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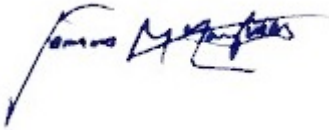
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21 June 2021

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday, 29th June 2021 at 6.00pm** in the **Members Room, County Hall, Matlock, DE4 3AG**.

Yours sincerely



James McLaughlin
Director of Corporate Services & Customer Services

AGENDA

SITE VISITS: Attached to the agenda is a list of sites the committee will visit on **Monday 28th June**. A presentation with photographs and diagrams will be available at the meeting for all applications including those visited by the committee.

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

20 April 2021

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

To provide members of the public WHO HAVE GIVEN PRIOR NOTICE (by no later than 12 Noon on the working day prior to the meeting) with the opportunity to express views, ask questions or submit petitions relating to planning applications under consideration.

Representations will be invited immediately before the relevant item of business/planning application is discussed. Details of the Council's Scheme are reproduced overleaf. To register to speak on-line, please click here www.derbyshiredales.gov.uk/attendameeting. Alternatively email committee@derbyshiredales.gov.uk or telephone 01629 761133.

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. 20/00893/FUL (Presentation)	07 - 24
Erection of 10 no. dwellings with associated access, car parking, re-grading of site levels and retaining works. Rosarium, Clifton Road, Ashbourne, DE6 1DT.	
5.2 APPLICATION NO. 20/01189/FUL (Presentation and Site Visit)	25 - 41
Hybrid planning application comprising of a full planning application for the demolition of existing buildings and erection of a care home (Use Class C2) with associated parking, access and landscaping and an outline planning application for the erection of up to 9 no. dwellinghouses with approval being sought for access. Leys Farm, Wyaston Road, Ashbourne, DE6 1NB.	
5.3 APPLICATION NO. 20/01264/OUT (Presentation and Site Visit)	42 - 47
Outline Application for the erection of 1 no. dwellinghouse and a stone mason's workshop and associated removal of existing buildings on site. Land adjacent Ash Cottage, Bradbourne Lane, Brassington.	
5.4 APPLICATION NO. 20/01272/OUT (Presentation)	48 - 61
Outline permission for the erection of 9 no. dwellinghouses with approval being sought for access only. Land West of Marston Lane, Doveridge, DE6 5JS.	
5.5 APPLICATION NO. 20/01332/FUL (Presentation and Site Visit)	62 - 82
Erection of 2 no. apartment blocks comprising of 18 no. apartments, change of use of former bank to 4 no. apartments with associated extensions and related demolition of listed and non-listed ancillary buildings and extensions. 8-10 Snitterton Road, Matlock.	
5.6 APPLICATION NO. 20/00201/FUL (Presentation and Site Visit)	83 - 95
Change of former band hall to storage facility (B8 Use). Hall, Jackson Road, Matlock.	

5.7 APPLICATION NO. 20/00345 (Presentation and Site Visit) 96 - 101

Works to remodel garden including steps down from back door made from composite decking and adjacent raised decking area. 10 Ednaston Court, Ednaston, Derbyshire, DE6 2DL.

6. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS 102 - 111

7. APPEALS PROGRESS REPORT 112 - 142

To consider a status report on appeals made to the Planning Inspectorate.

Members of the Committee:

Councillors Jason Atkin (Chairman), Richard Fitzherbert (Vice Chairman)

Robert Archer, Sue Bull, Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Clare Gamble, Stuart Lees, Garry Purdy, Peter Slack and Colin Swindell.

Nominated Substitute Members:

Jacqueline Allison, Paul Cruise, Helen Froggatt, Chris Furness, Peter O'Brien and Andrew Statham.

PUBLIC PARTICIPATION

Members of the public may make a statement, petition or ask questions relating to planning applications or other agenda items in the non-exempt section of an agenda at meetings of the Planning Committee. The following procedure applies.

- a) Public Participation will be limited to one hour per meeting, with the discretion to extend exercised by the Committee Chairman (in consultation) in advance of the meeting. On line information points will make that clear in advance of registration to speak.
- b) Anyone wishing to make representations at a meeting must notify the Committee Section before Midday on the working day prior to the relevant meeting. At this time they will be asked to indicate to which item of business their representation relates, whether they are supporting or opposing the proposal and whether they are representing a town or parish council, a local resident or interested party.
- c) Those who indicate that they wish to make representations will be advised of the time that they need to arrive at the meeting venue so that the Committee Clerk can organise the representations and explain the procedure.
- d) Where more than 2 people are making similar representations, the Committee Administrator will seek to minimise duplication, for instance, by establishing if those present are willing to nominate a single spokesperson or otherwise co-operate in the presentation of their representations.
- e) Representations will only be allowed in respect of applications or items which are scheduled for debate at the relevant Committee meeting,
- f) Those making representations will be invited to do so in the following order, after the case officer has introduced any new information received following publication of the agenda and immediately before the relevant item of business is discussed. The following time limits will apply:

Town and Parish Councils	3 minutes
Objectors	3 minutes
Ward Members	5 minutes
Supporters	3 minutes
Agent or Applicant	5 minutes

At the Chairman's discretion, the time limits above may be reduced to keep within the limited one hour per meeting for Public Participation.

- g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers
- j) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any comments by participants that are not directed to genuine planning considerations.

SITE VISITS

Members are asked to convene outside reception at the front entrance of Town Hall, Matlock at **10.15am prompt on Monday 28th June**, before leaving to visit the following sites. Please note that members are expected to make their own way to each site.

	Page No.
10:30am APPLICATION NO. 21/00201/FUL HALL, JACKSON ROAD, MATLOCK.	83 - 95
11:00am APPLICATION NO. 20/01332/FUL APPLICATION NO. 20/01333/LBALT 8-10 SNITTERTON ROAD, MATLOCK.	62 - 82
12noon APPLICATION NO. 20/01264/OUT LAND ADJACENT ASH COTTAGE, BRADBOURNE LANE, BRASSINGTON.	42 - 47
12:45pm APPLICATION NO. 20/01189/FUL LEYS FARM, WYASTON ROAD, ASHBOURNE, DE6 1NB.	25 - 41
1:30pm APPLICATION NO. 21/00345/FUL 10 EDNASTON COURT, EDNASTON, DERBYSHIRE, DE6 2DL.	96 - 101
2:30pm RETURN TO TOWN HALL, MATLOCK.	

COMMITTEE SITE MEETING PROCEDURE

The purpose of the site meeting is to enable the Committee Members to appraise the application site. The site visit is not a public meeting. No new drawings, letters of representation or other documents may be introduced at the site meeting. The procedure will be as follows:

1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting)
2. A representative of the Town/Parish Council and the applicant (or representative can attend.
3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.
4. The Planning Officer will give the reason for the site visit and point out site features.
5. Those present will be allowed to point out site features.
6. Those present will be allowed to give factual responses to questions from Members on site features.
7. The site meeting will be made with all those attending remaining together as a single group at all times.
8. The Chairman will terminate the meeting and Members will depart.
9. All persons attending are requested to refrain from smoking during site visits.

APPLICATION NUMBER		20/00893/FUL	
SITE ADDRESS:		Rosarium, Clifton Road, Ashbourne, DE6 1DT	
DESCRIPTION OF DEVELOPMENT		Erection of 10 no. dwellings with associated access, car parking, re-grading of site levels and retaining works	
CASE OFFICER	Mr Andrew Stock	APPLICANT	Mr Robert Hodgkinson
PARISH/TOWN	Ashbourne	AGENT	Andrew Mackley
WARD MEMBER(S)	Cllr T. Donnelly Cllr R. Archer	DETERMINATION TARGET	22 nd December 2020
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	Not required.

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 settlement; • Impact on residential amenity, and; • Highway safety.

RECOMMENDATION
<p>That authority be delegated to the Development Manager to grant planning permission subject to conditions and the applicant entering into a S106 planning obligation agreement to secure a financial contribution towards education facilities and tying the wider landholding requiring any further residential units (in addition to the 10 no. dwelling proposed) to comprise at least 30% of the overall total residential units to be 'affordable residential units' or an off-site contribution if the land is developed.</p>

1. THE SITE AND SURROUNDINGS

- 1.1 The application site lies within the defined settlement boundary of Ashbourne and is accessed directly off Clifton Road. The application site is elevated from Clifton Road and lies on the southern side of it. The site is now disused and overgrown, however, there are some remnants of the glass houses which occupied the site in its last use and a brick wall which is likely to have formed a rear wall to one of the glasshouses.
- 1.2 The application site is bounded by Clifton Road to the north, Rosarium Bungalow and Leaworth residential properties to the east, no. 26 Clifton Road to the south and the former Highfield House Nursing Home to the west. To the north of the application site, on the opposite side of Clifton Road lies the former Ashbourne Station engine shed which was built and completed in 1852. The engine shed is a large stone building and is a grade II listed building, listed as 'Frank Wrights Corn & Provender Mill' which is a 20th century use of the railway engine shed.



