storey houses to 7 single storey 2 bed dwellings with an internal road in the centre of the site. The dwellings are all identical in design forming a 'T' shape with a gable feature to the front and rear with a chimney where the roofs meet. A narrow full height window would sit centrally in the gable. The dwellings would be built from natural stone with blue slate roofs with front garden areas enclosed by low stone walls and with single detached garages. The proposal includes retention of the Oak (T1) tree and an Ash (T2) tree on the eastern boundary and existing hedgerow on the southern and western boundaries.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2005)
 - S1: Sustainable Development Principles
 - S2: Settlement Hierarchy
 - S3: Development within Settlement Framework Boundaries
 - PD1: Design and Place Making
 - PD3: Biodiversity and the Natural Environment
 - PD6: Trees, Hedgerows and Woodlands
 - HC19: Accessibility and Transport
 - HC21: Car Parking Standards
2. National Planning Policy Framework (2019)
 - National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

16/00941/OUT – Residential development of up to 9 dwellings and associated access (Outline) – Approved 12th April 2017

14/00776/OUT – Residential development of up to 9 dwellings and associated access (Outline) – Approved 25th February 2016

5.0 CONSULTATION RESPONSES

Matlock Town Council

- 5.1 The number of spaces for cars on the development is very high. This will be a lot of hard standing in a confined space (including the paved areas and garages) increasing the amount of water flowing down into Matlock, which is already liable to flooding. Immediately prior to the outline planning application, the developers cleared the site of vegetation, and in the process killed nesting birds. The site requires an ecological assessment prior to the development and this should include measures to ensure no net loss of biodiversity. There are various plant species of ecological interest on the site.

There are many trees around the site which should have an appropriate arboricultural assessment, looking at their ecological potential as well as arboricultural quality. In order to reduce the risk of flooding in Matlock, water should be retained on the site through appropriate SuDS. It is not acceptable, particularly with the number of cars that the site is designed to support, that the storm water drainage is via an open stream which is a tributary of the River Derwent. There will be significant impact on the stream from phosphates and oil.

What will be the impact of 10 more cars on the current residents of Pump Close and the traffic levels on Starkholmes Road? Have appropriate sightlines been installed on Starkholmes Road?

What are the implications of the development on DDDC's Climate Emergency motion? Is there a requirement for solar panels, ground or air source heat pumps or passive solar design to reduce electricity and heating requirements? The houses all look to be built from 20th C materials and technologies.

5.2 The Lead Local Flood Authority

No comments

Derbyshire County Council (Highways)

- 5.3 Access is already approved. All dwellings have one parking space and a garage but the garage space can only be counted if it has an internal measurement of 3m x 6m. Refuse vehicles access or a bin store is required.

Derbyshire County Council (Policy and Monitoring)

- 5.4 No comments as the site is below the threshold for contributions.

Arboricultural and Landscape Officer (Derbyshire Dales)

- 5.5 The majority of the site is covered by Derbyshire County Council Tree Preservation Order no.035, area 1. Tree Retention Plan (drawing ref 9274-T-04, rev A, dated Oct 2019) indicates a number of trees for removal from within the TPO. Derbyshire County Council's Trees Officer should be consulted for their comments regarding tree removals. Mature native hedgerows and a number of mature protected trees are indicated for retention and it is important that these receive appropriate protection during development to protect their aerial parts and their rooting systems within root protection areas as defined by BS5837:2012.

The supplied Arboricultural Assessment by FPCR and dated October 2019 provides some generic tree protection information. However a detailed site-specific Arboricultural Method Statement and Tree Protection Plan is required.

6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 10 representations have been received. A summary of the representations is outlined below:
- a) The residents of 73 Starkholmes Road have a surface water drain that runs into the site which should be maintained.
 - b) No. 37 Starkholmes Road is concerned regarding privacy.
 - c) The application makes no mention of the spring within the land and raising the land levels may cause flooding of their garden similar to that has occurred in the past.
 - d) Protected species use the land and the proposal results in a loss of habitat.
 - e) The increase in traffic at the junction would be dangerous for pedestrians.
 - f) The owners of the site do not have any rights to alter the Pump Close without the consent of the owners of Pump Close.
 - g) The land is subject to flooding due to previous dumping of waste material and a ditch was dug along the lower western boundary to take the spring water into the stream.
 - h) Derbyshire Wildlife Trust comments on the outline should be considered in relation to the spring habitat and retention of trees and hedgerows.
 - i) Land levels adjacent to properties 35 and 43 Starkholmes Road are to be raised causing visual and drainage issues.
 - j) The proximity of plot 7 to No. 43 Starkholmes Road would cause overshadowing and overlooking.
 - k) Sufficient turning for refuse vehicles should be provided.
 - l) There is asbestos contamination at the bottom of the field.
 - m) The changes to the access cannot be undertaken without the consent of the owners of the land and the proposed splay does not provide a significant improvement.
 - n) In June 2019 the field and hedgerows were cut in breach of outline condition 11, however, as the development had not been implemented it was not considered a breach.
 - o) Why has all the mention of protected species been redacted?
 - p) The protected species survey was not carried out at the correct time of year and the survey is more than 3 years old.
 - q) The provision of a bin storey would not comply with regulations as residents would have to carry bins over 30m.
 - r) Three dwellings with large glazed areas face onto 73 Starkholmes Road causing overlooking.

7.0 OFFICER APPRAISAL

- 7.1 Having regard to the reserved matters for consideration and the relevant provisions of the development plan, the following material planning issues are relevant to this application:
- The principle of development and access arrangements
 - Appearance, layout and scale
 - Impact on residential amenity
 - Trees and ecology, and
 - Drainage

Principle of development and access arrangements

- 7.2 Outline permission with access was approved in April 2017 with a timescale condition requiring submission of the reserved matters application within three years. The principle of residential development on the site for 9 dwellings is therefore accepted. The site lies within the settlement boundary of Matlock, a first tier settlement, which is a primary focus for growth and development to safeguard and enhance its strategic role as employment and service centres. The site is located within walking distance of shops and services and is thus considered a sustainable location.

7.3 Policy S3 requires development to have a layout, access and parking provision appropriate to the proposed use, site and its surroundings. Policy HC19 seeks to ensure that development can be safely accessed in a sustainable manner and adequate parking is provided.

7.4 Access was granted as part of the outline permission with conditions 4-9 attached to this permission. Similar concerns in relation to the access have been raised in the representations received however, permission has already been granted for this element of the development. For clarity the following paragraphs from the report to planning committee in respect of the outline application covered the concerns raised:

7.16 The development of the site includes a scheme to alter the junction at Pump Close and Starkholmes Road. The intention is to build out the junction by 0.5m along with realigning/tapering the footways either side to tie-in with the revised give way markings. Specific details/distances regarding the footway tapers have not been submitted but the Highway Authority is satisfied that these can be finalised when the S278 agreement for the works are submitted, it is recommended that the footways are tapered at a ratio of 1:30.

7.17 The conclusions of the Highway Authority were questioned by local residents in the original application in terms of vehicles crossing the centre line of the road when travelling in a downhill direction. Those concerns have been reiterated in this application. However the Highway Authority are aware of these concerns and are satisfied that the width of the roadway is acceptable for the proposed alterations to the junction to give a satisfactory access.

7.18 Pump Close is a private road and comments have been made regarding the rights of the applicant to alter the junction and have new housing accessed along this road. The applicant's agent has confirmed that there is an appropriate right of way and have completed the certificates on the application form in their view correctly in this regard. Such matters of ownership will have to be resolved as a private legal matter and cannot be resolved through the planning process. This also applies to the potential for damage to because to the surface of Pump Close and ongoing maintenance costs.

7.5 The Local Highway Authority have reviewed the amended layout that includes a bin storage area at the entrance to the site. As the existing arrangements for refuse collection involve the refuse vehicles entering Pump Close, the bin storage area is considered acceptable. A swept path drawing has been submitted indicating a supermarket delivery van could turn around within the site. In order for the garages to be included as a parking space their internal measurements would have to be increased to 3m x 6m. This results in a small increase in width and length from that submitted and this can be dealt with by a condition. Two car parking spaces per dwelling is therefore provided and is considered acceptable. Sufficient bin storage, parking and turning has been accommodated within the site in accordance with Policies S3, HC19 and HC21.

Appearance, layout and scale

7.6 Policy S3 requires proposed development to be of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located and safe access can be provided and the highway network can accommodate the traffic generated together with suitable parking provision. Policy PD1 requires development to be of a high quality that respects the character and context of the area, contributes positively to an area's character in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.

- 7.7 The proposed development of single storey dwellings faced in stone on this sloping site with existing residential properties to the west is considered to reflect the character of the area. Existing land levels will be utilised to assimilate the development into its surroundings without being unduly prominent within the surrounding landscape / townscape. The proposed finished floor levels have been assessed in relation to the existing properties adjacent to the site boundaries with the dwelling proposed on Plot 7 having a slightly lower ridge height than that of No.43 Starkholmes Road and Plot 1 having a ridge height approximately 1m lower than No. 53 Starkholmes Road. Dwellings along the northern boundary would have floor levels and ridge heights 3m lower than dwellings along the southern boundary. The site's southern boundary only extends in line with the rear of 53 Starkholmes Road and not to the existing field boundary hedge. This hedge is outside the application site therefore any boundary treatment on this boundary would be 10 metres from the hedge with a buffer to the side boundary of No. 73 Starkholmes Road.
- 7.8 The design of the dwellings is traditional with modern elements such as the gable with central glazing and chimneys which is considered compatible with the traditional two storey stone and light brown brick properties with stone walls enclosing front gardens along the south of Pump Close and the more modern dormer bungalows on the northern side. The design is considered to be high quality that respects the character of the area and would contribute positively with a continuation of the features such as stone walls found in Pump Close and retention of the existing hedging and the high quality trees. The stone properties with blue slate roofs are reflective of the properties on the corner of Pump Close and Starkholmes Road. The single storey properties would sit within the landscaping without obscuring views of the rising fields to the south east or Riber Castle.
- 7.9 The proposed layout, scale and appearance of the development is therefore considered acceptable in line with Policies S3 and PD1.

Impact on residential amenity

- 7.10 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. Relationships between the existing dwellings and proposed dwellings have been assessed. Plot 7 has been orientated to avoid significant overlooking and overbearing of No.43 Starkholmes Road. Plots 1 and Plot 6 would have blank gables adjacent to the boundaries with existing properties 37 and 53 Starkholmes Road. The dwellings have a total ridge heights of 5.4m and would be lower than adjacent properties as such overshadowing is not considered significant. It is acknowledged that Plot 6 would have a higher ridge than No. 37, however, at the distance and position of the plot this relationship is considered acceptable. There would be no significant adverse impacts on the residential amenity of existing properties that bound the site in accordance with Policy PD1.

Trees and Ecology

- 7.11 Policy PD6 requires trees of value to be retained and integrated within development where possible. The Arboricultural Survey and Constraints Report 2014 submitted with the outline application indicates the removal of 8 trees within the C (low quality) or U (unsuitable) retention categories located in the northern part of the site. The report also identifies a further 10 trees on the northern and eastern boundaries that fall within the U category of unsuitable for retention. This would mean the retention of 18 trees on these boundaries including 4 groups of trees on the eastern boundary. The Oak in the south eastern corner of the site is considered an A2 category tree which is a fine specimen and this would remain visible with Plot 3 outside of its Root Protection Area. Due to the trees being along the northern and eastern boundaries it is not considered that the trees would cause significant shadowing impacts on the properties. The applicant has provided a Tree and Hedge Protection Plan in accordance with Condition 12 of the outline permission. The Council's

Tree Officer recommends a condition to secure an Arboricultural Method Statement to protect retained trees.

- 7.12 The assessment of the outline permission in 2017 included ecology impacts with the submission of an Phase I Habitat and Protected Fauna Survey in June 2013 and Great Crested Newt Survey May 2014 which was reviewed by Derbyshire Wildlife Trust with a site visit undertaken in January 2015 to inform their response. They confirmed that the survey was undertaken during the optimal survey season and noted the spring and its associated habitat. No evidence of protected species on the site was found at this time. A further survey was carried out by an Ecologist on the 23rd October 2020 which found that Badgers use the site for foraging only therefore, the assessment of the application in terms of Ecology has not changed significantly since the grant of outline consent. The further survey can be used to inform the submission of information to discharge the condition below:

Condition 10 of the outline states:-

Prior to the commencement of development a detailed strategy for resolving the presence of the spring on the site shall be submitted along with a detailed assessment of the effects of this upon ground water and wildlife habitats within the locality. The development shall be carried out in accordance with the agreed strategy.

Drainage

- 7.13 In relation to drainage matters and the existence of the spring, conditions attached to the outline permission seek to secure drainage schemes which consider the implications of the development on the spring and prevent the discharge of surface water onto the highway. The Lead Local Flood Authority have been consulted on the application and do not wish to comment. Drainage schemes are often conditioned with detail provided after determination with consultation prior to the final design undertaken with the Water Authority. Furthermore the site will need to be appropriately drained (foul and surface) to meet building regulations requirements.