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the erection of 10 no. dwellinghouses with associated access, car parking, re-grading of site levels and retaining works, as illustrated on submitted revised plans date stamped 12th January 2021.
- 2.2 The application proposes the development of 5 no. pairs of two storey semi-detached dwellinghouses with the following housing mix:-

House Type	Number of units	Percentage
C (Two bed)	2	20%
B (Three bed)	6	60%
D (Four bed)	2	20%
Total	10	

- 2.3 House Type C (Plots 1 and 2) measures approximately 8m (W) x 9.7m (L) X 8 (H). Individually each unit comprises a lounge, WC and kitchen/dining area on the ground floor and 2 no. bedrooms and bathroom across the first floor.
- 2.4 House type B (Plots 3 to 8) measures approximately 8.6m (W) x 10.5m (L) X 8.2 (H). Individually each unit comprises a lounge, WC and kitchen/dining area on the ground floor and 3 no. bedrooms (1 with en-suite) and bathroom across the first floor.
- 2.5 House type D (Plots 8 to 10) measures approximately 10m (W) x 12.9m (L) x 8.5 (H). Individually each unit comprises a lounge, WC, hall, store and kitchen/dining area on the ground floor and 4 no. bedrooms (1 with en-suite) and bathroom and study across the first floor.
- 2.6 The dwellings are set out in a linear formation set back from and in line with Clifton Road. The dwellinghouses would have a uniform traditional design appearance with the inclusion of brick arched heads above the ground floor windows, decorative brick eaves bands, timber framed porch canopies and stone cills. The buildings would be constructed from red brick, set under a plain tiled roof.
- 2.7 The development would be accessed directly off Clifton Road via a single point of access midway along the Clifton Road frontage. On entering the site, the access road will turn left and right to serve the dwellings. Vehicular parking for 2 no. vehicles will be provided to the side of the dwellings set back from the principal elevations.
- 2.8 The applicant has advised the dwellings will be built to low energy standards through a fabric first approach with the roof, walls and floor suitably insulated and high specification glazing utilised. A high efficiency boiler will be specified which together with a suitable air tightness will minimise the impacts of uncontrolled air infiltration. The plots have also been positioned to assist with natural solar gain.
- 2.9 The application is accompanied by a Construction Ecological Management Plan, Landscape Biodiversity Enhancement Plan, Woodland Management Plan and Soft Landscape Proposal which proposes tree management and a comprehensive planting scheme including planting 21 no. new trees, native hedgerow mix, woodland understorey shrub mix, garden native shrub mix and grass across the wider site.

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
 - S10 Local Infrastructure Provision and Developer Contributions
 - PD1 Design and Place Making
 - PD3 Biodiversity
 - PD5 Landscape Character
 - PD6 Tree, Hedgerows and Woodlands
 - PD7 Climate Change
 - PD8 Flood Risk Management and Water Quality
 - HC1 Location of Housing Development
 - HC19 Accessibility and Transport
 - HC21 Car Parking Standards
- 3.2 Ashbourne Neighbourhood Plan (2021):
 - EMP1 Employment, Retention and Diversification

HOU1 Housing Mix
DES1 Design
AH1 Ashbourne Heritage
TRA1 Transport

- 3.3 Other:
National Planning Policy Framework (2019)
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- 4.1 0993/0694 Erection of 6 dwellings – REFUSED
- 4.2 02/10/0834 Residential development (outline) – WITHDRAWN
- 4.2 06/00721/OUT Residential development of 24 no. houses and bungalows, access and associated parking (outline) – WITHDRAWN

5. CONSULTATION RESPONSES

5.1 Town Council

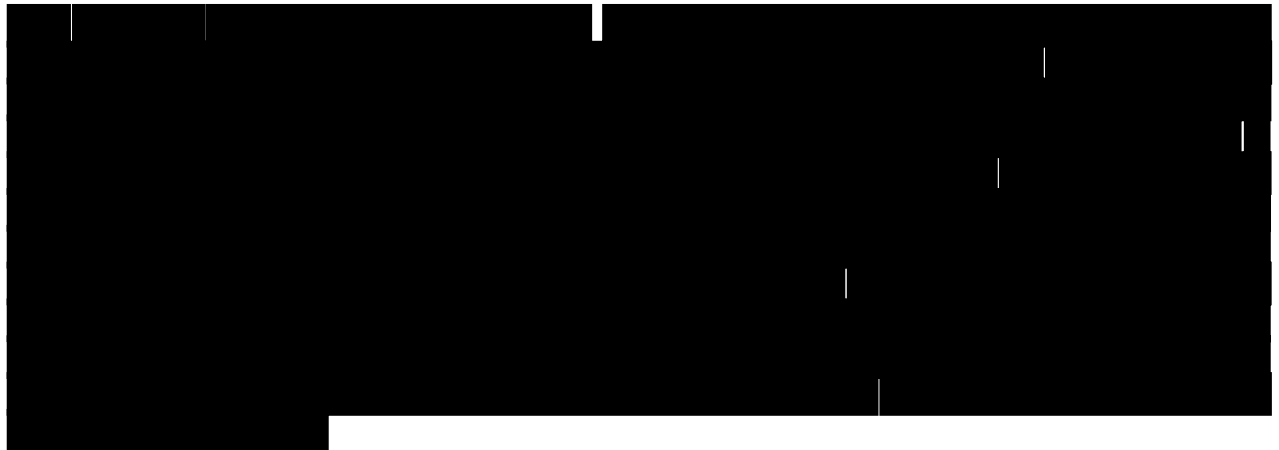
Objection – Members feel that this is an in-efficient use of the land.

5.2 Derbyshire County Council (Local Highway Authority)

No objection, subject to conditions.

5.3 Derbyshire Wildlife Trust

Initial response -



With regard to the loss of habitat we consider that this has not been fully addressed in the Preliminary Ecological Appraisal and that without further measures the development will result in a minor biodiversity loss with localised impacts for birds, bats [REDACTED]. However, the retention of the eastern half of the site which comprises a small deciduous woodland provides an opportunity for sympathetic management and enhancements that could ensure no net loss of biodiversity.

Final response –

The plans and Biodiversity Net Gain Assessment submitted have addressed the conditions that we recommended last November and the concerns that we raised at that time.

Provided that the above plans are implemented in full and that the woodland is managed for the next 30 years we consider that the development will not result in a net loss and that the biodiversity gains identified can in time be fully realised.

5.4 Derbyshire County Council (Strategic Planning)

Initial response –

The County Council requests financial contributions as follows:

- £34,353.18 for the provision of additional education facilities at St Oswald's C of E Primary School.
- £79,833.24 towards additional education facilities at Queen Elizabeth's Grammar School.

The above is based on current demographics which can change over time and therefore the County Council would wish to be consulted on any amendments to a planning application or further applications for this site.

Final response –

Following dialogue with the agent for the developer, Derbyshire County Council has reviewed the primary contribution request on the above site. The numbers for development in the Ashbourne primary schools' shared normal area also included the Ashbourne Airfield numbers (367 dwellings). This development however falls within a neighbouring normal area, and it is currently unknown whether the normal area school can expand sufficiently to accommodate the children arising from the development. It is recognised that given this uncertainty, a request for primary funding from the above development would not be CIL compliant and as such we will no longer request a contribution towards primary. There was also a slight miscalculation with regard to secondary funding request which I have taken the opportunity to correct. The County Council therefore requests financial contributions as follows:

- £79,520.73 towards additional education facilities at Queen Elizabeth's Grammar School.

5.5 Environment Agency

No formal comment to make.

5.6 Derbyshire County Council (Lead Local Flood Authority)

Initial response –

The proposed sewer the applicant intends to outfall to according the STW records in the submitted Flood Risk Assessment indicates the sewer is subject to a S104 agreement and has yet to be formally adopted by STW. Given the existing sewer has not been formally adopted it would suggest this is a relatively new sewer, therefore it is unclear if it has been designed to accept an additional inflow into it or has sufficient capacity to accept the proposed discharge rate from the site. Given Infiltration testing has not been undertaken and the sewer is the only other identified possible outfall, the LLFA would expect the applicant to consult with Severn Trent Water to ascertain if the sewer has sufficient capacity to accept the proposed discharge rate as the sewer could be the only viable outfall for surface water off site.

Final response -

No objection, subject to conditions.

5.7 Trees and Landscapes Officer

Initial response –

Having reviewed the Arboricultural Impact Assessment survey and report (Report Ref BG20.179., dated July 2020), I am satisfied that the proposed tree removals are reasonable and are necessary in order to facilitate the proposed development. The trees indicated for removal have low amenity value. Tree protection measures should follow exactly the recommendations in the report, subject to the following;

1. Facilitation pruning of the group of trees off-site and located in neighbouring land to the immediate south-west of the site. Further details of the proposed pruning that is required should be submitted for approval. My concern is that the affected trees may be pruned to the extent that they may become unstable, unviable or exposed to entry of disease/decay through large pruning wounds

2. Shading of the plot at the south-western end of the development – plot 10. This plot would be close to large retained trees which are located to the southwest of the plot. These off-site trees may have the potential to cast shade across the gardens and house for a large part of the day. More accurate / clear shading plans for this part of the site should be submitted for consideration.

3. Replacements have been proposed in the form of a linear planted feature to the road frontage consisting of rowan trees. I suggest that diversity is increased by planting 3 or 4 different species. This would be beneficial to biodiversity, disease resilience and would create a more interesting landscape feature. Perhaps apple, birch, Scots pine and rowan in equal numbers would be acceptable to the applicant. A Landscape Plan should be submitted for approval to include a planting schedule.