Conclusion

- 7.14 In summary it is considered that the amended scheme would provide a high quality development of two bedroomed bungalows, in terms of their appearance, layout and scale that would respect the character, history and identity of this part of Matlock, preserve the residential amenity of the occupants of nearby dwellings and retain existing landscape features. Subject to conditions and with the imposition of conditions attached to the original outline consent the development would satisfy the relevant provisions of the development plan and address all technical issues raised thereby ensuring protection of the local environment. A recommendation of approval is put forward on this basis.

8.0 RECOMMENDATION

That the application be granted subject to the following conditions.

1. This consent relates solely to the application as amended by the revised plans received by the Local Planning Authority numbered 472_P05_A - Location Plan 472_P01 A - Elevations received on the 26th August 2020 and Plan No. 472_P01 Rev F – Propose Site Plan received on the 12th October 2020.
Reason:

For the avoidance of doubt.

2. Samples of all materials to be used in the construction of the external surfaces of the proposed development (including lintels) shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development in accordance with Adopted Derbyshire Dales Local Plan 2017 Policy PD1.

3. Details of the overall height, coping and materials of construction of the proposed boundary walls shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on any boundary wall. The development shall be constructed in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development in the interests of visual amenity in accordance with Adopted Derbyshire Dales Local Plan 2017 Policy PD1.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To protect the character and appearance of the development / area in accordance with Adopted Derbyshire Dales Local Plan 2017 Policy PD1.

5. Notwithstanding the submitted plan no. 472_P01 A - Elevations received on the 26th August 2020, the internal dimensions of the garages hereby permitted shall measure 3m x 6m.

Reason:

To ensure the provision of satisfactory vehicular parking facilities within the site in accordance with Adopted Derbyshire Dales Local Plan 2017 Policies HC19 and HC21.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

Reason:

To ensure the provision of satisfactory vehicular parking facilities within the site in accordance with Adopted Derbyshire Dales Local Plan 2017 Policies HC19 and HC21.

7. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority within 56 days of the commencement of development, the details of which shall include :-
 - a) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;

- b) grass seed mixes and sowing rates, and;
- c) hard surfacing materials.

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with Adopted Derbyshire Dales Local Plan 2017 Policies PD5 and PD6.

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

Reason:

To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with Adopted Derbyshire Dales Local Plan 2017 Policy PD5.

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

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Adopted Derbyshire Dales Local Plan 2017 Policy PD1.

10. All gutters, downpipes and other external plumbing shall be a black painted finish and so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the external character and appearance of the building and to preserve the character of the area in accordance with Adopted Derbyshire Dales Local Plan 2017 Policy PD1.

11. The development shall be carried out in accordance with Arboricultural Survey and Constraints Report Ref: JC/004/141027 dated 27th October 2014 *and* prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837 (2012), including a site specific Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved statement.

Reason:

To ensure an accurate assessment of the effect of the development on the trees and in the interests of visual amenity and biodiversity in accordance with policies S1, S3, PD1, and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

12. All verges shall be given a plain mortared finish without the use of bargeboards. All rainwater goods, which shall be black in colour shall be fixed directly to the wall by means of rise and fall brackets without the use of fascia boards.

Reason:

To protect the external appearance of the buildings in accordance with Adopted Derbyshire Dales Local Plan 2017 Policy PD1.

9.0 NOTES TO APPLICANT:

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the layout of the development, design and bin storage.

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

This decision notice relates to the following documents:

472_P05_A - Location Plan 472_P01 A - Elevations received on the 26th August 2020

Plan No. 472_P01 Rev F – Propose Site Plan received on the 12th October 2020.

Arboricultural Survey and Constraints Report Ref: JC/004/141027 dated 27th October 2014

Phase I Habitat and Protected Fauna Survey Ref 201090 dated 28th October 2020.

Tree Protection Plan received on the 23rd October 2020

Swept Path Analysis received on the 23rd October 2020

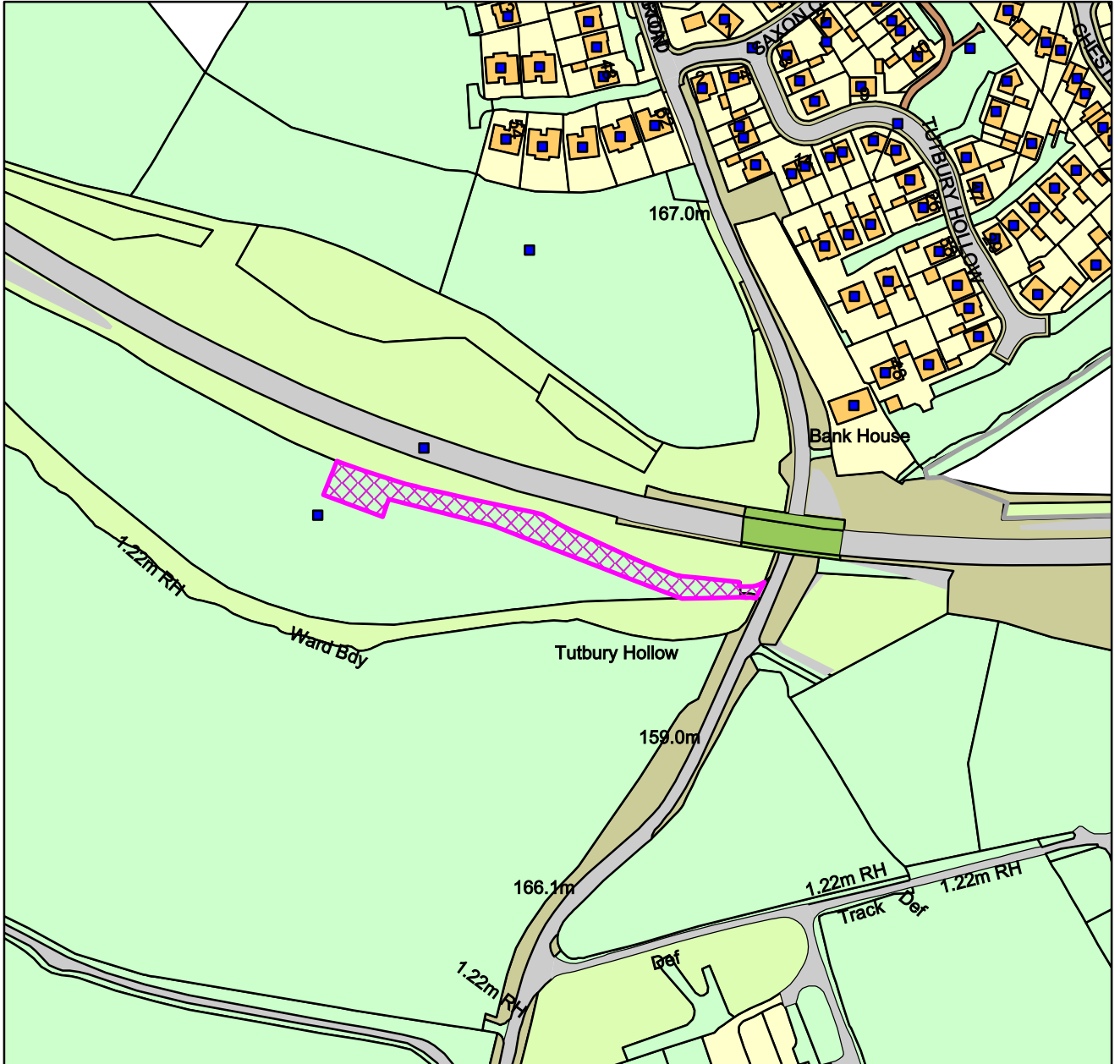
APPLICATION NUMBER		20/00577/FUL	
SITE ADDRESS:		Land West of Wyaston Road, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Erection of a temporary agricultural workers dwelling	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Ms Natasha Kay
TOWN	Ashbourne	AGENT	JMI Planning
WARD MEMBERS	Cllr. R. Archer Cllr. T. Donnelly	DETERMINATION TARGET	27 th August 2020
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member to assess highway safety matters	REASON FOR SITE VISIT (IF APPLICABLE)	

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of the development • Impact on the character and appearance of area • Climate change • Impact on highway safety • Impact on archaeology

RECOMMENDATION
Refusal

20/00577/FUL

Land West of Wyaston Road, Ashbourne



Derbyshire Dales DC

1:2,500

Date: 29/10/2020

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

1. THE SITE AND SURROUNDINGS

- 1.1 The site is located off the western side of Wyaston Road beyond the southern edge of Ashbourne and extends to some 1.8ha. The site is located immediately adjacent to the and on a lower level to the A52 which forms the northern boundary to the site and there is significant mature tree/hedge lines around the entire site.
- 1.2 Prior Approval (ref: 20/00106/AGR) was granted in February 2020 for the construction of a new general purpose agricultural building with lean to form hay/straw storage which has been erected on the holding.





2. DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the erection of a temporary agricultural workers dwelling. This is proposed to be a single storey structure measuring 6m wide by 12m deep with an overall height of 2.7m and with a 3m by 3m and 2.7m high projection off the north eastern side. It is proposed to be constructed with timber cladding and a corrugated sheet roof. It would provide for a kitchen/dining/living area, farm office, utility/bootroom, two bedrooms and a bathroom. It is proposed to be sited to the south west of the existing agricultural building and separated by a hardstanding.
- 2.2 The applicant owns and operates the holding which has 2 hectares (5 acres) of land at the application site with a further 4.9 hectares (12.1 acres) of land which is leased from a family member on a secure 5-year farm business tenancy. It is advised that the applicant is on the point of signing a short-term lease on 2 hectares (5 acres) of land directly opposite the application site and is also intending to enter into a farm business tenancy for a further 24.3 hectares (60.0 acres) on the outskirts of Ashbourne. The total landholding for summer 2020 should therefore be approximately 33.2 hectares (82 acres).
- 2.3 It is advised that the applicant has been developing the enterprise over the past 12 months and the shed approved under Prior Approval (ref: 20/00121/AGR) is currently being completed on site and will be used for the storage of machinery, implements and feed stuffs.
- 2.4 The applicant advises that there has been significant investment in this building, along with animal arks, paddocks and purpose-built field shelters, all of which are available to view on site. Investment has been made in animals with a breeding programme for pigs commenced involving a number of species including Oxford Sandy and Black; Berkshire; Gloucester Old Spot; Large White; Saddleback, and Tamworth. In addition, the site has sheep, lambs, chickens and calves and the animal numbers are proposed as follows:
- 80no. breeding sows with 2 no. litters per annum averaging 12 no. piglets each
 - 4 no. breeding boars
 - 225 no. bought-in pigs for fattening
 - 250no. chickens
 - 100no. sheep which produced 160 no. lambs
 - 48 no. calves acquired at a rate of 8 no. per month for six months then 8 no. replaced every month and 8 no. bought in to maintain the number.

It is advised that this part of the operation is due to commence in summer 2020.

- 2.5 The applicant currently lives in Cromford with her partner and travels back and forth to the site several times a day; this is not a sustainable long-term solution, especially owing to the number of animals and the significant breeding operations that take place. The breeding of

animals is an intensive task that requires a permanent presence on site and not being within the immediate vicinity of the farm is impractical as animals can require constant monitoring. Even with regular intervals of checking, avoidable distress and death of piglets/calves can occur as a result of birthing or care complications. As such, it is advised that having a temporary dwelling on site would make it more practical to undertake regular checks on the animals and would also allow the applicant to tend to any distressed animals in a timely manner.

- 2.6 There are no buildings on site which could be converted to provide workers' accommodation and the applicant has looked into possibilities of purchasing an affordable property closer to the farm. However, it is advised that there are no suitably sized properties that fall within the price range of an agricultural worker and that current properties available in the 'Tutbury Hollow' area of Ashbourne are available at values in excess of £300k which is out of the reach of an agricultural worker.
- 2.7 In addition, any alternative property off the site, whilst reducing travel time, would not allow the applicant to reside on the holding which is necessary for purposes of animal welfare and crime reduction. It is therefore advised that a form of accommodation is urgently required and it is proposed to site a temporary workers' dwelling on land adjacent to the existing agricultural buildings for a period of up to 3 years. The temporary dwelling is required to house the key worker, which is the applicant, and her partner. This is in order for the applicant to meet the functional needs of the business as a key worker and provide a platform to grow the rural enterprise.
- 2.8 The essential need for a workers' dwelling is also set out in the associated agricultural appraisal completed by G J Perry. This advises that there is minimum labour requirement of 407 Standard Man Days (SMD) per annum and that there is a need for a full-time presence on site.
- 2.9 The welfare of the animals is protected by the Welfare of Farmed Animals (England) Regulations (2007) which is supported by DEFRA guidance which would recommend a permanent staff presence on the farm. It is also important for a qualified stock-keeper to be on hand during farrowing, when they can be required at short notice throughout the day and night and the applicant advises that this has clearly been shown by the number of avoidable piglet fatalities that the applicant has had this year.
- 2.10 As part of the submission a supporting letter has also been provided by McMurty & Harding Veterinary Practice which supports the need for a permanent presence on the site to enhance the welfare of animals. It is advised that the applicant is currently caring for two lambs at her home in Cromford, and that this is not a sustainable solution for all poorly or injured animals to be transported such a distance for medical care. In addition, it is advised that rural crime is a serious issue nationwide and rural crime in Derbyshire rose 18.2% from 2017 to 2018 as referenced in the Agricultural Appraisal and an unattended working farm is an obvious target for criminals.
- 2.11 The applicant considers that they have put forward a clear case that there is an essential functional need for a farmworker to be permanently present on the site in this instance. Whilst the accounts are only available for a single year, the applicant considers that these demonstrate, along with the business projections that are provided, that the enterprise is viable and anticipates the figures increasing annually as the enterprise grows and that the existing investment demonstrates the applicant's commitment to farming at the site which will contribute to the rural economy.