4. The Root Protection Areas of trees off-site in neighbouring land to the immediate south-west of the site are not clear from the report. Also, the positions of the temporary tree protection fencing and temporary ground protection are not clear. A larger scale plan of this area of the site should be submitted for approval that shows this information in better detail and superimposed on a proposed site layout.

Final response –

I have reviewed the documents you sent to me and am satisfied with the arboricultural and soft landscaping aspects of the proposals. Tree protection as described in the arboricultural report should be conditioned.

5.8 Conservation Officer

It is considered that the proposed development would constitute a neutral effect on the significance & setting of the listed building.

5.9 Ward Member (Cllr Robert Archer)

I believe that this site is suitable for development due to the fact that it currently serves no real purpose and it is close to town centre and amenities. However, the impact of increased traffic needs to be carefully assessed as this road is already busy and difficult for pedestrians to cross.

5.10 Environmental Health Officer

No objection, subject to conditions.

6. REPRESENTATIONS RECEIVED

6.1 A total of 3 letters of objection have been received. A summary of the representations are outlined below:

Impact on residential amenity:

- Loss of turning space
- Concern over earth movement
- Future maintenance of their land
- Overlooking
- Light pollution from car lights
- Loss of green space

Highway Safety:

- Obstructing existing parking/turning arrangements
- Dangerous vehicle movements

Character and appearance:

- Grey roofs are not appealing

Other matters:

- Inaccurate speed survey due to Covid19
- Impact on ecology (inc protected species)

7. OFFICER APPRAISAL

7.1 Having regard to the policies contained within the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework, 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 settlement;
- Impact on residential amenity, and;
- Highway safety.

Principle of the development, having regard to its location

7.2 The application site is located within the defined settlement boundary of Ashbourne which is designated as a first tier settlement within Policy S2 in the Adopted Derbyshire Dales Local Plan (2017).

7.3 Tier 1 settlements are identified as the District's main towns which are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres. They will continue to provide significant levels of jobs and homes, together with supporting community facilities and infrastructure to meet their economic potential in the most sustainable way, consistent with maintaining or enhancing key environmental attributes.

7.4 Policy HC1 of the Adopted Derbyshire Dales Local Plan (2017) sets out that the District Council will ensure provision is made for housing by promoting the effective reuse of land by encouraging housing development including redevelopment, infill, conversion of existing dwellings and the change of use of existing buildings to housing, on all sites suitable for that purpose.

7.5 As the site is brownfield land, and has been derelict for some years and is located within the defined settlement boundary of Ashbourne, the proposed residential development is considered to be acceptable, in principle.

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

7.6 Policy S3 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with development within defined settlement boundaries and states that planning permission will be granted for development where the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located, the access would be safe and the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development; it would have a layout, access and parking provision appropriate to the proposed use, site and its surroundings; and it does not conflict with any other relevant policy of this Local Plan.

7.7 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) relates to design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development so as not to cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

7.8 Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017) seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement.

7.9 The application site is elevated from Clifton Road and lies on the southern side of it. The site is now disused and overgrown, however, there are some remnants of the glass houses which occupied the site and a brick wall which is likely to have formed a rear wall to one of the glasshouses. To the north of the application site, on the opposite side of Clifton Road lies the former Ashbourne Station engine shed which was built and completed in 1852. The engine shed is a large stone building and is a grade II listed building, listed as 'Frank Wrights Corn & Provender Mill' which is a 20th century use of the railway engine shed.

7.10 The immediate area is characterised by rows of two storey terrace housing which front the highway (Clifton Road) with larger detached two storey and single storey houses in big plots behind. Following amendments to the originally submitted scheme the application now proposes the erection of 5 no. pairs of two storey semi-detached dwellings. The dwellings are set out in a linear formation set back from and in line with Clifton Road. The dwellinghouses would have a uniform traditional design appearance with the inclusion of brick arched heads above the ground floor windows, decorative brick eaves bands, timber framed porch canopies and stone cills. The buildings would be constructed from red brick, set under a plain tiled roof.

7.11 Following amendments it is considered that the general design, scale, layout and appearance of the proposed development of 10 no. dwellings would continue the existing built form which can be seen along Clifton Road. It is however noted that none of the dwellings have chimneys, it is therefore considered to be appropriate to include a condition to secure the inclusion chimneys which should straddle the ridgeline on each gable end. It is considered that the proposed development, subject to conditions, is considered to respond positively to the prevailing character of the street-scene and would not result in a detrimental impact upon the character and appearance of the immediate or wider area. The Councils Conservation Officer comments that the proposed development would constitute a neutral effect on the significance and setting of the adjacent listed building (Frank Wrights Corn & Provender Mill).

7.12 It is acknowledged that the site contains a number of trees, however none of these are subject to Tree Preservation Orders. The application is accompanied by a Construction Ecological Management Plan, Landscape Biodiversity Enhancement Plan, Woodland Management Plan and Soft Landscape Proposal which proposes tree management and a comprehensive planting scheme. The documents have been assessed by the Councils Trees and Landscape Officer who concludes as the trees indicated for removal have low amenity value, and the proposed tree removals are reasonable and are necessary in order to facilitate the proposed development, there is no objection to the extent of tree removal in this case. As part of the development a comprehensive planting scheme including 21 no. new trees, native hedgerow mix, woodland understorey shrub mix, garden native shrub mix and grass will be planted across the wider site. Derbyshire Wildlife Trust supports the Landscape Biodiversity Enhancement and Woodland Management Plan together with the soft landscaping plans. It is considered that the development would not have any significant adverse impact on either landscape character or visual amenity in this regard.

Impact on residential amenity

7.13 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development so as not to cause unacceptable effects by reason of noise or other adverse impacts on local character and amenity.

7.14 The application site is bounded by a number of residential properties of varying sizes including Rosarium Bungalow which lies approximately 18 metres to the east, Leaworth approximately 23 metres to the south-east and no. 26 Clifton Road approximately 23 metres to the south. The former Highfield House Nursing Home adjoins the site to the west. The application site is set down from the immediate neighbours as the site is set over a varying gradient level sloping from south-east towards the highway. The application proposes the erection of 5 no. pairs of two storey semi-detached dwellings which will front the highway (Clifton Road) and will be laid out in a linear formation parallel with Clifton Road. Given the topography of the land, distances between existing neighbouring properties and the scale of the proposed dwellings it is considered the proposed development would not result in an overbearing or overshadowing impact on the occupants of the closest neighbouring dwellings, which lie over 18 metres from the nearest proposed new dwellinghouse.

7.15 The closest dwelling would be Plot 1 to Rosarium Bungalow, however it is afforded a minimum gap of approximately 18 metres to the proposed curtilage and is offset to the existing dwelling. Having regard to the proposed layout, siting, density, scale and orientation of development it is considered that there is sufficient separation from the existing dwellings to the proposed development of 10 no. dwellings for there not to be any significant direct overlooking between the properties.

7.16 Whilst the comments of local residents are noted it is considered that the proposed development is not considered to result in any significant loss of privacy or amenity for the occupants of existing neighbouring properties or future occupants of the proposed dwellings.

Highway safety

7.17 Clifton Road is a Classified A Road subject to 30mph speed limit. The development would be accessed directly off Clifton Road via a single point of access midway along the Clifton Road frontage. On entering the site, the access road will turn left and right to serve the dwellings.

- 7.18 The Local Highway Authority comment that the site access has a minimum effective width of 4.8m, which is acceptable for an un-adopted development of this scale in accordance with the Delivering Streets and Places Design Guide. The applicant has demonstrated vehicular visibility splays of 2.4m x 47m are achievable at both side of the site access, in accordance with Manual for Streets 2 (MfS2). The site frontage is an extension of the existing footway and verge, and links in on both sides with a varying width between 4.5m – 7m. Therefore, pedestrian visibility splays of 2m x 2m are effectively achievable at the site access.
- 7.19 It is proposed the site will have a maximum gradient of 1/14 for the first 5m behind the highway boundary, which is considered acceptable by the Local Highway Authority given the site constraints. Clifton Road is at a level of approximately 119.7m in the region of plot nine and hence the first five metres level would extend to 120.36m. Thereafter it is proposed the road would rise in a south-easterly direction over a length of approximately 84 m to a level of 127.5m.
- 7.20 Vehicular parking for up to 2 no. vehicles will be provided per dwellinghouse. With regard to the internal layout the Local Highway Authority considers the level of parking provided to be acceptable and in accordance with the Delivering Streets and Places Design Guide given the quantum of development proposed. Furthermore, the Local Highway Authority is satisfied that the site affords sufficient turning facilities in order to enable service and delivery vehicles to enter and exit the site in a forward gear.
- 7.21 The Local Highway Authority conclude that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and/or planning obligations outlined in this report. No objections are therefore raised against the application, subject to conditions.

Other matters

- 7.22 Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design.
- 7.23 The applicant has advised the dwellings will be built to low energy standards through a fabric first approach with the roof, walls and floor suitably insulated and high specification glazing utilised. A high efficiency boiler will be specified which together with a suitable air tightness will minimise the impacts of uncontrolled air infiltration. It is acknowledged that the plots have been positioned to assist with natural solar gain and could benefit from solar panels to the roof. The Local Planning Authority welcome the development could also include water efficiency measures such as and incorporating rainwater harvesting in the form of water butts. An appropriately worded condition will include to any approval. To this end, it is considered that the development would achieve some of the aims of limiting the carbon footprint that would be associated with the development and is deemed to be in reasonable compliance with Policy PD7 of the Adopted Local Plan (2017) given the location and nature of the development proposal.
- 7.24 Policy HC4 of the Adopted Derbyshire Dales Local Plan seeks to maximise the delivery of affordable housing across the plan area by working in partnership with the Homes and Community Agency, Registered Providers, Developers and Local Communities. In order to address the significant need for affordable housing across the plan area, all residential

developments of 11 dwellings or more or with a combined floor-space of more than 1000 square metres should provide 30% of the net dwellings proposed as affordable housing. The proposed development would fall short of the above thresholds of 11 dwellings or more or with a combined floor-space of more than 1000 square metres and therefore Policies HC4 and HC14 do not apply to this application. The applicants have advised that the wider parcel of land (edge blue) on the site layout plan is undevelopable given the constraints of the land which include its topography and Tree Preservation Orders which are present onsite. Notwithstanding whether or not it is practicable or feasible to develop the land for residential purposes the Local Planning Authority considers that the wider site (edge blue) should be tied by a planning obligation agreement requiring any further residential units (in addition to the 10 no. dwelling proposed) to comprise at least 30% of the overall total residential units to be 'affordable residential units' or an off-site contribution if the land is developed. This would be secured by a Section 106 Obligation, subject to any approval.

7.25 Policy S10 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will work with partners to ensure that infrastructure will be in place at the right time to meet the needs of the District and to support the development strategy. New development will only be permitted where the infrastructure necessary to serve it is either available, or where suitable arrangements are in place to provide it within an agreed timeframe. Arrangements for the provision, or improvement of infrastructure directly related to a planning application will be secured by planning obligation or, where appropriate, via conditions attached to a planning permission.

7.26 Derbyshire County Council Strategic Planning Team has advised that there would be a need to mitigate the impact of the proposed development on school places, specifically secondary school places which do not have sufficient capacity to accommodate additional pupils generated by the proposed development. The County Council requests financial contribution of £79,520.73 towards additional education facilities at Queen Elizabeth's Grammar School. The applicant accepts this figure and will be secured by a Section 106 Obligation, subject to any approval.

7.27 The application is accompanied by a Flood Risk Assessment which indicates that the development intends to outfall into an existing sewer. The Lead Local Flood Authority has advised that as the existing sewer has not been formally adopted therefore it is unclear if it has been designed to accept any additional inflow into it or has sufficient capacity to accept the proposed discharge rate from the site. The applicant has submitted an updated drainage strategy which has been reviewed by the Lead Local Flood Authority which clarifies the matter. The Lead Local Flood Authority conclude that they raise no objection to the application following the submission of the updated information, subject to conditions.

7.28 Turning to the impact of the development on the local environment and, in particular protected species the application is accompanied by Preliminary Ecological Appraisal. [REDACTED]

With regard to bats the appraisal confirms the small building on site it identified as having low bat roost potential. [REDACTED]

[REDACTED] Furthermore it is advised that there could also be a loss of breeding and foraging habitat for birds and a small risk to reptiles. Following the response by Derbyshire Wildlife Trust the applicants have submitted a Landscape, Biodiversity Enhancement and Woodland Management Plan, Biodiversity Impact Assessment for Net Gain, Supporting BNG Metric, Construction Ecological Management Plan and Arboricultural Impact Assessment Survey and Report for consideration. Following the additional information submitted by the applicants Derbyshire Wildlife Trust concludes that the assessment has demonstrated a potential net gain for habitats, and linear features at the site. They consider the Landscape, Biodiversity

Enhancement and Woodland Management Plan together with the soft landscaping plans have addressed all of the issues previously raised and finally they consider the Construction Environmental Management Plan to be acceptable which includes mitigation measures in relation to breeding birds [REDACTED]. Given the above, and subject to compliance with the submitted documents, the proposed development will not have any impacts on bats or other protected species and as such the Local Planning Authority can be confident that protected species issues have been addressed.

Conclusion

7.29 The proposed development would constitute a sustainable form of residential development and will contribute towards the overall housing need in the District through re-use of redundant land which is considered not to have an adverse impact on the amenities of neighbouring properties or create a detrimental impact on the character and appearance of the immediate or wider setting of Ashbourne.

7.30 Taking the above into consideration and subject to conditions the application satisfies the relevant provision of the Adopted Derbyshire Dales Local Plan (2017) and planning permission be granted subject to the applicant entering into a S106 planning obligation agreement to secure a financial contribution towards education facilities and tie the wider landholding requiring any further residential units (in addition to the 10 no. dwelling proposed) to comprise at least 30% of the overall total residential units to be 'affordable residential units' or an off-site contribution if the land is developed.

7.31 A recommendation of approval is put forward on this basis.

8. RECOMMENDATION

That authority be delegated to the Development Manager to grant planning permission subject to conditions and the applicant entering into a S106 planning obligation agreement to secure a financial contribution towards education facilities and tying the wider landholding requiring any further residential units (in addition to the 10 no. dwelling proposed) to comprise at least 30% of the overall total residential units to be 'affordable residential units' or an off-site contribution if the land is developed:

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

Reason:

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

2. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority on the 12th January 2021.

Reason:

For the avoidance of doubt.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations shall be made to the hereby approved dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To preserve the appearance of the dwelling and to protect the amenity of neighbouring properties in accordance with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

4. Samples of any new materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be constructed in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

6. Notwithstanding the submitted drawings, constructional drawings of the chimney stacks (inc a plan illustrating their locations on each plot) shall be submitted to and approved in writing by the Local Planning Authority. The chimney stack shall then be installed in accordance with the approved details and so retained.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

7. The approved soft landscaping plan 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 first use or occupation of any the hereby approved dwellinghouses.

Reason:

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

8. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on approved plans (Master Plan drawing number 20-369-01B) have been implemented in full.

Reason:

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

9. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 47 metres in both directions have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 1.0m (0.6m if vegetation) above the level of the adjacent carriageway channel level.

Reason:

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

10. The proposed access shall be no steeper than 1:14 for the first 5m from the nearside highway boundary.

Reason:

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

11. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the approved plans (Master Plan drawing number 20-369-01B). Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason:

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

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

Reason:

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

13. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason:

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

14. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within: a. Jackson Purdue Lever. (27/01/2021). HGK01754-1RP, Drainage Strategy, Clifton Road, Ashbourne.001754-JPL-ZZ-ZZ-RP-D-2001-A1-C03 including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team, b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted

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

Reason:

To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy: I. into the ground (infiltration); II. to a surface water body; III. to a surface water sewer, highway drain, or another drainage system; IV. to a combined sewer.

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

Reason:

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

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

Reason:

To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

18. The approved Construction Ecological Management Plan (Ecology) (Brindle and Green, Ecological Consultants, March 2021), the Landscape, Biodiversity Enhancement and Woodland Management Plan (Brindle and Green, Ecological Consultants, February 2021) and the soft landscaping scheme (BG20.179.6 Soft Landscaping Scheme – Final) shall be implemented in full and the Landscape, Biodiversity Enhancement and Woodland Management Plan should be implemented in full for a 30 year period, unless otherwise agreed in writing with the local planning authority.

Reason:

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

19. The approved tree protection measures, as described in the arboricultural report shall be implemented in full.

Reason:

To ensure a satisfactory landscaped appearance of the development in accordance with Policies S3, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

20. Development shall not commence until an assessment of the risks posed by any contamination and ground gases and vapours has been submitted in writing to and approved in writing by the local planning authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.

Reason:

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

21. Where the approved risk assessment (required by Condition 20) identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination or gases or vapours has been submitted in writing to and approved in writing by the Local Planning Authority.

Reason:

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

22. Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme (required by Condition 21) shall be implemented and a verification report submitted in writing to and approved in writing by the local planning authority, before the development is first occupied or brought into use.

Reason:

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

23. No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours 0800 – 18:00 Monday to Friday, 0800 – 13:00 Saturday and at no time on Sundays, Bank or Public Holidays.

Reason:

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

24. Prior to the commencement of development details of water efficiency measures such as incorporating rainwater harvesting in the form of water butts shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason:

In the interests of climate change minimisation in accordance with Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

25. Prior to first occupation of the dwellings hereby approved, a timetable for the delivery of the soft landscaping areas and details of the legal and funding mechanism for the management of all landscaped areas (excluding private gardens) shall be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. The approved details shall thereafter be delivered and managed in perpetuity in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development in accordance with the aims of 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.

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. Pursuant to Section 72/278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.

4. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr Kevin Barton in the Economy, Transport and Communities Department at County Hall, Matlock (tel: 01629 538658 or email: kevin.barton@derbyshire.gov.uk). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

5. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and

deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

6. The applicants attention is drawn to the Lead Local Flood Authority's Advisory/Informative Notes, letter dated 21st April 2021 (Ref: DDDC/2020/39) 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.