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
- PD2 Protecting the Historic Environment
- PD5 Landscape Character
- PD7 Climate Change
- HC13 Agricultural and Rural Workers Dwellings
- HC19 Accessibility and Transport
- HC21 Car Parking Standards

3.2 National Planning Policy Framework

3.3 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

20/00106/AGR Agricultural Prior Notification - erection of general purpose agricultural building with incorporated lean to for hay/straw storage – Granted

20/00121/AGR Agricultural Prior Notification - Formation of agricultural access track – Prior Approval Not Required

5. CONSULTATION RESPONSES

Ashbourne Town Council

- 5.1 - no objection
- raise concerns regarding the visibility splay

Clifton Parish Council

- 5.2 - no objection

Local Highway Authority (Derbyshire County Council)

- 5.3 - object due to the substandard visibility splays for the access (see the Issues section of this report)

Development Control Archaeologist (Derbyshire County Council)

- 5.4 - medieval ridge and furrow earthworks did survive in the area where the temporary dwelling is proposed to be sited but the impact of the footprint of the proposed development on the remains is insufficient to require any archaeological
- should be consulted on any further development on this site.

Environmental Health (Derbyshire Dales District Council)

- 5.5 - no objection
- recommend a condition with respect to the disposal of foul and surface water drainage

6. REPRESENTATIONS RECEIVED

- 6.1 None.

7. OFFICER APPRAISAL

Policy Principle

- 7.1 Policy S1 and S4 seek to encourage the development and growth of enterprises in rural areas. Whilst this enterprise is in its infancy, there is clearly an investment in the holding and there is the potential that this will become established in the coming years. Whilst the financial viability of the business operation cannot be fully appreciated at this point, support should be given to allow the business to develop.
- 7.2 The nature of the operation is that there is, and will be, a number of animals which require care and, for this to occur effectively, there will need to be a presence on or close to the holding. The applicant has set out why alternative accommodation in the area would not be able to meet this need. Therefore, from a functional perspective, it is considered that the applicant has presented a clear case as to why a skilled worker needs to be resident at the site.
- 7.3 The proposed siting of the temporary accommodation is considered appropriate on a functional basis, being near the agricultural building, which will provide a degree of security, and also being within reasonable proximity to the pig farming element of the business which is set to the south west. Being sited close to the existing building also serves to focus the development within a contained part of the holding with access to shared facilities with the building for the parking and manoeuvring of vehicles and again their security.

Impact on the Character and Appearance of the Area

- 7.4 The site is well screened from the public domain by trees and hedgerow surrounding the immediate part of the holding. As stated above, it would also be grouped with the existing agricultural building thus avoiding sporadic development. In this regard, the siting of the temporary dwelling is considered acceptable in the landscape. The size of the temporary is considered reasonable to provide the accommodation necessary to reside on the site. The timber elevations and corrugated metal clad roof will also give the building a more ephemeral appearance contextually to the agricultural building and within the landscape. Therefore, whilst a temporary building, it is nevertheless considered appropriate as such within the rural landscape and in this respect accords with the aims of Policies S1, S4, PD1 and PD5 in terms of its impact on the character and appearance of the landscape.

Climate Change

- 7.5 As a temporary building, there is little that can be reasonably be required in terms of seeking to make the development address the need of meeting the climate change challenge; it would be onerous on the applicant to seek to provide for such on a building that it would be expected to be removed prior to the ending of any temporary permission that may be granted. However, this would be a necessary consideration if a permanent dwelling were to be approved in the future.

Impact on Highway Safety

- 7.6 The Local Highway Authority has advised that Wyaston Road, which is a Class C road, is subject to the national speed limit. Whilst the applicant has stated the access is approved, no evidence has been provided, furthermore the existing access width is approximately 3.5m which is substandard in width for agricultural use. Therefore, the applicant was requested to provide further clarity regarding the acceptability of the access.
- 7.7 In order to determine the required visibility splays the Local Highway Authority advised the applicant to provide up-to-date speed readings, which shows the recorded 85th %ile speeds

at the proposed access location and then the required visibility splays could then be calculated based on the measured 85th %ile speeds to ensure adequate visibility splays could be provided to achieve a safe and suitable access.

- 7.8 The applicant submitted further information in terms of the movements associated with the site at the moment. It is advised that pig farming is very labour intensive and requires a significant number of visits, especially around farrowing owing to the significant likelihood of piglets being crushed by the sow if regular checks are not undertaken. It is advised that, in one week, a number of piglets died and a number of these deaths could have been avoided with an on-site presence.
- 7.9 The applicant advises that a typical day involves leaving Cromford at 7.30am to check pigs in morning and at 9am to leave the site and go home. It is advised at 11.30am the applicant again leaves Cromford to go and feed the pigs and again check all piglets make sure no fatalities. To feed them it usually takes around 2 hrs in total after checking each pen and pig along the way. Because of the number of pigs pregnant pigs, checks are made for any signs of imminent labour; if nothing is found, the applicant will leave at around 1pm to return to Cromford. The applicant advises that she then returns at 3pm, to check pigs and at 3.30pm she leave again for home. At 6pm, the applicant comes back and check on pigs again, check all piglets and check again for any signs of farrowing and leaves at 7:30pm. On occasion she advises that she will sometimes check them late around 11pm. Therefore, the applicant advises that she undertakes a minimum of 4 daily return trips to Ashbourne.
- 7.10 The applicant advises that the provision of on-site accommodation would result in a reduction of 56 vehicle movements per week. The applicant appreciates that the applicant will not spend all her time on the site. On average it is anticipated that the site would be left approximately 3 times a week for shopping (6 movements) and, if the applicant had children, this would add a further two journeys per day for 39 weeks a year, albeit it would be a distinct possibility that general shopping trips would be tied together with school pick up and drop offs. The applicant considers it would be reasonable to suggest that, at a worst case scenario, there would be 20 vehicle movements per week associated with the residential use of the site which gives a reduction of 36 movements per week on the basis of 4 trips to and from Cromford to the site daily. Even if the number of trips to and from Cromford were two return trips per day, this would result in 28 movements per week still more that would result from a residential use on the site.
- 7.11 This information has been provided to the Local Highway Authority to assess the current comings and goings to those that would arise from living at the site. The Local Highway Authority advised that it was not convinced that someone would be making 3-4 round trips every day from Cromford (approximately 3.5 - 5 hours driving for 1 worker every day) and reaffirmed that there is a potential for increase above the removed commuter trips, once shops, social, school runs, etc, are included and trips cannot be based on the current routines of the agricultural workers. A case could be presented that some trips to shops and schools, etc. could be undertaken by walking or by walking to bus stops. However, whilst there is a pavement under the bypass bridge accessible from the site, there is an approximately a 100m section of the highway where no pavement exists going up to the residential developments on the edge of the town; this could discourage trips by foot as it would mean walking on the road.
- 7.12 The applicant submitted further information to seek to demonstrate vehicular visibility splays of 2.4m x 45m could be achieved and to seek to demonstrate that the access was not substandard. However, the Local Highway Authority has advised that these splays were drawn incorrectly to the edge of the far side of the carriageway and should have been measured to a point offset 1m from the edge of the nearside channel line, and the land within the splay being within the applicant's land and highway land. Therefore, the Local Highway Authority undertook a review of the visibility splays and the applicant's speed data. They

determined that the southbound 85th %ile speeds are 38.5mph, which would require a 2.4m x 56m splay distance to the north of the access. Northbound 85th %ile speeds are 41.4mph, which would require a 2.4m x 63m splay distance to the south of the access.

- 7.13 Having conducted a site visit, the Local Highway Authority advises that, at best, vehicular visibility splays of 2.4m x 30m are available to the north of the access, and are impeded by third party land, the bridge abutment (A52 bypass) and the horizontal alignment of the road. To the south of the access, vehicular visibility splays are, at best, 2.4m x 35m and are impeded by the vertical alignment of the road, which is further exacerbated by the height of the access sitting lower than the highway.
- 7.14 Therefore, given the site access is considered severely substandard, the Local Highway Authority cannot support a proposal where vehicle movements would increase at a substandard access leading to potential danger and increasing highway safety risks to other highway users and have recommended that the application be refused.

Impact on Archaeology

- 7.15 Whilst medieval ridge and furrow earthworks survive in the area where the temporary dwelling is proposed to be sited, the Development Control Archaeologist advises that the impact of the footprint of the proposed development on the remains is insufficient to require any archaeological but that they should still be consulted on any further development on this site.

Conclusion

- 7.16 It is considered, on the basis of the farming operation, that a temporary dwellinghouse could be justified on this site from a functional need perspective. This permission is sought for a period of three years to allow the applicant to demonstrate that the functional need and financial viability of the business can be established with what would normally lead to an application for a permanent dwelling if these can be addressed. The siting of the temporary accommodation is considered acceptable contextually to the agricultural building and in terms of its impact on the local landscape.
- 7.17 However, the Local Highway Authority, despite having received additional information during the submission of this application, are resolute in their view that the existing access is substandard and that they consider the provision of a dwellinghouse on the site would be likely to generate more trips to and from the site and therefore present an increase in danger to users of the highway given the substandard nature of the access. Given this position, Officer must recommend the refusal of planning permission.

8. RECOMMENDATION

That planning permission be refused for the following reason:

1. The proposed development, if permitted, would be likely to lead to the intensification in the use of an existing substandard access to Wyaston Road (CIII) where emerging visibility is severely restricted due to third party land, the horizontal and vertical geometry of the highway, and the abutment of the A52 bypass bridge and therefore, leading to potential danger and increasing highway safety risks to other highway users. As such, the proposal fails to comply with Policy S4 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority engaged with the applicant to seek to address concerns of the Local Highway Authority which could not be overcome. As such, the Local Highway Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through further negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

2. This decision notice relates to the following documents:
 - Site Location Plan 1:2500 received on 26th June 2020
 - Block Plan 1:1000 received on 26th June 2020
 - Elevation and Floorplan Drawings 1:50 received on 26th June 2020
 - Supporting Statements received on 26th June 2020
 - Accounts received on 26th June 2020
 - Additional drawing R0099-001 Rev: p1 received on 7th October 2020
 - Additional information received on 21st August 2020, 7th October 2020 and 23rd October 2020

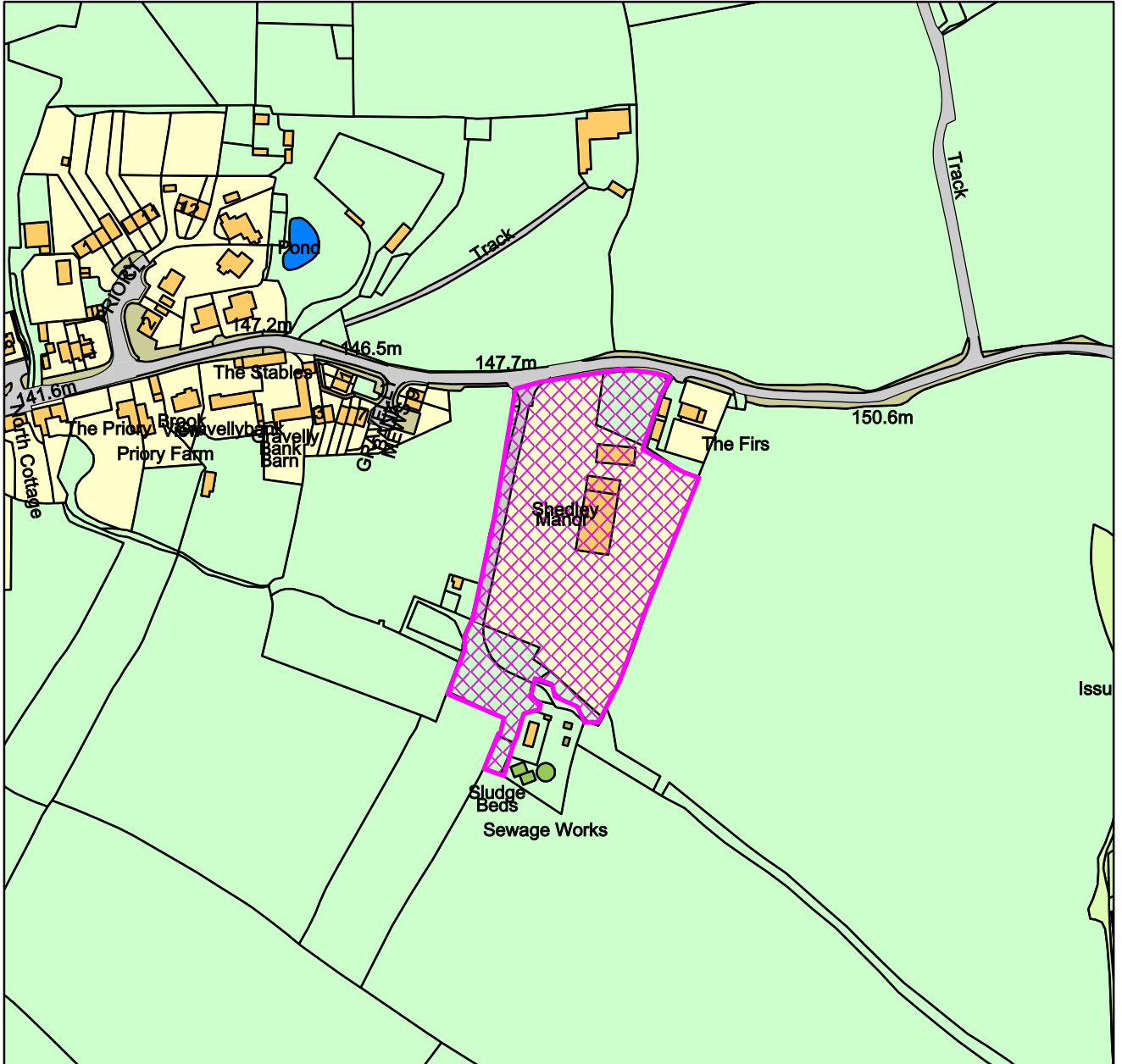
APPLICATION NUMBER		20/00652/FUL	
SITE ADDRESS:		Carr Wood House, Rodsley Lane, Yeaveley	
DESCRIPTION OF DEVELOPMENT		Proposed replacement dwelling and garage building	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr and Mrs Higgins
PARISH/TOWN	Yeaveley	AGENT	Mr. J. Imber - JMI Planning
WARD MEMBER(S)	Cllr A. Morley	DETERMINATION TARGET	14 th October 2020
REASON FOR DETERMINATION BY COMMITTEE	Major application due to site area	REASON FOR SITE VISIT (IF APPLICABLE)	

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - The principle of the development - Impact on the character and appearance of the area - Residential amenity, and - Highway safety.