7. The pre-commencement conditions attached to this permission have been imposed having served the requisite notice on the applicant(s) and having received a positive response (deemed or otherwise) under section 100ZA(5) of the Town and Country Planning Act 1990.

8. This decision notice relates to the following documents:

Master Plan dwg.no 20-369-01B

Site Sections / Street Scene dwg.no 20-369-07B

B Type Floor Plans and Elevations dwg.no 20-369-03

C Type Floor Plans and Elevations dwg.no 20-369-04

D Type Floor Plans and Elevations dwg.no 20-369-09A

APPLICATION NUMBER		20/01189/FUL	
SITE ADDRESS:		Leys Farm, Wyaston Road, Ashbourne, DE6 1NB	
DESCRIPTION OF DEVELOPMENT		Hybrid planning application comprising of a full planning application for the demolition of existing buildings and erection of a care home (Use Class C2) with associated parking, access and landscaping and an outline planning application for the erection of up to 9no. dwellinghouses with approval being sought for access	
CASE OFFICER	Mr Andrew Stock	APPLICANT	Perseus Land and Developments Ltd
PARISH/TOWN	Ashbourne	AGENT	Gillings Planning
WARD MEMBER(S)	Cllr T. Donnelly Cllr R. Archer	DETERMINATION TARGET	4 th March 2021
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	To appreciate the proposal in the context of its surroundings

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of development, having regard to its location; • The loss of a non-designated heritage asset and the impact on character and appearance of this part of the settlement, • Impact on residential amenity, and; • Highway safety.

RECOMMENDATION
Refusal.

1. THE SITE AND SURROUNDINGS

- 1.1 The application site lies outside the defined settlement boundary for Ashbourne and is accessed via an existing entrance directly off Wyaston Road. Leys Farm contains the host farmhouse and its associated buildings which are laid out in a courtyard formation in the south-east corner of the site. The farmhouse is a large two storey detached dwelling with a single storey lean-to extension. The barns are red brick single storey buildings arranged in an L-shape to the west and north of the farmhouse. The existing farmstead (dating from 1830) is deemed to be a non-designated heritage asset. A selection of modern agricultural style (timber and concrete) buildings lie to the north and west of the farmhouse.
- 1.2 The application site and its immediate surroundings contain a number of trees, of note are 4 no. Scots Pine trees protected by Derbyshire Dales District Council TPO/107/G5. The site is bounded by nos 1, 3, 5, 7 and 15 Premier Avenue to the north, Wyaston Road to the east and recently approved and partially completed residential development site of 113 no. dwellinghouses (application ref: 17/00250/REM) to the south and west. Hilltop Primary and Nursery School lies adjacent of the application site to the east of Wyaston Road.
- 1.3 The application site lies within Flood zone 1 - land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).



2. DETAILS OF THE APPLICATION

- 2.1 This hybrid application is split into two elements. Full planning permission is sought for the demolition of the existing buildings and erection of a care home (Use Class C2) with associated parking, access and landscaping. The second element of the application seeks Outline planning permission for 9 no. dwellings with all matters reserved except for access.
- 2.2 The care home would contain 64 bedrooms with en-suites for the elderly with associated amenity facilities including a café, library, dining rooms, quiet lounges, activity rooms, a cinema and a shop/hairdresser. The care home will be dual-registered for nursing and residential care. The accommodation and amenity facilities will be set over two storeys with

rooms with the roofspace. The car home building is set in a U-shape formation with a south facing courtyard area. The two wings of the building would be connected via a central glazed link. The ground floor will contain 23 bedrooms, first floor with 23 bedrooms and second floor with 18 bedrooms. The applicant advises that the building is designed to be operated in wings/floors which can potentially provide for differing needs and could enable the provision of dementia-specific care.

- 2.3 A comprehensive landscaping proposal accompanies the application which proposes the creation of formal courtyard to the south of the building with an area of seating and pockets of planting. A wildlife and growing gardens are proposed within the courtyard. A row of trees are proposed to be planted along the northern boundary of the application site with a wider planting scheme proposed throughout the development.
- 2.4 An Energy and Sustainability Statement accompanies the application which states that a comprehensive energy strategy has been devised to reduce the energy use and improve the performance of the new development against Building Regulations Part L baseline. The strategy is based on passive design measures utilising building form, massing and glazing ratios to exploit the natural surroundings of the site to help reduce energy demand: these measures include improved U-values for the floor, roof and glazing; active design measures to reduce the demand for energy at the new care home: space heating via heat pumps alongside gas boilers, hot water delivery via stand-alone hot water boiler with assumed delivery efficiency of 91%, high efficiency LED lighting, etc; and low carbon and renewable energy: 250m2 of roof mounted photovoltaic panels to meet a proportion of the site's electricity requirements.
- 2.5 A substation and pumping stations are proposed to be sited towards the north-east corner of the site, north of the access.
- 2.6 The second element of the application seeks Outline planning permission for 9 no. dwellings with all matters reserved except access. The overall housing mix comprises of the following:-

House Type	Number of units
Three bed	7
Four bed	2
Total	9

- 2.8 The development would comprise of 3 and 4 bedrooms dwellings and would be provided over two and a half storeys with accommodation within the roof-space. The submitted indicative site layout plan shows 3 no. detached dwellings and 6 no. semi-detached dwellings which would be accessed via a single service road which runs parallel with the northern boundary of the application site. Vehicular parking for up to 2 no. vehicles would be provided to the front or side of the dwellings. The dwellings would follow the general pattern of development to the recently approved and partially completed development of 113 no. dwellinghouses to the south and south-west of the application site, known as Henmore Gardens.
- 2.9 A single vehicular access point into the site is proposed directly off Wyaston Road to serve the care home and the 9 no. dwellings.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
 - S1 Sustainable Development Principles
 - S2 Settlement Hierarchy
 - S4 Development in the Countryside
 - S8 Ashbourne Development Strategy

S10 Local Infrastructure Provision and Developer Contributions
PD1 Design and Place Making
PD2 Protecting the Historic Environment
PD3 Biodiversity
PD5 Landscape Character
PD6 Tree, Hedgerows and Woodlands
PD7 Climate Change
PD8 Flood Risk Management and Water Quality
HC1 Location of Housing Development
HC11 Housing Mix and Type
HC19 Accessibility and Transport
HC21 Car Parking Standards

3.2 Ashbourne Neighbourhood Plan (2021):
EMP1 Employment, Retention and Diversification
HOU1 Housing Mix
DES1 Design
AH1 Ashbourne Heritage
TRA1 Transport

3.3 Other:
National Planning Policy Framework (2019)
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

4.1 0798/0455 Conversion of agricultural buildings to dwelling – GRANTED

5. CONSULTATION RESPONSES

5.1 Town Council

No Objection - Members did raise concerns regarding congestion in the immediate area, whether there would be sufficient parking on site, and the splay of access and visibility.

5.2 Derbyshire County Council (Local Highway Authority)

Initial response –

At this stage I would request that the egress to the proposals are considered further to provide a solution that can be used by the likely large vehicles visiting the site without prejudicing pedestrian safety, and demonstrate how the one-way arrangement can be satisfactorily enforced.

Final response –

The applicant has now amended the proposed access to the proposals and relocated it away from the pedestrian refuge, utilising and modifying the existing southern access. Although the entry and exit manoeuvres are still tight for the maximum 11.6m refuse vehicle, there is no conflict with the pedestrian refuge or footways. The swept paths also demonstrate that the refuse vehicle is able to turn within the site. As stated previously the road would not be considered for adoption and may not be accessed by the refuse collection vehicle – should this be the case, the reserved matters application will need to demonstrate an area of hardstanding adjacent to the adopted highway for the temporary storage of bins, clear of the footway, on collection day.

5.3 NHS Derby and Derbyshire Clinical Commissioning Group

I can confirm that we will not be making a request for this development.

5.4 Head of Housing (Derbyshire District Council)

There appears to be no specific link to the provision of affordable housing given the class of the main development and the number of proposed open market properties. I note that Derbyshire County Council have previously provided comments specifically relating to elderly care needs. My only suggestion would be for the developer to seek the input of local GP and primary care services.

5.5 Environment Agency

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

5.6 Environmental Health Team (Derbyshire Dales District Council)

Initial response –

I have no objections to this application in principle. However I have the following comments/recommendations to make:

- Could you clarify where the proposed bin store for the care home will be positioned.
- Could you confirm the location of the proposed 'growing garden' and any further details regarding this proposal in relation to ground conditions identified on site in the Phase II report.
- The recommendations of the asbestos report must be adhered to and any further findings during construction must be reported to the Local Authority along with any mitigation measures identified by the developer.
- I would also request that full details of the plant room and kitchen equipment is provided for consideration in regards to noise, in order to agree suitable mitigation to prevent excess noise having an impact on existing residential properties and the proposed development itself.
- I would also recommend that a condition is applied to this application regarding permitted hours of work i.e. no works, including vehicle movement/deliveries to or on site are to take place before 8am and after 6pm Mon - Friday and 8am - 1pm Saturday with no working on Sundays or bank holidays for the duration of the development.
- The recommendations in the Phase II Ground Investigation report must also be adhered to with the following conditions applied to the application: (our standard contaminated land conditions, requiring a remediation scheme and validation report).