RECOMMENDATION
Refusal

20/00652/FUL

Carr Wood House, Rodsley Lane, Yeaveley



Derbyshire Dales DC

1:3,000

Date: 29/10/2020

100019785

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

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site lies to the east of Yeaveley, off Rodsley Lane. There is an access road along the western boundary of the site which provides access to a sewerage works to the south with the tree lined access to the property splitting off to the south east near the site entrance. The road boundary has a 2m high hedge and to the north east is the dormer bungalow 'The Firs'. The existing dwelling was concealed in a modern barn and retains this form with garaging to the north. The land level of the building is 2 m lower than the road level and the land level continues to reduce to the south. There are open fields to the east with a 1.5m high hedge on the boundary and there is a 2m high hedge with a line of 4-6m high trees within the boundary to the west. Yeavesley Bridleway 8 runs to the east beyond Car Wood, Yeavesley FP 12 runs to the north west over Rodsley Lane and Yeavesley FP13 runs to the south west at a distance.

2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought to replace the existing dwelling that was granted a Lawful Existing Development Certificate for the change of use of agricultural building to residential dwelling in 2007. The proposed dwelling is a two and half storey, five bedroomed property with a single storey kitchen section in the northern part and an attached two storey quadruple garage with games room above linked by a curved sun room to the south. A courtyard to the north would be enclosed by an 'L' shaped garage to accommodate 10 vehicles plus plan t/ changing with a first floor above part with a self-contained living space accessed from external stairs.
- 2.2 The main dwelling is gabled with chimneys at each side, a large entrance porch, bay windows with a central curved dormer and two traditional pitched roof dormers either side. The single storey elements are gabled with large sections of glazing on the northern parts. The rear elevation proposes a two storey curved central glazing element with curved glazing also on the sun room and the quadrupled garage with a similar ridge height due to the drop in land level. The 'L' shaped garaging to the north would be single storey with two large dormer windows in the first floor of part with accommodate proposed above.
- 2.3 The proposal seeks to increase the associated curtilage of the property and includes land to the west and south west adjacent to the Sewerage Works.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan 2017:
 - S4 Development in the Countryside
 - S9 Rural Parishes Development Strategy
 - PD1 Design and Place Making
 - PD5 Landscape Character
 - HC7 Replacement dwellings
 - HC19 Accessibility and Transport
 - HC21 Car Parking Standards
2. National Planning Policy Framework (2019)
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

06/00802/CLEUD – Certificate of lawful existing use- change of use of agricultural building to residential dwelling. Certificate issued 12th November 2007.

5.0 CONSULTATION RESPONSES

Rodsley and Yeaveley Parish Council

- 5.1 Yeaveley is a Fifth Tier Settlement (as described in Derbyshire Dales Local Plan). Limited development is allowed within the settlement boundaries. The existing building is within the boundary. The house was built illegally within an existing barn but granted legal status in 2007 (ref 06/00802/CLEUD). The proposed replacement isn't readily visible from public vantage points. All aspects of Policy HC7 of the Local Plan in respect of replacement dwellings are met by the proposal. The replacement dwelling is a huge improvement on the original. Therefore the Parish Council agreed unanimously at a recent meeting held via 'zoom' that there were no objections to, and, in fact fully support the proposal.

Environment Agency

- 5.2 No comments as the site lies with Flood Zone 1 and there are no other environmental constraints associated with the site.

Derbyshire County Council (Highways)

- 5.3 No objections subject to all use remaining private and ancillary to Carr Wood House.

Lead Local Flood Authority

- 5.4 Request that the applicant provides a drainage strategy for surface water disposal. The agent has confirmed that the site's surface water currently drains to the watercourse at the bottom of the hill via an interceptor. It is proposed to keep this arrangement.

6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 3 representations have been received, two objecting and one in support of the development. A summary of the representations is outlined below:

- The proposal is a positive for the parish as it would remove the dwelling that is an eyesore and the new dwelling would be an asset.
- The proposed house is not on the footprint of the existing.
- The dwelling extends into an agricultural field is therefore a new building not a replacement.
- Section 25 of the application form is incorrect as it states none of the land is agricultural.
- There is a concern regarding the number of garage and whether a vehicle business could be run from the site in the future.
- Due to the number of potential vehicles there is a concern regarding the increase of traffic in the lane.
- The height and size of the new house is above surrounding properties which is inappropriate.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

Principle of development

- 7.1 Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) deals with development in the countryside and is only supportive of certain forms of new residential development including development that comprises the replacement of a single dwellinghouse, in accordance with Local Plan Policy HC7.
- 7.2 Policy HC7 advises the replacement of dwellinghouses outside defined settlements, such as this, will only be permitted where all of the following criteria are met:

- a) the residential use has not been abandoned;
- b) the existing use as a dwelling is lawful;
- c) the number of dwelling units on the site is not increased;
- d) the existing dwelling does not make a positive contribution to landscape character or distinctiveness such that it should be retained;
- e) the scale, form, design and massing of the replacement dwelling does not detract from the character or appearance of its setting or surroundings;
- f) the existing dwelling is not a caravan or mobile home;
- g) the existing dwelling is demolished.

7.3 A certificate of lawful existing use was granted for the use of the building (hatched on the plan) for a single dwellinghouse falling within C3 in 2007. The dwelling is therefore lawful and is currently occupied by the applicant as one single dwellinghouse. However, the proposal does include self-contained accommodation on the first floor of the garage which has all the facilities necessary for independent living. The Design and Access Statement details this accommodation as guest / extended family accommodation and as such this would be controlled by condition to prevent it being used as a separate dwelling. The proposal therefore complies with criteria a), b) and c) of Policy HC7.

7.4 In this case, it is clear that the building was agricultural in nature and was converted unsympathetically with double height bricked gables with domestic style windows, stone coins with a corrugated iron roof and western side with sections of cladding attached to the brickwork. It is neither an agricultural building nor a dwellinghouse but a mix of both which presents an incongruous external appearance. It is therefore acknowledged that it does not make a positive contribution to its surroundings and its replacement is acceptable, in principle.

The impact on the character and appearance of the area

7.5 Criteria e) requires an assessment of whether the replacement dwelling is of an appropriate scale, form, design and massing which does not detract from the character or appearance of its setting or surroundings.

7.6 In combination with this assessment, there is a requirement to comply with Policy PD1 for development to contribute positivity 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 and Policy PD5 which 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. These policies align with guidance contained within the National Planning Policy Framework, which advocate good design.

7.7 The character of the immediate area is open fields enclosed by hedgerows with the exception of the curtilage of 'The Firs' to the north east. Dwellings are modest and sit within small curtilages close to the road. The existing site and building is out of character with the settlement pattern as it was previously an agricultural building located centrally within a field to the rear of the associated dormer bungalow. Therefore, the scale of the building is large in comparison to existing properties in the vicinity, however, the proposed replacement both maintains the scale of the dwelling it replaces together with substantially adding to its footprint. Whilst, Policy HC7 does not have a similar footprint requirement, it does require assessment on the appropriate scale and form.

7.8 The proposed dwelling at a height of 12.7m to the ridge and with sprawling single storey elements extending to the north, north-west and south is not considered appropriate in this context. Whilst, the land level is lower than the road the proposed property would be visible from the surrounding landscape to the east and Gravelly Bank Mews to the west. The eastern boundary is particularly open and this is where the full mass of the buildings would

be visible. The proposed dwelling appears a mix of styles that exacerbate its dominance in the landscape. The scale appears to be taken from the existing dwelling which has an agricultural scale as that was the purpose of the originally approved building that was later converted without planning permission to a dwelling.

- 7.10 Specifically, in terms of the design, the proposed genre is a “country farmhouse”, however, the scale is large and the proportions are odd with the main ‘farmhouse’ elevation and over-wide for its ground to eaves height which makes it look proportionally odd. The design is architecturally unconvincing in its scale and its fenestration and building details. For example the faceted glass central dormer is a contemporary element that jars with the proposed ‘country farmhouse’ genre, the projecting square bays to the ground floor are proportionally inappropriate and appear to ‘float’ having no integrated architectural connection to the overall façade design/layout. The central ‘porch’ is over-sized and appears too rustic for the style chosen. The large semi-circular element on the rear façade appears anomalous as it has no architectural integration in to the façade design and no integration to the roof of the building. The building with a gable end to the left hand side of the front elevation appears odd as it has no connection to the architecture of the house. Overall, the general design of the principal façade is lacking in a strong architectural concept and in that regard appears dis-proportionate and un-cohesive.
- 7.11 The concept of a county farmhouse style development in this location is not considered to reflect the immediate or wider character of the area, which is dominated by modest sized dwellings in modest plots. The design, it is considered, creates a confused and incongruous appearance, which fails to respect the character, identity and context of this part of Yeavesley. In addition, the expanse of development to the north and south of the building is such that the development would appear incongruous in views from the open land to the east and properties to the west.
- 7.12 Another issue in relation to the impact on the development on the character of its surroundings is the size of the proposed curtilage. The red line boundary for the application includes all of the land outlined in the certificate together with land within the south western corner and access to the Sewerage Works. It would appear from the submission and the proposed site plan that the application proposes this land as curtilage with a pond and tennis courts included on the proposed site plan. The certificate granted only included the use of the building as a single dwellinghouse and not any associated land. The land is currently mowed grass, however, in the CLEUD application no curtilage to the property was included. An application to extend the curtilage was refused in March 2009 (09/00144/FUL) and this land is included within the red line of this application. The land is grassed with a tree lined access drive with gates at the entrance. The curtilage of the proposed property and associated domestication of the land is considered excessive and unduly harmful to the character of this part of the countryside / local landscape.
- 7.13 In summary, the amount of buildings associated with the replacement dwelling is considered excessive and out of keeping with the character of the area and as outlined above contributes to its adverse impact on the surrounding countryside. Both the design and landscape policies seek to control inappropriate development of the countryside and it is concluded that the proposed dwelling, by reason of its scale, design and mass would introduce an incongruous and uncharacteristic form of development that does not respect the character, identity and context of this part of the countryside, contrary to Policies PD1, PD5 and HC7. Furthermore, the extent of the replacement dwellings curtilage and associated domestication of this land is out of scale and context with this part of the countryside and harmful to the local landscape, contrary to policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2019).

Residential Amenity

- 7.14 Policy PD1 of the Adopted Derbyshire Dales Local Plan relates to design and place making and requires development proposals to achieve satisfactory relationships with adjacent development and to 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.

The nearest property to the site is 'The Firs' to the north east with the rear of the property facing south east and 22m from its rear boundary. The proposed property has a blank gable at a distance of 58m from the rear of this existing property. The single storey garages would extend along the whole of the rear boundary of this property with a 3.8m lower floor level. The section submitted indicates that only the roofs would be visible above the existing boundary hedge. On the basis, of the lower land level of the proposed dwelling and garages and the distances involved this relationship is considered acceptable and in accordance with Policy PD1.

Highways Issues

- 7.15 The Local Highway Authority raises no objection to the application in relation to the access and parking provided that all the use remains private and ancillary to the dwelling. A condition requiring ancillary use for the dwelling with no business use would secure this. On this basis, the proposal is considered to accord with Policy HC19.

Conclusion

- 7.16 Whilst it is accepted that the proposal would replace a non-conventional dwelling that does not contribute positively to its surroundings, development plan policies require that any new dwelling / development does not detract from the character or appearance of its setting or surroundings and is respectful of the character, identity and context of the countryside. For reasons set out above, the siting, scale, height and design of the proposed dwelling and mass of outbuildings proposed is out of character and context with its surroundings, as is the extent of associated curtilage. In this respect the development is considered harmful to the character and appearance of the countryside and local landscape. A recommendation of refusal is put forward on this basis.