Final response –

I am satisfied with the information provided regarding the bin store, proposed allotment and that the asbestos and contaminated land reports will be adhered to; although I will still recommend that the contaminated land conditions are applied so that a full remediation

scheme followed by a verification scheme will be submitted. Please could you apply a condition relating to the plant room; specifying that full details of the plant room and kitchen equipment are provided once this has been decided. As per my previous comments, I would also recommend hours of operation are applied to this application by condition.

5.7 Trees and Landscapes Officer (Derbyshire Dales District Council)

Initial response –

The Tree Survey Report / Arboricultural Impact Assessment / Arboricultural Method Statement produced by The Landscape Partnership and dated October 2020 has been studied carefully but unfortunately it does not contain or present all the required information in a sufficiently understandable way. The information submitted in the Drawing titled Arboricultural Impact Assessment and Arboricultural Method Statement, drawing number B18095-TLP-601 is very unclear/inadequate such that I am currently unable to comment on the arboricultural impact of the proposals or the appropriateness of tree protection systems to be employed. I suggest that the report is rewritten to follow the guidelines of BS5837:2012 and allow unambiguous interpretation.

Final response –

The final plans have resulted from my discussions with the applicants arboricultural consultants regarding the tree at the entrance to the site to allow it to be retained with less impact to its rooting system. The design shown in the latest proposals is what I have agreed is acceptable to me.

5.8 Force Designing Out Crime Officer

In respect of the full portion of the application for a 64 bed care home, there are no objections to the proposal in principle or in detail. In respect of the outline portion of the application for a small residential development, there are no objections to this in principle and indicative detail looks unproblematic.

The scheme(s) as proposed are self-contained, which in my view is appropriate given the scale, context and use, particularly concerning the care home site. On first read of the supporting planning statement there is some suggestion of connections to the neighbouring Henmore Gardens development. I would advise against this as any very minor advantages, if any, in connectivity would be outweighed by compromises in territoriality and the balance of space hierarchy for the likely areas concerned. Connectivity for Henmore Gardens is well served by the proposed footpath link to Wyaston Road on the edge of this application site, with circulation for the proposed site being well served by the new access road. I'd add that the design and access statement supporting the application is not available online, so if this matter is considered to any degree within this document, the arguments have not been seen or considered.

5.9 Derbyshire County Council (Strategic Planning)

There would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms as the normal area secondary school would not have sufficient capacity to accommodate the additional pupils generated by the proposed develop. The County Council therefore requests financial contributions as follows:

- £79,520.73 towards additional education facilities for 3 secondary (with post 16) pupils at Queen Elizabeth Grammar School.

The above is based on current demographics which can change over time and therefore the County Council would wish to be consulted on any amendments to a planning application or further applications for this site.

5.10 Derbyshire Wildlife Trust

Initial response –

We have reviewed the Updated Preliminary Ecological Appraisal and the Tree Survey Report prepared by the Landscape Partnership Ltd (December, 2020) and the Bat Activity Survey Report prepared by Elite Ecology (June, 2020). We consider that the surveys have been undertaken to an acceptable standard and provide the Local Planning Authority with sufficient information to understand the likely impacts on biodiversity at the site.

At present the area of wild flower rich grassland that is proposed is considered too small to fully compensate for the loss of the existing grassland at the site. We would advise the Local Planning Authority to request that this habitat type is increased within the landscaping design for the site. The gardens and new trees and shrubs offer an opportunity to establish beneficial plants for pollinating insects and birds throughout the site. We consider that an area of new native ‘scrub’ should be planted within the layout to compensate for the loss of scrub and to benefit birds. If these changes can be accommodated within the design and included within a Biodiversity Enhancement Plan we consider that a net loss of biodiversity can be avoided.

Final response –

We have reviewed the Updated Preliminary Ecological Appraisal and the Tree Survey Report prepared by the Landscape Partnership Ltd (April 2021). Additional areas are now identified for establishing more diverse seed mixes and this will help to address the loss of the species poor grassland found at the site. Native tree and shrub species are also identified on the Landscape Masterplan and additional areas of scrub-like habitat have been retained. The full details for enhancements including species to be used, planting methods and aftercare and management could be provided to the Local Planning Authority in the form of a Landscape and Biodiversity Enhancement Plan as recommended below. We would advise the Local Planning Authority to ensure that the development is implemented in accordance with the Landscape Masterplan (Drg No: 101E, 23/10/2020) contained within Appendix 4 of the updated Preliminary Ecological Appraisal.

5.11 Lead Local Flood Authority (Derbyshire County Council)

Initial response –

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application. In order to fully review this planning application the LLFA requires further information as listed below:

- A Flood Risk Assessment has been provided by the applicant which is satisfactory to LLFA.
- A Geocellular attenuation tank has been proposed which is to be constructed under a new road, roads with underground attenuation tanks are not to be adopted, can the applicant clarify this, and the applicant may need to reconsider alternative location of the attenuation tank.
- An impermeable area plan should be provided identifying which impermeable areas drain to which pipe, it is not clear how the road areas are drained off, location and type of gullies to be provided and shown on the plan. (Refer to section J of this document)

- A plan showing pipe numbers (pipe numbers used in the calculations, please refer to section I of this document)
- A silt trap device should be provided upstream of the attenuation tank, applicant to provide details and location the silt trap.
- Details and design of pumping stations to be submitted (this can be provided at detailed design)
- The drainage calculations submitted by the applicant has predicted flood risk for 1 in 100 year storm plus 40% climate change between manholes S1 to S6. A plan to demonstrate containment within the site of flooded areas for the critical 1 in 100 year storm plus 40% climate change is required also to assess consequential flooding and flow paths of excess water when the 1 in 100 year rainfall event is exceeded (refer to section J bullet point No 3).
- Topographic survey of the site required.

These details are required at the early planning stage to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage.

Final response –

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 09/04/2021. The Lead Local Flood Authority has no objection to the application, subject to conditions.

5.12 Urban Design Officer (Derbyshire County Council)

I have the following observations.

1. The building is offset from the rear of the properties in Premier Avenue but at an angle. It will form a continuous backdrop to these properties which may look odd when viewed between the gaps between the houses. This would very much rely on the tree planting along the service road to mitigate these views, however, the trees must be well chosen to be of a medium clean bowled height, allowing for filtered sunlight into the rear gardens of the properties on Premier Avenue.

2. The effect of having flat square dormers can be to effectively over emphasis a the third level within the roof. I appreciate the architects have made attempts to reduce the continuous run of these and to add hipped roofs on the south east corner, however, I still think the amount on the North West Elevation gives a more dominant impression of height to the building.

3. The amount and quality of garden space on this north western boundary is compromised by the service road and I am unsure as to whether this would be a pleasant outlook/aspect for residents. In general it seems a lot of building to little amenity space. I can see that this is outweighed by well designed gardens next to the public open space on the South-East Boundary so perhaps this is enough.

4. The main entrance, North East elevation is well set back from the road and is well balanced with the two gables. The entrance and exit are close to the roundabout. The current entrances are low key in appearance whereas these will be upgrades and more urban in character. I have wondered if the site could have been separated to have two entrances. One for residents from the housing estate and therefore connecting the residential uses and integrating them more. The service entrance remaining off the roundabout but only one entrance. This is a community connectivity issue and I am not commenting from a highways perspective.

5. The glazed link does not have the effect of separating the building into too distinct forms and appears as part of one continuous building. It needs to be wide to have this effect but this would result in reduction of rooms. The building is over 60m long and whilst I think the height could be acceptable it is the length gives the dominance to the scheme.

6. The use of different façade materials and reduction in the massing by articulation of different sections of the building has to some extent worked but I feel the building has become over fussy in doing so. PreApps suggested use of red brick, brick detailing, perhaps timber and something more contemporary and sustainable. The building has been well thought out in terms of spatial relationships of rooms to facades but I think there is a missed opportunity to present something of a more cotemporary character. It is difficult to get the balance right as this is clearly a residential area so a more commercial building would perhaps look out of context and at odds to the buildings on Premier Drive. However, it is a community building and hub to the newly founded housing area so the appearance needs to have a softer more communal appearance. This can be cotemporary and not necessarily reflecting the housing typology.

7. I have no issues with the housing layout, only that the corner of the house nearest the car park is very close and will need to have some sense of offset from this edge.

8. There are no details regarding boundary treatments. The relationship to the public open space and glimpsed views of the building from the residential street could give placemaking characteristics to the development. The boundary by the roundabout on Wyaston Road will need to be carefully considered if it is to disguise a substation. This does not add to the character of this roundabout and I would think a close boarded fence or security fence here unattractive.

I appreciate that you have already had discussions so would not wish to conflict with what may have been said. It is regrettable that the non-designated heritage assets are to be removed and there will be no link to the history of the site. As this is the case, I do think a replacement of high quality design is required.