8.0 RECOMMENDATION

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

1. The replacement dwellinghouse by reason of its siting, scale, mass and design would appear as an incongruous and uncharacteristic form of development that would be wholly out of keeping with the character and appearance of this part of the countryside, contrary to policies S4, PD1, PD5 and HC7 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2019).
2. The extent of the replacement dwellings curtilage and associated domestication of this land is out of scale and character with this part of the countryside and harmful to the local landscape, contrary to policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2019).

9.0 NOTES TO APPLICANT:

The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through

negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

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

This decision notice relates to the following documents:

Drawing No's 01001 Rev P1, 01002 Rev P1, 01003 Rev P1, 02001 Rev P1, 02002 Rev P1, 03001 Rev P1, 03002 Rev P1, 03003 Rev P1 and 04001 Rev P1
Design and Access Statement
Planning Statement

APPLICATION NUMBER		20/00714/FUL	
SITE ADDRESS:		The Old Coal Yard, Watery Lane, Clifton	
DESCRIPTION OF DEVELOPMENT		Erection of building for storage purposes	
CASE OFFICER	Mr Andrew Stock	APPLICANT	Mr M Smith
PARISH/TOWN	Clifton and Compton	AGENT	JMI Planning
WARD MEMBER(S)	Cllr. A Shirley	DETERMINATION TARGET	25 th September 2020
REASON FOR DETERMINATION BY COMMITTEE	5 or more unresolved objection	REASON FOR SITE VISIT (IF APPLICABLE)	n/a

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of the development, having regard to its location; • Impact on character and appearance of this part of the countryside; • Impact on residential amenity; • Whether there would be any adverse highway safety implications , and • Flood risk and mitigation.

RECOMMENDATION
That planning permission be granted, subject to conditions.

20/00714/FUL

The Old Coal Yard, Watery Lane, Clifton



Derbyshire Dales DC

1:2,500

Date: 29/10/2020

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

1. THE SITE AND SURROUNDINGS

- 1.1 The application site is located on the western fringes and just outside of the defined settlement boundary of Clifton, a tier 3 settlement in the Adopted Derbyshire Dales Local Plan. The Old Coal Yard sits on the site of the former Clifton Railway Station and is currently used for the storage and distribution of coal.
- 1.2 The site is accessed directly off Watery Lane and comprises a single steel portal framed building, a number of storage cabins and implements and machinery associated with the applicants' coal business.
- 2.3 The application site is bounded by open countryside to the west, a separate storage unit and residential dwelling (The Old Station House) to the north, an elevated residential dwelling lies to the east (Beechgate Cottage) and TTS Exports Ltd to the south. Parts of the existing site lie within Flood Zones 2 and 3.



2. DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the erection of a building for purposes associated with and ancillary to the applicants' coal business at The Old Coal Yard.
- 2.2 The building would be erected to cover an open storage area towards the south-west boundary of the site. The 'L' building would measure approximately 27.5m (W) x 21.7m (L) x 6.4m (H) and be of steel portal framed construction finished in red facing brickwork and green profile sheets, as illustrated on submitted plans dated 31st July 2020.

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
- PD5 Landscape Character
- PD3 Biodiversity and the Natural Environment
- PD7 Climate Change
- PD8 Flood Risk Management and Water Quality
- PD9 Pollution Control and Unstable Land
- HC19 Accessibility and Transport
- HC21 Car Parking Standards
- EC1 New and Existing Employment Development

4. RELEVANT PLANNING HISTORY

- 00/05/0342 Oil tankage and bund installation with security fences – ALLOWED
- 0399/0144 Erection of storage building – ALLOWED
- 1092/0789 Residential Development (Outline) – 16 Local Need Houses and 7 Sheltered Units – REFUSED

5. CONSULTATION RESPONSES

5.1 Parish Council

The Parish Council has no objection to this application and would encourage further business use of The Coal Yard and the employment opportunities it offers to the area. However we would like to make clear our concerns with the traffic situation on Water Lane in general and point that we have requested help from Derbyshire County Council on a number of occasions in recent years with regard to safety on this unlit and unpaved country lane.

The entrance to the Coal Yard and Mayfield Yarns is just yards into a 30mph zone after traffic coming from the A52 has navigated a blind bend potentially at speeds of up to 60mph (as the national speed limit applies up to that point).

5.2 Derbyshire County Council (Highways)

No objections, subject to all uses remaining ancillary to The Old Coal Yard.

5.3 Environment Agency

Initial response –

While the wider red line boundary does lie within flood zones 2 and 3 the structure appears to fall mainly within flood zone 1 with a small section within flood zone 2. As such the LPA can apply flood risk standing advice (FRSA) in this instance however it should be noted that the applicant has not supplied a flood risk assessment (FRA). We would advise the LPA to request the production of a FRA in order to assess the proposals against FRSA.

There are no other environmental constraints associated with the site and therefore we have no further comment to make in this regard.

Second response –

Thank you for sending this through however, as the proposals fall partially within FZ2 then the LPA/LLFA can apply national flood risk standing advice in this instance.

5.4 Lead Local Flood Authority (LLFA)

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 19/10/2020. As this is a minor application the Lead Local Flood Authority (LLFA) has no formal comment to make and would refer the applicant to our informative notes.

5.5 Environmental Health Officer
No objections raised.

6. REPRESENTATIONS RECEIVED

6.1 A total of 35 letters of objection have been received. A summary of the representations are outlined below:

Impact on residential amenity:

- Noise disturbance
- Light pollution

Highway Safety:

- Increase in vehicular movements
- Narrow lane
- Blind bends
- Not suitable for HGVs
- No pavements
- Dangerous access
- Poor visibility splays
- Concerns for pedestrians

Other matters:

- Site contamination
- Site falls within a flood zone
- Previously rejected planning applications
- Shrovetide goal opposite the site
- Unclear of the use of the building
- Unsustainable
- No it keeping with the countryside
- Unsustainable location

6.2 A single letter of support has been received.

7. OFFICER APPRAISAL

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

- Principle of the development, having regard to its location;
- Impact on character and appearance of this part of the countryside;
- Impact on residential amenity, and;
- Whether there would be any adverse highway safety implications.

Principle of the development, having regard to its location;

7.2 The application site is located outside, albeit adjacent to a tier three settlement in the countryside. Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) advises 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 businesses or industrial developments 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 The application site benefits from a number of historic planning permissions, of note are applications 399/0144 for the '*Erection of storage building*' and '00/05/0342' for '*Oil tankage and bund installation with security fences*'. The application site has been in use for the storage and distribution of coal for a number of years and the site is now well established.
- 7.5 The development / expansion of the applicants established coal storage and distribution business, although in a relatively remote rural location, is considered to be acceptable in principle given the sites existing use, subject to the impact of such development on the local environment.

Impact on character and appearance of this part of the countryside;

- 7.6 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, development on the edge of settlements to enhance and/or restore landscape character, contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.7 Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017) seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape.
- 7.8 The proposed building would be erected to cover an open storage area towards the south-west boundary of the site. The building would have an 'L' shape plan form measuring approximately 27.5m (W) x 21.7m (L) x 6.4m (H) and be of steel portal framed construction finished in red facing brickwork and green profile sheets.
- 7.9 The building would be low lying and positioned towards the rear of the site close to existing buildings. The building would be viewed in the context of existing buildings and infrastructure on site and is of a scale that would not result in the overdevelopment of the existing site.
- 7.10 Given the location of the site and existing natural screening the new building would not be imposing on the immediate or wider landscape being set in the established coal yard. The design and finish of the building is typical of a storage building and would not appear out of scale, character or context. The building would provide storage space for the implements and machinery that is currently being stored outside. For reasons set out above the development is considered not considered to harm the character and appearance of this part of the countryside.

Impact on residential amenity;

- 7.11 The closest residential dwellings include The Old Station House to the north and an elevated residential dwelling to the east known as Beechgate Cottage.
- 7.12 The application site has been in use for coal storage and distribution for a number of years and the applicants business is well established. Given the location of the building towards the south-west corner of the site, away from the nearest residential dwellings it is

considered that there is sufficient distance between these properties and the proposed building for the occupants not to be adversely affected by the development by way of noise nuisance to any significant degree. The siting and scale of the building is such that it would not appear overbearing or result in any significant overshadowing effects.

- 7.13 The modest expansion of the built development is considered to be compatible with neighbouring land uses and not to result in a significant loss of privacy or amenity for the occupants of neighbouring properties. The Councils Environmental Health Team raises no objection to the application. For the avoidance of doubt a condition is recommended to prevent the erection of floodlights and external lighting to the building to protect the residential amenity of the occupants of nearby dwellings.

Whether there would be any adverse highway safety implications;

- 7.14 The site would continue to be accessed directly off Watery Lane via the exiting metal gated entrance. No modifications are proposed to the access as part of this application.
- 7.15 Following consultation with the Local Highway Authority they have advised that there are no objections subject to all uses remaining ancillary to The Old Coal Yard. The applicants have confirmed that the building would be used for purposes associated with and ancillary to The Old Coal Yard.
- 7.16 The comments by local residents and the Parish Councils with regard to access to the site are noted. However given the established use of the site and the proposed use of the building for purposes associated with the established coal business the additional building is unlikely to significantly increase traffic generation to the point where an objection on highway grounds can be sustained at appeal. The applicants have confirmed that the use of the building would remain ancillary to the applicants' coal business. With a condition to control such use, the proposal would not result in any significant increase in traffic or be prejudicial to highway safety. The Local Highway Authority support this position and raise no objection to the application, subject to conditions restricting its use.

Flood risk and mitigation

- 7.17 The application site partially lies within Flood Zone 2 - *Land assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% – 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% – 0.1%) in any year* and Flood Zone 3 - *Land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year*. The proposed building, however, mainly falls within Flood Zone 1 - *Land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%)*. The Environment Agency and the Lead Local Flood Authority have assessed the application and subject to applying to the National Flood Risk Standing Advice, they raise no objection to the application reflecting on the nature of its use.

Conclusion

- 7.18 In summary, the proposed development / expansion of the established coal business at The Coal Yard through the construction of a new storage building is not considered to result in any significant adverse impacts on the character and appearance of this part of the countryside / local landscape, residential amenity, flooding or highway safety, subject to conditions. The development would, it is considered, comply with the relevant provisions of the development plan and guidance contained in the National Planning Policy Framework (2019) and a recommendation of approval is put forward on this basis.

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. The building hereby approved shall be used by the operators of the existing business at The Old Coal Yard and for the storage of material, equipment and machinery (including vehicles) associated with the existing lawful use of the site as coal yard only. It shall not at any time be operated independently by persons unconnected to such use or for any other purpose.

Reason:

In the interest of highway safety and to comply with Policies S1, S4, EC1 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

3. This decision does not convey any authorisation to erect any floodlights or external lighting to the building hereby approved without the prior written approval of the Local Planning Authority on an application submitted to it.

Reason:

For the avoidance of doubt and to preserve residential and visual amenity in accordance with Policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

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

2. The developers' attention is drawn to the Lead Local Flood Authority's Advisory/Informative Notes for minor developments, dated 26th October 2020 (Ref: DDDC2020/43) where it is advised that where applicable, the details will be required as an absolute minimum in order to discharge any of the drainage conditions set by the Local Planning Authority.

3. This decision notice relates to the following documents:
Submitted plans date stamped 31st July 2020.

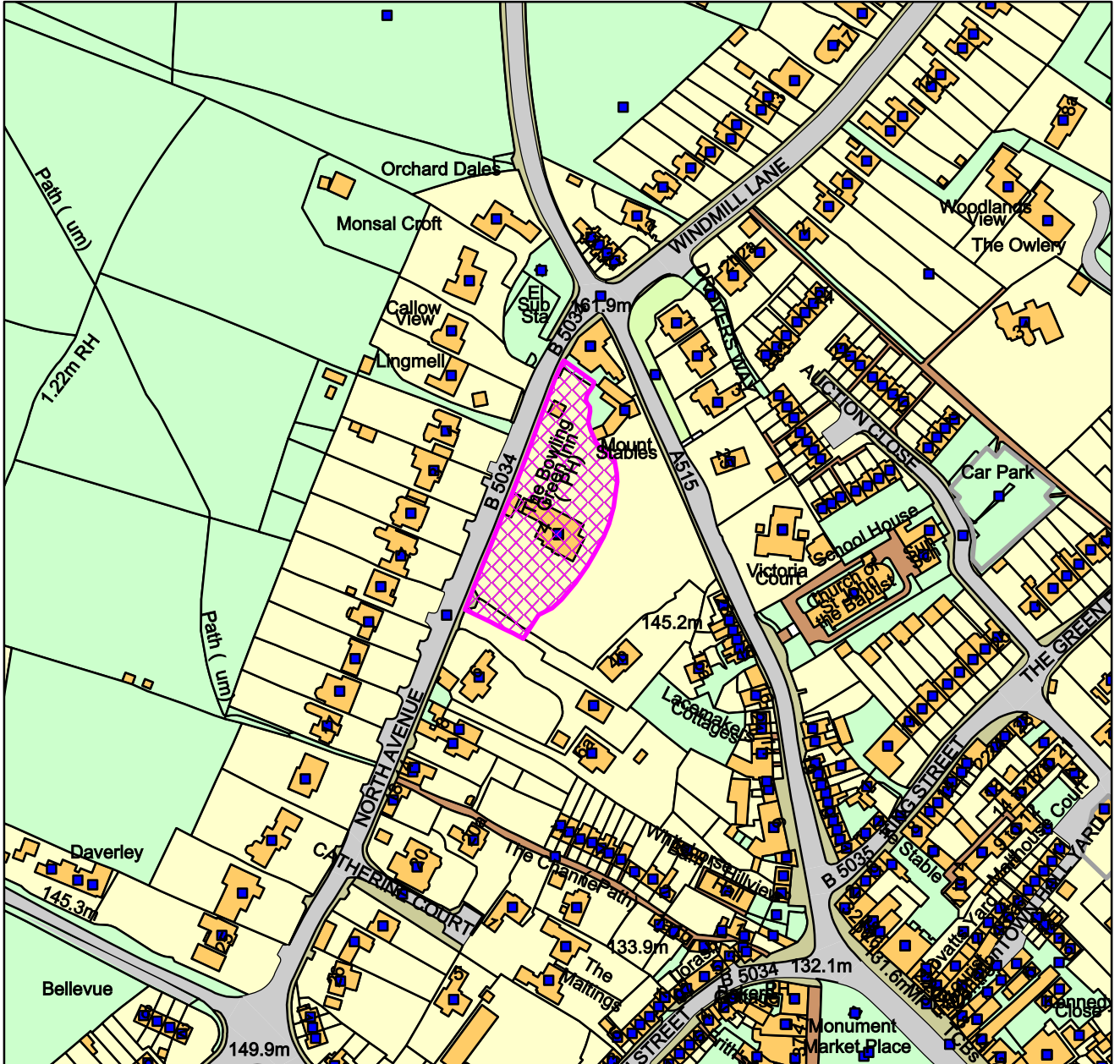
APPLICATION NUMBER		20/00803/VCOND	
SITE ADDRESS:		The Mount, 4 North Avenue, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Variation of Condition 2 (approved plans) of appeal decision APP/P1045/A/10/2129072 (planning permission reference no. 09/00496/FUL) to allow for modifications to wall, footpath and landscaping	
CASE OFFICER	Mr Andrew Stock	APPLICANT	Jordan Emery (Pillars Construction)
PARISH/TOWN	Ashbourne	AGENT	Jordan Emery (Pillars Construction)
WARD MEMBER(S)	Cllr. S. Bull Cllr S. Lees	DETERMINATION TARGET	20 th November 2020
REASON FOR DETERMINATION BY COMMITTEE	5 or more unresolved objections received	REASON FOR SITE VISIT (IF APPLICABLE)	n/a

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • The impact of the changes on the character and appearance of this part of the settlement; • Tree Preservation Order trees; • residential amenity, and; • Whether there would be any adverse highway safety implications.

RECOMMENDATION
That the application be granted, subject to conditions.

20/00803/VCOND

The Mount, 4 North Avenue, Ashbourne



Derbyshire Dales DC

1:2,500

Date: 29/10/2020

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

1. THE SITE AND SURROUNDINGS

- 1.1 The application site is located within the settlement of Ashbourne and is accessed directly off North Avenue. The site comprises sloping land with ground levels falling in the south and south-easterly direction. Within the grounds there a number of mature trees which are protected by a Tree Preservation Order, issued in 1982.
- 1.2 A residential development of 14 no. apartments approved at appeal (appeal decision ref: APP/P1045/A/10/2129072) is currently being built out on the site. The application relates specifically to the roadside boundary wall and associated landscaping forming part of this development.



2. DETAILS OF THE APPLICATION

- 2.1 Permission is sought to vary Condition 2 (approved plans) of appeal decision APP/P1045/A/10/2129072 (planning permission reference no. 09/00496/FUL '*Demolition of existing dwelling and outbuildings and redevelopment of site with 14 flats with associated car parking improvement to access and new pedestrian access*') to allow for modifications to the roadside wall, footpath and landscaping, as illustrated on submitted revised plans date stamped 29th October 2020.
- 2.2 It is proposed to take down a section of the roadside wall and re-align a new section of wall behind the pavement edge and provide a curved wrought iron fence around a mature tree in this location, as illustrated on submitted revised plans date stamped 29th October 2020. The use of Telford Red Multi Smooth RG4002 bricks are proposed in the construction of the wall, which will incorporate stone copings to match the existing boundary wall. Furthermore any existing street furniture (lampposts and telegraph poles) would be realigned with the boundary wall.
- 2.3 As can be seen from the site photographs, works have begun on the wall prior to planning permission being granted for any changes to the approved development and conditions.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
 - S1 Sustainable Development Principles
 - S2 Settlement Hierarchy
 - S3 Development within Defined Settlement Boundaries
 - S8 Ashbourne Development Strategy

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

4. RELEVANT PLANNING HISTORY

09/00496/FUL Demolition of existing dwelling and outbuildings and redevelopment of site with 14 flats with associated car parking improvement to access and new pedestrian access – REFUSED (APP/P1045/A/10/2129072 – ALLOWED)

5. CONSULTATION RESPONSES

5.1 Parish Council

Objection – Ashbourne Town Council Members Object to the Variation of the Condition. Members feel it will have a negative impact on the existing neighbours, and as the land is un-likely to be adopted by the local authority it will be neglected. The work has already been started and Ashbourne Town Council do not approve of retrospective Planning Applications; Members request that if the permission is not granted, the works already stated be put back to their original state

5.2 Local Ward Councillor (Cllr. Stuart Lees)

I would prefer to see the wall built along the existing line which it was built originally plus I am also concerned about the trees with TPO orders on.

5.3 Derbyshire County Council (Highways)

No objections raised.

5.3 Trees and Landscapes Officer

Initial response –

Having considered the currently available documents submitted in relation to this planning application I have concerns relating to the proximity of the proposed development to trees which are located in the site.

Second response –

I am satisfied that the proposals for the perimeter wall / fence as presented on drawing no PC-1004/101 Rev E1 will not be harmful to the retained trees.

6. REPRESENTATIONS RECEIVED

6.1 A total of 11 representations have been received. A summary of the representations are outlined below:

Impact on the street scene:

- Development out of character
- Inappropriate materials
- Harmful to the street scene

Highway/Pedestrian Safety:

- No evidence to suggest improvement to pedestrian safety

- The existing lamp post and telegraph pole become a hazard
- Significant highway risk

Other matters:

- Unauthorised development
- No consideration of street lamps or telegraph poles
- Grass verge to become a local dog toilet
- Inaccurate plans
- Who would manage the grass verge
- Contrary to the original approval

7. OFFICER APPRAISAL

- 7.1 Having regard to the relevant provisions of the development plan and the amendments to the development approved under application code ref. 09/00496/FUL, allowed at appeal the main issues to assess are:
- The impact of the changes on the character and appearance of this part of the settlement;
 - Tree Preservation Order trees;
 - residential amenity, and;
 - Whether there would be any adverse highway safety implications.

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

- 7.2 Policy S3 of the Adopted Derbyshire Dales Local Plan deals with development within defined settlement development boundaries and advises that planning permission will be granted for development where it is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located and would have a layout, access and parking provision appropriate to the proposed use, site and its surroundings amongst other considerations.
- 7.3 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, development on the edge of settlements to enhance and/or restore landscape character, contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.4 Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017) advises that planning permission will be refused for development resulting in the loss or deterioration of ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- 7.5 The application relates to the roadside boundary treatment fronting North Avenue which extends the total length of western boundary of the site, extending some 104 metres in length. Apart from accesses onto North Avenue it was a continuous high red brick wall with a stone coping. The wall varies in height between 1.9 metres and 3 metres.
- 7.6 With regard to the appearance of the previously approved boundary wall it was agreed as part of the original planning permission 09/00496/FUL that a section of the wall would be slightly re-aligned for a distance of about 10-12 metres and modified at the site accesses to accommodate the requisite visibility splays. The use of Telford Red Multi

Smooth RG4002 bricks was agreed for the new sections of wall as part of the approval of the details reserved by planning conditions.

- 7.7 The use of Telford Red Multi Smooth RG4002 brick is proposed as part of this application and will include stone copings to match the existing boundary wall. Furthermore the applicant has agreed to set back existing street furniture (a street light and telegraph pole) to create a wider pavement area following comments received from the Local Highway Authority and the public. The proposal to create a return where this new section of wall meets the old wall will provide a clear demarcation of the change in materials, without the need to key new brick work into the existing wall. The set back is relatively modest and the new section of wall would continue to provide the same strong sense of enclosure to the street. The Local Highway Authority have expressed a preference for the planted margin to be hardsurfaced, thereby widening the pavement and requiring a street light / telegraph pole to be set back. The modest widening of the pavement in this area is not considered to have a harmful impact on the streetscene and would address the public comments received relating to the maintenance of any planted margin. Conditions will be necessary to control the repositioning of the streetlight and telegraph pole and the provision of hard surfacing. It is considered that the proposal for reasons set out above would respect the character, identity and context of this part of the town and therefore satisfy the relevant provisions of policies S3 and PD1.

Impact on Tree Preservation Order Trees

- 7.8 The site includes a number of mature trees, which are protected by a Tree Preservation Order (TPO).
- 7.9 The applicants have advised that due to the stability of the existing boundary wall that it would be beneficial to increase the height of the inset wall rather than construct a retaining wall and rebuild the wall on its current alignment. It is acknowledged that works have already commenced.
- 7.10 Initial concerns were raised by the Councils Trees and Landscapes Officer with regard to the application, raising concern with the close proximity of the proposed development to trees which are located in the site. Further comments were made with regard to the inaccuracies of the plotted TPO trees on the submitted plans. Of particular importance is a substantial mature lime tree whose main trunk is set back from but abuts the wall. To address the concerns raised by the Councils Trees and Landscapes Officer a full set of amended plans were submitted for consideration, date stamped 29th October 2020.
- 7.11 It has been acknowledged that a section of the existing roadside wall was being pushed over by the lime tree which is protected by the Tree Preservation Order. In order to retain this tree which provides a substantial amount of screening of the building and is an important feature within the street it is proposed to take down a section of the roadside wall, re-align it and provide a curved wrought iron fence around the tree. Following re-consultation with the Trees and Landscapes Officer it has been confirmed that the revised proposals for the perimeter wall / fence as presented on drawing no PC-1004/101 Rev E1 will not be harmful to the retained trees.

Impact on residential amenity

- 7.12 The nearest dwellings to the north are 'Mount Stables' 30 metres (approximately) from the proposed building and the 'Bowling Green Inn' 50 metres (approximately) away. On the opposite side of North Avenue, the nearest houses are 30 metres (approximately) from the building. To the south, the nearest house is number 6 North Avenue which is over 45 metres away.

7.13 The modest changes to the hard and soft landscaping scheme would not result in any significant loss of privacy or amenity to existing residents or the future occupants of the apartments.

Whether there would be any adverse highway safety implications

7.14 The application proposes to extend width of the pavement along the full length of the realigned boundary wall. No alterations are proposed to the approved vehicular and pedestrian access as part of this application.

7.15 The Local Highway Authority advise that they have no objection to the application but advise that a hardbound material over a grass verge would be more appropriate. An appropriately worded condition is recommended to secure such treatment.

7.16 The proposed development is therefore not considered to adversely affect or present danger to existing highway and pedestrian users.

Conclusion

7.17 In summary it is considered that the proposed changes would respect the character, identity and context of this part of the town and in their revised form would not harm trees protected by Tree Preservation Order, result in any adverse residential amenity impacts or prejudice highway safety, subject to conditions. Whilst the concerns raised by the public relating to such matters are noted, the imposition of conditions to secure the repositioning of the street light and telegraph pole and the surface treatment of the area of land in advance of wall would address concerns relating to such matters. A recommendation of approval is put forward on this basis.

8. RECOMMENDATION

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

1. This permission hereby permitted shall be carried out in accordance with the following approved plans: 677/1-2 Rev E, 677/3-5 Rev F, 677/6 Rev H, 677/7-13 Rev E, 677/14 Rev H, 677/15 Rev F, 677/16-17 Rev H, 677/18 Rev E, 677/19 Rev H, 677/46, 47, 50 Rev F, PC-1004 101 REV E1 and PC-1004/101 REV E1.

Reason:

For the avoidance of doubt.

2. No dwelling on the site shall be occupied until the approved parking provision for that dwelling, and the whole of the provision for the parking of visitors and disabled persons, have been completed. In total 28 spaces shall be provided in the basement and 6 surface spaces as shown on the approved plans, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

3. No dwelling on the site shall be occupied until the temporary surfaced areas on the existing lawns have been restored to turfed lawn.

Reason:

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

4. No dwelling on the site shall be occupied until refuse bins have been installed in a screened bin store in the location indicated on plan no PC-1004/101 REV E1, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

5. No dwelling on the site shall be occupied until the foul and surface water systems have been fully installed.

Reason:

For the avoidance of doubt.

6. No dwelling on the site shall be occupied until a management plan relative to the restoration and future maintenance and use of the grounds (including those areas outside of the application site) has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include a timetable for, and measures to secure, its implementation.