6. REPRESENTATIONS RECEIVED

6.1 A total of 5 letters of objection have been received. A summary of the representations are outlined below:

Impact on residential amenity:

- Construction disturbance
- Dust nuisance
- Location of pumping station and substation
- Overlooking
- Loss of privacy
- Noise and odours from the kitchen
- Shadowing of gardens

Highway Safety:

- Construction traffic
- Construction parking and loading
- Lack of on-site parking
- Increase vehicular movements
- Dangerous vehicle movements

Character and appearance:

- Scale of building
- Would not aesthetically fit in between two storey dwellings

- Not in keeping
- 3rd floor windows
- Balconies
- Height not in keeping
- Juliet balconies

Other matters:

- Removal of asbestos from site
- Surface water drainage/run off
- Site clearance
- Lack of street lighting details
- Lack of security details
- Negative result on the value of homes locally

7. OFFICER APPRAISAL

7.1 Having regard to the policies contained within the Adopted Derbyshire Dales Local Plan, Ashbourne Neighbourhood Plan (2021) and the National Planning Policy Framework, the main issues to assess are:

- Principle of development, having regard to its location
- The loss of a non-designated heritage asset and the impact on character and appearance of this part of the settlement,
- Impact on residential amenity, and;
- Highway safety.

Principle of the development, having regard to its location

7.2 In accordance with Policy S2 of the Adopted Derbyshire Dales Local Plan (2017), proposals for new development will be directed towards the most sustainable locations and the use of previously developed land will be encouraged. Ashbourne is identified as being a first tier settlement, a location of primary focus for growth and development and is defined by a Settlement Framework Boundary, which intends to direct development to the most sustainable locations.

7.3 Tier one settlements are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres. They will continue to provide significant levels of jobs and homes, together with supporting community facilities and infrastructure to meet their economic potential in the most sustainable way, consistent with maintaining or enhancing key environmental attributes.

7.4 Settlement boundaries for First, Second and Third Tier settlements are defined on the Policies Maps and it is advised that new development should be focused within the settlement boundaries of these settlements in accordance with their scale, role and function unless otherwise indicated in the Local Plan. In this case, the application site lies outside the defined Settlement Development Boundary for Ashbourne and therefore, regard has to be given to policy S4 of the Adopted Derbyshire Dales Local Plan (2017), even though the site is surrounded by historic and recent residential development.

7.5 The Settlement Development Boundary in this location was defined by the criteria set out in Paragraph 4.24 of the Local Plan. The primary reason for its exclusion at the time of drafting was the agricultural nature of the existing use at the time and the relationship of the site with surrounding open land uses. It is, however, recognised that the granting of housing on what

was open land to the south of the site has changed the character of this part of the settlement.

- 7.6 With regard to the provision of a care home (Use Class C2) Policy HC11 of the Adopted Derbyshire Dales Local Plan (2017) advises that schemes which provide registered care accommodation (Use Class C2) will be supported provided that the type of provision meets identified District needs. It is acknowledged that in regard to residential care bedspaces, there is a recognised need for 500 bedspaces to be provided in Residential Care Homes (Within Use Class C2) over the plan period to 2033. Whilst the Annual Monitoring Report does not include any data on bed spaces provided for C2 developments the Councils Planning Policy Team have confirmed that there is some emerging evidence which suggests that there still remains a need for over 500 bed spaces for the plan period. As such there is a recognised need for such a facility.
- 7.7 In this respect whilst the development would conflict with parts of Policy S4, concerning new development in the 'countryside' as the District Council has a modest short fall in its supply of housing and there is a recognised need for registered care accommodation with the Derbyshire Dales area, given the location of the site on the edge of the defined settlement boundary of Ashbourne, the principle of residential development (including C3 accommodation) in this location, close to public transport, public amenities, shops and community facilities is considered to be acceptable.

The loss of a non-designated heritage asset and the impact on character and appearance of this part of the settlement

- 7.8 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) relates to design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development so as not to cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.9 Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) deals with protecting the historic environment which states the District Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.
- 7.10 Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017) seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement.
- 7.11 Policy DES1 of the Ashbourne Neighbourhood Plan (2021) advises that planning permission will be granted for new developments where they incorporate high quality sustainable design and are proportionately to the scale and nature of the development.
- 7.12 The existing farmstead at Leys Farm (dating from 1830) is deemed to be a non-designated heritage asset. A 'heritage asset', as formally defined in the National Planning Policy Framework can comprise a building, identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. As a designed building of early 19th century origin retaining a large amount of original fabric, form and layout and its socio-historic interest its identification as a non-designated heritage asset recognised a degree of significance to this historic building complex. The application is accompanied by a Heritage Impact Assessment (HIA) whereby the building itself, its attendant buildings, its social and cultural history have all been assessed. The Heritage Impact Assessment identifies some modest heritage significance, it opines that Leys Farm 'is neither remarkable as a domestic dwelling nor farmstead. With its landscape setting, which is key to its

appreciating significance, so eroded, the level of significance that can be attributed to it is minimal'. Furthermore, the HIA states that the buildings do 'not lie within the minority of buildings that merit material consideration in the planning process' and concludes that 'should the local authority still be minded to consider the building a non-designated heritage asset, in accordance with Paragraphs 184 and 197 of the National Planning Policy Framework, and accounting for its modest heritage significance, little if any weight can be afforded to its demolition in the planning balance'.

- 7.13 The Local Planning Authority does not dispute the findings that the farmhouse/farmbuildings are 'neither remarkable as a domestic dwelling nor farmstead'. However, that does not equate to them having no significance or heritage interest. As the Heritage Impact Assessment concludes, the complex does have 'modest heritage significance' which could equate to a 'degree of significance' as identified as a requirement, by the National Planning Policy Framework (2019). Notwithstanding the above, based on the findings of the Heritage Impact Assessment it is acknowledged that appropriate redevelopment of the site in terms of the scale, form, massing, design, detailing, materials and impact of any buildings on their surrounding could be demonstrated to outweigh the loss of the farmhouse/farmbuildings.
- 7.14 The application proposes the erection of a 64 no. bed car home building set over two storeys with rooms with the roof-space. The application is accompanied by a Landscape and Visual Impact Appraisal and Heritage Impact Statement which provides some appraisal of the land and how the proposal would sit within its immediate context.
- 7.15 The application site occupies an elevated position within the landscape. The wider more immediate context is a relatively low density comprising of 2 storey suburban development. It is recognised that the granting of housing on what was open land to the south of the site has changed the character of this part of the settlement.
- 7.16 It is acknowledge that a number of changes have been made to the scheme including the reduction of the amount of dormer windows along the north elevation, widening of the glazed link between the two wings of the building, relocation of entrance to the north elevation, relocation of the plant room and service core, relocation and resizing of the south-east single storey extension, inclusion of roof and relocation of ground floor lounge. The mass of the building has, to some degree been broken up with the enlarged glazed link and through the use of differing facing materials. The footprint of the building has also been reconfigured slightly, but this has not affected the amount of development, namely 64 bedrooms.
- 7.17 Whilst a number of amendments have been made to the scheme, the nature of the changes are such that they have not resulted in a less incongruous building when viewed within its immediate context. Great care was taken to maintain an open aspect of the existing farmhouse and farmbuildings in views of the town across the landscape when considering the housing development at Henmore Gardens. The Local Planning Authority considers that a building of the height proposed, scale and 'wharf like' design whilst suited to a town centre or edged of centre location would in this context appear as an incongruous and monolithic lump on the skyline that would not respect the character, identity and context of this part of the town. It is considered that the loss of the existing farmhouse and farmbuildings would not be outweighed by the redevelopment of the site with a building of the scale and design proposed.
- 7.18 With regard to residential component (9 no. dwellinghouses) of the application it is considered that the affinity of any residential development on the residual part of the site with the care home building raises concern. The proposed development of 9 no. dwellinghouses would result in overdevelopment of the site and the inclusion of two and half storey town houses is not considered to be appropriate response for the suburban location which comprise mainly 2 storey dwellings.

7.19 The proposed development, by reason of its siting, size and scale would introduce an incongruous form of development on this visually prominent site that does not respect the character, identity and context of this part of the settlement. As such it would represent an intrusive and uncharacteristic form of development.

Impact on residential amenity

7.20 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development so as not to cause unacceptable effects by reason of noise or other adverse impacts on local character and amenity.

7.21 The application site is bounded by a number of residential properties including nos 1, 3, 5, 7 and 15 Premier Avenue to the north and at present 38 and 40 Acorn Drive which forms part of the recently approved and partially completed development of 113 no. dwellinghouses (application ref: 17/00250/REM) to the south and east of the application site. The immediate context is a relatively low density of 2 storey suburban fringe residential development which has continued through to the new development of 113 no. dwellings, known as Henmore Gardens.

7.22 It is acknowledged that the 9 no. dwellings are made in Outline with all matters reserved for subsequent approval. The Local Planning Authority is satisfied that site is capable of accommodating 9 no. dwellings, laid out in an appropriate manner and of an appropriate density so as to not result in any significant loss of existing resident's amenity or privacy.

7.23 The size, scale and location of the proposed two and half storey care home with the inclusion of balconies at first floor levels does raise concerns. The Local Planning Authority does not have adopted design guidance that deals with a minimum separation for new developments in relation to existing properties, however given the distances between existing neighbouring properties and the proposed care home it is considered that the building could have an overbearing impact on the occupants of the closest neighbouring dwellings, namely nos 1, 3, 5, 7 and 15 Premier Avenue and the recently approved dwellings to the south within Henmore Gardens. Furthermore the inclusion of 4 no. residential balconies and dormer windows within the roof-space along the north-west elevation at first floor level will result in direct overlooking of adjoining residential gardens, particularly the gardens of nos 1, 3, 5 and 7 Premier Avenue which bound the application site to the north, approximately 16 metres from the north-west elevation of the care home.