Reason:

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

7. No dwelling on the site shall be occupied until measures to minimise the risk of crime to meet the specific needs of the site have been implemented in accordance with the 'Secured by Design' accreditation operated by Derbyshire Constabulary, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt.

8. No works shall commence on the site until the improvement/alterations proposed to each of the accesses have been carried out fully in accordance with the details indicated on plan no PC-1004/101 REV E1, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

9. Any trees which may require pruning, due to their close proximity to the areas where vehicles are to pass or work is to take place shall be carried out under the supervision of a qualified Arboriculturist.

Reason:

For the avoidance of doubt.

10. All materials which are not being utilised in the new development shall be removed from the site before any dwelling is occupied, and no burning of materials on the site shall take place at any time.

Reason:

For the avoidance of doubt.

11. The approved entrance signs shall be retained in situ throughout the development phase. All contractors shall be advised of the agreed delivery route for vehicles which shall be via Market Place, Union Street and North Avenue.

Reason:

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

12. Only those areas/locations identified on plan No. 677/16 Rev H shall be used for the siting of plant, buildings and the parking for demolition and construction related vehicles. No other areas of the site shall be used for such purposes.

Reason:

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

13. Spaces on the site shall be maintained at all times for the access by delivery vehicles and the parking of all visiting contractors' vehicles.

Reason:

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

14. The approved tree protection fencing shall be retained in situ throughout the development phase. The proposed fencing shall be H.E.R.A.S. type fencing, 2 metres in height and reinforced as appropriate.

Reason:

For the avoidance of doubt.

15. No works which would be within an area where tree roots may be disturbed shall be excavated by mechanical means unless the works are authorised by a suitably qualified Arboriculturist.

Reason:

For the avoidance of doubt.

16. Construction work shall only be carried out between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Saturdays, and at no time on Sundays and Bank Holidays.

Reason:

To safeguard the privacy and amenity of occupiers of neighbouring properties in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

17. The approved wheel cleaning facilities shall be maintained and available for use throughout the course of the development works, and shall be used by all vehicles leaving the site.

Reason:

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

18. No loading or unloading of materials of construction onto the site shall take place from vehicles parked on North Avenue.

Reason:

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

19. Measures shall be taken by the developer to ensure that at no time is there any obstruction to prevent the occupiers of Mount Stables or No 4B North Avenue having direct vehicular access to their property.

Reason:

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

20. No cranes or silos shall be installed or used on the site until full details of their siting and height/type have been submitted to and agreed in writing by the LPA.

Reason:

For the avoidance of doubt.

21. Notwithstanding the approved plans, details of any gates and estate fencing shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details approved shall then be installed prior to occupation of any dwelling and shall be maintained in accordance with the approved details.

Reason:

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

22. Notwithstanding the approved plans, the land in advance of the roadside wall to be set back shall be surfaced in a hard bound material, the details of which shall have been submitted to and approved in writing by the Local Planning Authority. The land shall then be hardsurfaced in accordance with the approved details prior to occupation of any dwelling on site.

Reason:

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

23. All street furniture (street light and telegraph pole) shall be set back to sit immediately in front of the repositioned section of wall prior to first occupation of any dwelling on site unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interest of pedestrian safety and to ensure the satisfactory appearance of the development to comply with Policies S3 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 relating to pedestrian safety and impact on protected trees.

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

3. This decision notice relates to the following documents:

Plan: PC-1004 101 REV E1

Plan: PC-1004/101 REV E1

Active Enforcement Cases

29 October 2020

14:04:13



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 of 4 Haven View	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
ENF/20/00141	Siting of static caravans	Cloud Barn Clifton Road Clifton Derbyshire DE6 2DH	Pending Consideration

Darley Dale

ENF/12/00034	Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.	Stancliffe Quarry, Darley Dale, Matlock.	Notice Issued
ENF/17/00016	Breach of pre commencement conditions on planning permission 15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building.	Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT	Pending Consideration
ENF/17/00139	Works comprising the siting of an office building on "the land"	Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR	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 verandah to top of shed	133 Smedley Street Matlock Derbyshire DE4 3JG	Notice Issued
ENF/19/00091	Alleged change of use of Band Hall to business/domestic storage facility	Hall Jackson Road Matlock Derbyshire	Notice Issued

Matlock St Giles

ENF/13/00084	Unauthorised erection of workshop	Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY	Notice Issued
ENF/17/00020	Unauthorised use of land for the storage and stationing of caravans.	Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ	Notice Issued
ENF/18/00178	The development is not in accordance with the approved plans.	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Pending Consideration
ENF/19/00008	Use of land for the parking of vehicles, unloading and storage of aggregates, unloading and storage of domestic and business waste and as a personal allotment with a greenhouse	Land To The Rear Of Sunnyside Farm Riber Road Riber Matlock Derbyshire DE4 5JU	Pending Consideration
ENF/19/00015	Formation of access onto a classified road (A615)	The Cottage Alfreton Road The Cliff Matlock Derbyshire DE4 5EZ	Notice Issued
ENF/19/00027	Tipping of materials additional to soil including rock, concrete and redundant farm machinery	Land At Junction Of Cunnery Lane And Alders Lane Tansley Derbyshire	Pending Consideration
ENF/19/00129	Development not lawfully commenced - Failure to discharge pre-commencement conditions of planning permission 13/00067/FUL (Redevelopment of site to provide extended car parking area)	The Old Mill Nottingham Road Tansley Matlock Derbyshire DE4 5FD	Pending Consideration

ENF/19/00167	(a) Without planning permission, unauthorised engineering work, including retaining walls, to facilitate the formation of a compound area, the erection of enclosing walls and gate piers to this compound. (b) Without planning permission, utilising the compound for the storage of building materials, plant and equipment.	Land And Barn At The Corner Of Thatchers Lane And Alders Lane Tansley Derbyshire	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) ²	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 ²	The Old Barn Rise End Middleton By Wirksworth Derbyshire DE4 4LS	Pending Consideration

Total Open Cases

94

Enforcement Investigations Closed

In the Month Prior to 29/10/2020



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
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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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Masson

ENF/20/00133	Engineering works which include excavating under house.	Four Trees 109 Derby Road Cromford Derbyshire DE4 3RN	Complaint Unfounded	02/10/2020
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Wirksworth

ENF/20/00109	Unauthorised engineering works to facilitate vehicular access off B5035 onto agricultural field, approx 100m along road from existing entrance to Soames Farm.	Soames Farm Middleton By Wirksworth Derbyshire	Complied Voluntarily	12/10/2020
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Total Closed Cases **4**

NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 10th November

PLANNING APPEAL – PROGRESS REPORT

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
18/00662/LBALT	Brook Cottage, Pethills Lane, Kniveton	WR	Appeal being processed
20/00108/FUL	1 Church Street, Ashbourne	WR	Appeal being processed
20/00109/LBALT	1 Church Street, Ashbourne	WR	Appeal being processed
20/00286/FUL	3 to 5 Rodsley Lane, Yeaveley	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 dismissed – copy of the decision attached
19/00891/FUL	South of Lumsdale Terrace, Matlock	WR	Appeal dismissed – copy of the decision attached
20/00228/FUL	Holly Tree Cottage, The Cliff, Alfreton Road, Matlock	WR	Appeal dismissed – copy of the decision attached
20/00493/FUL	10 Thatchers Croft, Tansley	HOUSE	Appeal being processed
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
ENF/17/00139	Bent Farm / Ameycroft Farm Farley Hill Matlock	WR	Appeal being processed
20/00610/FUL	Elmcroft, Derby Road, Cromford	WR	Appeal being processed

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

OFFICER RECOMMENDATION:

That the report be noted.



Appeal Decision

Site visit made on 4 August 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/P1045/D/20/3246548

The Cottage, Alfreton Road, The Cliff, Matlock DE4 5EZ

- 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 Tim Appleyard against the decision of Derbyshire Dales District Council.
 - The application Ref 19/01321/FUL, dated 15 November 2019, was refused by notice dated 17 January 2020.
 - **The development proposed is described as the 'retention and widening of an existing driveway'.**
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The driveway for which planning permission is sought has been constructed, and I was able to view it at the time of my site visit. I have considered the appeal on the basis that the development has already been carried out.

Main Issues

3. The main issues are the effect of the development on highway safety, and on the character and appearance of the area.

Reasons

Highway safety

4. The appeal site is a residential plot containing a cottage. It is situated on the south side of the A615 road between the town of Matlock and the village of Tansley, on the inside of a broad curve in the as it runs uphill from west to east. The site slopes from south to north so that the cottage and its garden are some way above the level of the road. The appellant has constructed, and subsequently enlarged, a new parking and turning area, connected by a gravel driveway to Alfreton Road outside the property.
5. Alfreton Road is a busy road with a 40mph speed limit, although **the Council's** evidence indicates that the majority of vehicles pass the site at around 45mph. As a result, the Highway Authority has stated that visibility splays commensurate with the actual traffic speeds of 2.4m x 1.25m in both directions are required. However, based on the submitted plans and site visits the Highway Authority has calculated the achievable visibility splays as falling well

short of the requirements, at around 2.4m x 12m to the west and 2.4m x 35m to the east.

6. Visibility along Alfreton Road is difficult in both directions, and constrained by **the appeal site's position on the inside of a long curve**. The profile of the road east of the appeal site, where the hill becomes less steep, also makes it difficult to clearly see approaching westbound traffic. My site visit observations suggest that the actual distance visible from a typical driving position at the entrance to the driveway may be slightly greater than the Highway Authority calculated. However, it still appears to fall some way short of the required distance, and the retention of such visibility would be dependent on the road verges being kept clear of vegetation, a matter which is outside the control of the appellant. Because of the speed and volume of traffic passing by, leaving the site in particular would present a risk to users of the driveway and Alfreton Road.
7. The appellant has submitted plans intended to show that the desired visibility is achieved, with 125m visibility lines in both directions from the entrance to the driveway. However, both approaching cars shown on the plan are shown at the very edges of their lanes. In the case of the eastbound car, it appears that it would actually be brushing the kerb of the road, while if the westbound car were positioned in a more realistic position towards the centre of the lane it would not fall within the splay at all. From what I saw, the plan is not reflective of the **'real life' situation at the appeal site**. Furthermore, it does not include information about the profile of the road and any effect it has on visibility. The submitted evidence does not, in my view satisfactorily demonstrate that safe visibility is or could be achieved. Based on the information before me and my own observations, I consider that the access offers poor visibility.
8. The appellant has indicated that the purpose of the development is to facilitate off-street parking, but at the same time argues that there is no real need for more than one parking space. Given the location of the appeal site it seems likely to me that, in general, visitors would be most likely to arrive by car, and the parking area which has been created is intended to accommodate two vehicles, although as the spaces are approximately 4m in length, have a combined width of around 2.4m and are tightly bounded by walls and fences they are small. The turning area is similarly tight. The parking spaces could only accommodate two vehicles with difficulty, unless both happened to be very compact cars. At the time of my site visit a medium-sized car belonging to the appellant was occupying the parking area, and in my view the remaining space would have been too small for a second vehicle to use. A second vehicle would have to park in the turning and manoeuvring space, and driven out of the site onto the busy A615 in reverse gear. This would present a risk both to its occupants and to other road users.
9. The appellant acknowledges that the drive exceeds the maximum recommended gradient of 1:10. The need for vehicles turning sharply to enter or leave the site to also negotiate the steeply sloping driveway would be likely to add to the risk of vehicular conflict or accidents.
10. I acknowledge that the alternative to the scheme is the continued use of on-street parking. Although this is a less than optimal solution, especially on an A road, it does avoid the need for vehicles to emerge, at worse in reverse, into relatively fast-moving traffic in situations where visibility is limited. I have not been made aware of any specific safety or congestion concerns arising from on-

street parking in the vicinity of the appeal site. The appellant has referred to other driveways nearby which are narrower than that of The Cottage, steeper, where drivers need to reverse out on to the main road, or some combination of the three. I do not know the circumstances in which these other arrangements came to be in place, although some appear to be long-established. However, I saw some of these examples at the time of my site visit and agree with the appellant that, on the face of it, there are other properties in the locality where, on the face of things, the access arrangements appear to be substandard. However, these do not justify permitting a substandard or unsafe access in this case.

11. I conclude that, because of its poor visibility, limited turning space and steep gradient, the driveway has an adverse effect on highway safety. The proposal therefore conflicts with Policies S4, PD1 and HC19 of the 2017 Derbyshire Dales Local Plan (DDLPL), which together require developments to be well-designed with safe access and parking arrangements, and not to have a detrimental effect on the safe and efficient operation of the highway network.

Character and appearance

12. The stretch of Alfreton Road between Matlock and Tansley is predominantly rural in character, with small and intermittent semi-rural clusters of dwellings. Boundaries to residential properties are generally traditional stone walls, often topped with hedges, fences, or both, and many do not have driveway openings.
13. As the development has already taken place, evidence about its previous state is necessarily limited. However, the Council has referred to historic Google Streetview imagery which shows the original wall in place. The development has resulted in a large opening in the stone boundary wall. The loss of the previous stretch of wall and hedge has made the appeal site more exposed to the road than it was previously. The loose gravel surface of the driveway spills out of the appeal site across the verge and towards the road, which has given the site an unordered appearance. **The appellant's view is that as the work has already been carried out there is therefore no harm to the character and appearance of the street scene.** However, in my view the driveway has emphasised the presence of the housing and its car parking area at the expense of the semi-rural feel of the area.
14. I therefore conclude that the development has harmed the character and appearance of the area. Given the small size of the appeal site, the extent of the opening which has been created, and the presence of some other driveways, I consider that this harm is limited. Nonetheless, the development conflicts with Policies S4 and PD1 of the DDLPL, which together seek to ensure that development is well-designed and contributes positively to the character of its area.

Conclusion

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

M Cryan

Inspector



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: 8th October 2020

Appeal Ref: APP/P1045/W/20/3253351

Land south of Lumsdale Terrace, Upper Lumsdale, Matlock DE4 5LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs C Clarke against the decision of Derbyshire Dales District Council.
 - The application Ref 19/00891/OUT, dated 1 August 2019, was refused by notice dated 24 December 2019.
 - The development proposed is two dwellinghouses.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with access and layout to be determined at this stage and it is on this basis that I have determined the appeal.

Main Issues

3. The main issues in the appeal are:
 - Whether or not the site represents a suitable site for housing having regard to its location outside the settlement boundary; and
 - Whether or not the proposal would preserve or enhance the character or appearance of Lumsdale Conservation Area.

Reasons

Whether or not the site represents a suitable site for housing

4. The appeal site is an overgrown plot of land that drops down from the road and then rises up the valley side. To one side lies a similar field and to the other is a row of semi-detached houses, behind which lies a secondary school. The site lies outside, albeit adjacent to, the settlement boundary for Matlock as defined by the *Derbyshire Dales Local Plan (adopted December 2017)* (DDLDP) and so is defined as being in the countryside.
5. The DDLDP seeks to focus the majority of new development within the upper tiers of the settlement hierarchy. In this context, DDLP Policy S4 (i) sets out when new residential development may be acceptable in the countryside. It is not disputed that the Council currently have a 5 year housing land supply, and

given this, the proposal would not comprise any of the forms of residential development set out in this criterion. As such, the proposal would be contrary to this policy.

6. The appellant has stated that the proposal would be self-build plots. The Self-build and Custom Housebuilding Act 2015 (as amended), and the associated regulations, requires local planning authorities to establish local registers of custom-builders who wish to acquire suitable land to build their own home, and to have regard to this register when exercising their planning functions. The Housing and Planning Act 2016 provides that authorities must give suitable development planning permission in order to provide enough serviced plots of land to meet the demand for such housing in their area in each base period.
7. The Council have indicated that their register only has one entry, and whilst no planning permissions have been granted for plots to meet this need, this shows the demand for such plots is low. The appellant has raised concerns with how the Council maintain the register and suggests that this is keeping the number of entries low compared to neighbouring authorities where the number of entries on the register is much higher.
8. Be that as it may, how the Council maintain this register is not a matter before me in this appeal. In any case, Policy S4(i) does not indicate that the provision of self-build plots is one of the forms of residential developments that are acceptable in the open countryside and Policy HC3 of the DDLP indicates that such plots should be provided as part of sites allocated for housing in the local plan.
9. Even if the appeal scheme was acceptable in principle, I have no mechanism before me to secure that the housing was self-build. Although the appellant has suggested that a condition could be used to limit the first occupancy of the properties to people on the self-build register, wording for such a condition has not been suggested by either party. In my experience, ensuring that a proposal meets the definition of self-build and custom housebuilding, is normally dealt with by way of a Section 106 agreement or a Unilateral Undertaking. A condition would not only have to limit the first occupancy of the dwelling but would have to restrict the act of an individual in the methods used to build the house. I cannot see how such a control would be sufficiently land use based to **accord with the Framework's** tests for conditions. Thus, I give this matter little weight.
10. All in all, I consider that the appeal site would not be a suitable site for new housing having regard to its location outside the settlement boundary and it conflicts with Policy S4 of the DDLP outlined above.

Character and Appearance

11. The appeal site lies in Lumsdale Conservation Area. 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.
12. The *Lumsdale Conservation Area Appraisal (adopted November 2010)* (CAA) indicates that the area is primarily of historic interest for its industrial archaeology. Clusters of former industrial buildings are located along streams with evidence of extensive hydraulic management. Some of the key

characteristics of the Upper Lumsdale area in which the site is located are that: it is a heavily wooded valley, contrasting with open fields on the higher slopes; the use of gritstone as a building material; steep hillsides and ravines with a hidden dark character and dramatic waterfalls; and the dense network of public footpaths.

13. Although close to the edge of Matlock, with housing and a high school nearby, the narrowing of the road to a single width bound by stone walls, and the areas of woodland and fields gives the area a distinctly rural character that is a sudden and dramatic change from the more built up areas.
14. Although appearing unused and neglected the open nature of the appeal site and the adjacent land contrasts with the wooded areas on the opposite side of the road and to the south of Asker Lane. The site therefore makes an important contribution to one of the key characteristic features of this part of the conservation area, even if this can only be appreciated in the immediate vicinity. The contrast between the dark wooded areas and the open and light character of the fields is particularly noticeable in views in both directions along the adjacent road.
15. Moreover, I agree with the CAA that this area of open land plays an important role in reinforcing that this area was once distinct and separate from Matlock, even if the growth of the adjacent town means the physical distance between them is now more limited. The narrowness of the gap at this point increases the sensitivity of the site to development.
16. Whilst the proposed development of two houses on the appeal site would still leave the larger adjacent field undeveloped, it would result in encroachment of the built form into this important open space, further eroding the separation between Lumsdale and Matlock and diminishing the contribution the site plays in the character and appearance of the conservation area. This would be to the visual detriment of the conservation area and the character of the landscape.
17. Whilst the scale of the buildings is not to be determined at this stage, the layout shows 2 detached houses whose footprint would be significantly greater than the modest semi-detached houses of Lumsdale Terrace and which would, as a result, dominate views from the south. Whilst it is suggested that the plot sizes would be large enough to enable substantial additional planting to take place, it is the open nature of the site that contrasts with the enclosed woodland area, that is a key characteristic. The domestication and landscaping of the site would unacceptably harm this.
18. Consequently, I consider the proposal would fail to preserve, and would unacceptably harm, the character and appearance of Lumsdale Conservation Area. Therefore, it would conflict with Policies PD1 and PD2 of the DDLP which require that developments should have a high quality of design, which conserves heritage assets in a manner appropriate to their significance and respects the character and context of the area.
19. Having regard to paragraph 196 of the *National Planning Policy Framework*, the harm caused to the conservation area would be less than substantial, and therefore needs to be weighed against the public benefits of the proposal. In **the scheme's favour it would create 2 residential units**. Although suggested these would be self-build plots, for the reasons set out above, I give this little weight. Construction would provide some temporary work for local contractors

and spending by future occupiers would benefit the local economy but given the limited scale of the proposal, these benefits would be minimal.

20. The adjacent site, which is in the same ownership is a Local Wildlife Site and the appellant has stated that the proposal would enable the better management and maintenance of the site in conjunction with Derbyshire Wildlife Trust. This could be secured by a condition and would be a benefit of the appeal scheme.

21. The desirability of preserving or enhancing the character or appearance of a conservation area is a matter of considerable importance and weight. In this case, even if I did consider that a condition was sufficient to ensure the properties met the definition of self-build housing, I consider that this and the other public benefits of the scheme would be insufficient to outweigh the less than substantial harm.

Other Matters

22. My attention was drawn to an appeal in a different district where the fact that the proposal was for self-build plots was considered a significant material consideration. However, unlike this appeal, it was concluded that the proposal would not harm the character and appearance of the area. In addition, the numbers on the self-build register were significantly higher. Furthermore, a S106 agreement had been provided to ensure that the proposed dwellings on the appeal site would meet the definition of self-build and custom housebuilding. In this case I do not have such an agreement before me. As such, the circumstances of this other appeal are not a direct parallel to the appeal scheme before me.

Conclusion

23. For the reasons set out above I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR



Appeal Decision

Site visit made on 15 October 2020

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2020

Appeal Ref: APP/P1045/W/20/3253934

Holly Tree Cottage, Alfreton Road, The Cliff, Matlock DE4 5EZ

- 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 Smith against the decision of Derbyshire Dales District Council.
 - The application Ref 20/00228/FUL, dated 20 March 2020, was refused by notice dated 19 May 2020.
 - The development proposed is described on the application form as rear conservatory, balcony and lower level garage including gravel access road.
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. During the **course of the Council's consideration of the planning application**, the description of the proposal was changed to include reference to the extension to residential curtilage. The planning application was determined on that basis and I have considered the appeal on that basis.

Main Issues

3. The main issues are:
 - whether or not the proposal would preserve or enhance the character or appearance of the Lumsdale Conservation Area; and
 - the effect of the proposal on the living conditions of the occupiers of 2 Yew Tree Cottages with particular regard to privacy.

Reasons

Character and appearance

4. The Lumsdale Conservation Area (LCA) covers a relatively large area between the two settlements of Matlock and Tansley which includes open countryside together with steep valley sides and narrow winding roads. Buildings are sometimes sporadic but also form small clusters of traditional stone built properties both industrial and domestic.
5. From my observations on site therefore the significance of the LCA, in so far as it relates to this appeal, is largely derived from the number of high quality

- historic buildings, with the use of traditional materials and their siting in the open landscape.
6. The appeal property forms a stone house sited back from the A615. Due to the slope of the land the front of the property has two storeys and the rear has three storeys. The simple high rear elevation forms an imposing feature across the open valley to the rear of the property. It therefore contributes positively to the significance of the LCA.
 7. While I saw that there were balconies in the surrounding area these were mostly small additions to the host property. Despite the use of materials to match the host dwelling, the excessive height, width and length of the proposed extension would mean that most of the rear elevation of the property would be covered with only the second floor windows and roof visible. The set in distance from the side of the property would be minor and insufficient to allow any meaningful interpretation of the historic rear elevation. Consequently, it would not be subordinate to the existing house.
 8. Furthermore, the design of the extension would be particularly incongruous with the historic character of the property, through the inappropriate solid to void ratio of the garage, the uncharacteristic hip roof of the conservatory and the disproportionate size of the garage in relation to the conservatory. Consequently, the proposal would form a large bulky mass when seen from the side and rear, which would be an incongruous, prominent addition, out of scale and character with the host dwelling.
 9. According to the appellant the nearest footpath from which the proposal would be visible is some 892 metres away. This is some distance; however, the proposal would also be visible from the A615 and from neighbouring properties. The undue prominence of the extension would therefore be apparent within the wider area.
 10. There is little detail regarding the provision of the gravel access road. At the time of my site visit a gravel driveway had been constructed to the rear of the property, otherwise the rear space is mainly formed from grassland. Such development is minor, and further details could be the subject of a condition if the proposal was otherwise acceptable.
 11. The appellant has submitted a copy of the land registry title for the land within the extended curtilage which confirms that it contains restrictive covenants preventing the development of the land, other than for an extension to Holly Cottage or a driveway. I am satisfied therefore, that although the proposed extent of the extended curtilage would be large, the essential open character and appearance of the area would be maintained. In addition, while having a longer extent than properties to the west, it would be similar to that at Broadlands Farm. However, this would not outweigh the harm to the character and appearance of the area caused by the extension.
 12. For the reasons above, I conclude that the proposal would fail to preserve the character and appearance of the area and the significance of the LCA. It would therefore be contrary to Policies S4, PD1 and PD2 and HC10 of the Derbyshire Dales Local Plan 2017. These require, amongst other things that development protects and enhances the character, appearance and integrity of the historic environment and the height, scale, form and design of an extension is in

keeping with the scale and character of the original dwelling and sites wider setting.

Living conditions

13. No 2 Yew Cottages is a two storey dwelling to the west of the appeal site, sited marginally to the rear of the appeal property. It has a decked area with balcony within a small rear garden. It has a single storey side extension adjacent to the boundary with the appeal site which has an obscure glazed window in its rear elevation. All other visible windows are clear glazed, including windows in the gable end facing the appeal site.
14. However, there is a substantial vegetated boundary between the two properties. In addition, the proposed balcony and conservatory, although at a high level, would be some distance from the boundary between the properties. Consequently, the combination of these two factors would ensure that there would not be an unacceptable loss of privacy for the occupiers of No 2.
15. For the reasons above there would be no harm to the living conditions of No 2 Yew Tree Cottages with particular regard to privacy. There would, therefore, be no conflict with Policy PD1 of the Derbyshire Dales Local Plan 2017. This requires, amongst other things that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of overlooking.

Other matters

16. The appellant refers me to a planning application that has recently been approved for a large extension incorporating a balcony at Broadlands Farm¹. He considers that the percentage scale of the proposal before me now is less than that at Broadlands Farm. While I do not have full details of the proposal before me, I saw that Broadlands Farm is a modern dwelling, I therefore do not consider the two properties to be sufficiently similar in order to make meaningful comparisons. I also note that the Council reports that the design and scale of the extension was considered to be in keeping with the existing property.

Conclusion

17. I have found that the proposal would not preserve the character or appearance of the LCA. In the words of the National Planning Policy Framework (the Framework) this would cause less than substantial harm to the significance of the designated heritage asset. There are no public benefits of the proposal to be weighed against that harm and therefore, for the reasons set out above, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR

¹ 19/00990/FUL

BACKGROUND PAPERS

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

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

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

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

BACK TO AGENDA