7.24 The proposed development by reason of its site, scale and elevated position would have an overbearing impact on immediate neighbours and would afford direct views into the rear gardens of neighbouring properties resulting in a significant loss of amenity and privacy.

Highway safety

7.25 The application initially proposed the formation of a one way entry/exit arrangement, however following concerns raised by the Local Highway Authority with regard entry and exiting manoeuvres for large vehicles visiting the site a single vehicular access point into the site is proposed directly off Wyaston Road, which would serve the care home and the 9 no. dwellings.

7.26 The Local Highway Authority welcomes the replacement of the one-way entry/exit arrangement with a single vehicular access point which would be a modification of the existing southern access to the site, commenting that although the entry and exit manoeuvres are still tight for the maximum 11.6m refuse vehicle, there is no conflict with the pedestrian refuge or footways. The Local Highway Authority note that the swept paths also demonstrates that the refuse vehicle is able to turn within the site.

- 7.27 With regard to the Outline application for 9 no. dwellings the Local Highway Authority advise that the road would not be considered for adoption and may not be accessed by the refuse collection vehicle, should this be the case, the reserved matters application would need to demonstrate an area of hardstanding adjacent to the adopted highway for the temporary storage of bins, clear of the footway, on collection day.
- 7.28 The Local Highway Authority conclude that no objections are raised against the application, subject to conditions.

Other matters

- 7.29 The application is accompanied by a Preliminary Ecological Appraisal, Bat Activity Survey Report, Tree Survey Report and Biodiversity Enhancement Plan. Derbyshire Wildlife Trust makes a number of recommendations following a review of the submitted information including methods to compensate for the loss of scrub and to benefit birds to address any net loss of biodiversity proposed as part of the overall development. An updated Preliminary Ecological Appraisal and a Tree Survey has been submitted for consideration which includes additional areas of more diverse seed mixes, native trees and shrub species. Derbyshire Wildlife Trust comment that the additional areas identified within the supporting information will help to address the loss of the species within the poor grassland found at the site and the inclusion of a condition requesting full details for enhancements including species to be used, planting methods and aftercare and management in the form of a Landscape and Biodiversity Enhancement Plan would overall secure net biodiversity gain. No objection is raised by Derbyshire Wildlife Trust, subject to conditions.
- 7.30 The application is accompanied by a Tree Survey Report which identifies approximately 43 trees on site, many of which are located along the Wyaston Road frontage. It is noted that the development is affect by 4 no. Scots Pine trees protected by Derbyshire Dales District Council TPO/107/G5, one of which is located within the application site. Initial concerns were raised by the Councils Trees and Landscapes Officer with regard to the unclear and inadequate information set out in the Arboricultural Impact Assessment and Arboricultural Method Statement. An updated Arboricultural Impact Assessment and Arboricultural Method Statement was submitted for consideration which has been reviewed by the Councils Trees and Landscapes Officer who acknowledges that the application proposes the removal of a significant amount of trees, but confirms that they appear to be relatively small specimens and have been assigned to a low quality category – category C of BS55837:2012 which do not represent a constraint to development. A number of trees within the site are of particular importance, including T2, T12, T46, T48, T54 and T56, as set out on drawing number B18095-TLP-601. A number of keys changes have been made to the application including the repositioning of the care home, removal of one vehicular access point (exit), reconfiguration of the car parking and the use of no-dig construction in root protection area has been put forward by the applicant which the Councils Trees and Landscapes Officer welcomes and concludes that revised proposal is considered to be acceptable, subject to conditions.
- 7.31 Policy S10 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will work with partners to ensure that infrastructure will be in place at the right time to meet the needs of the District and to support the development strategy. New development will only be permitted where the infrastructure necessary to serve it is either available, or where suitable arrangements are in place to provide it within an agreed timeframe. Arrangements for the provision, or improvement of infrastructure directly related to a planning application will be secured by planning obligation or, where appropriate, via conditions attached to a planning permission.

- 7.32 There would be a need to mitigate the impact of the development on school places as advised by Derbyshire County Council Strategic Planning who confirm that the normal area secondary school does not have sufficient capacity to accommodate the additional secondary school pupils generated by the proposed development. The County Council has requested a financial contribution of £79,520.73 towards additional education facilities for 3 secondary (with post 16) pupils at Queen Elizabeth Grammar School. This would be secured by a Section 106 Obligation, subject to any approval.
- 7.33 Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design.
- 7.34 The sustainability measures set out in the Energy and Sustainability Statement which have been incorporated within the design of the care home include;
- Waste: a Site Waste Management Plan has been prepared (by Virtus Consult) to ensure that a high proportion of construction waste is diverted from landfill either through re-use or recycling;
 - Water: the development will seek to reduce water use where possible, for example through the use of low and dual flush WCs, water efficient wash hand basins and sinks, aerated or low flow shower heads;
 - Materials: these will be sourced locally where possible or preferably from manufacturers who participate in responsible sourcing scheme;
 - Adaptation to climate change: flexible building envelope to allow extension and contraction of the building form as required for future use, inclusion of green infrastructure to reduce the urban heat island effect and provide passive cooling.
 - Solar gain: The orientation of a building together with a proportion and positioning of glazing areas will control thermal comfort to ensure that additional mechanical ventilation is not required for future weather scenarios. Photovoltaic (PV) panels will be incorporated into the development to meet a proportion of the site's electricity requirements.
- 7.35 As a result of those passive, active and renewable measures, Energy and Sustainability Statement confirms that the care home will achieve a 15% reduction in carbon emissions, against its Building Regulations Part L baseline. Having read the supporting Sustainability and Energy Statement the use of sustainable design principles, sustainable construction techniques and sustainable materials throughout the development in terms of its design, construction and materials will help minimise the effects of the new development on the environment.
- 7.36 The application site lies within Flood zone 1 - land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%). The application is accompanied by a Flood Risk Assessment which has been reviewed by the Lead Local Flood Authority who conclude following further clarification from the applicants with regard to the adoption of the attenuation tank, impermeable area plan and drainage calculations that subject to conditions to ensure adherence to National Planning Policy Framework (2019), DEFRA's Non-statutory technical standards for sustainable drainage systems no objection is raised to the application.

Conclusion

7.37 The Local Planning Authority acknowledges that District Council has a modest shortfall in its supply of housing and there is a recognised need for registered care accommodation with the Derbyshire Dales area. However, when all of the main issues identified above are weighed in the balance and having due regard to all the elements of the framework it is considered that the social and environmental disbenefits identified above would significantly and demonstrably outweigh the benefits associated with the delivery of 64 bed care home and 9 no. dwellings in this case, contrary to policies S1, S2, S4, S8, PD1, PD2, PD5, HC1 and HC11 of Adopted Derbyshire Dales Local Plan (2017), Policy DES1 of the Ashbourne Neighbourhood Plan (2021) and the guidance contained with the National Planning Policy Framework (2019).

7.38 A recommendation of refusal is put forward on this basis.

8. RECOMMENDATION

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

1. The proposed development, by reason of its siting, size and scale would introduce an incongruous form of development on this visually prominent site that does not respect the character, identity and context of this part of the settlement. As such it would represent an intrusive and uncharacteristic form of development, contrary to policies S1, S2, S4, S8, PD1, PD2, PD5, HC1 and HC11 of Adopted Derbyshire Dales Local Plan (2017) and Policy DES1 of the Ashbourne Neighbourhood Plan (2021) and the guidance contained with the National Planning Policy Framework (2019).
2. The proposed development by reason of its site, scale and elevated position would have an overbearing impact on immediate neighbours and would afford direct views into the front and rear gardens of neighbouring properties resulting in a significant loss of amenity and privacy, contrary to the aims of Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017) and the guidance contained with the National Planning Policy Framework (2019).

NOTES TO APPLICANT:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. 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:

- 4408-WRD-XX-ZZ-DR-A-0080 Rev.P05 Site Location Plan
- 4408-WRD-XX-00-DR-A-0200 Rev.P09 Proposed Ground Floor Plan
- 4408-WRD-XX-01-DR-A-0201 Rev.P08 Proposed First Floor Plan
- 4408-WRD-XX-02-DR-A-0202 Rev.P09 Proposed Second Floor Plan
- 4408-WRD-XX-XX-DR-A-0203 Rev.P07 Proposed Roof Plan
- 4408-WRD-XX-ZZ-DR-A-0300 Rev.P08 Proposed North-East and North-West Elevations
- 4408-WRD-XX-ZZ-DR-A-0301 Rev.P09 Proposed South-East and South-West Elevations
- 4408-WRD-XX-ZZ-DR-A-0302 Rev.P04 Proposed North-East and South-West Sectional E
- 4408-WRD-XX-ZZ-DR-A-0303 Rev.P03 Proposed Site Sections
- 4408-WRD-XX-00-DR-A-0500 Rev.P018 Proposed Masterplan
- 4408-WRD-XX-00-DR-A-0501 Rev. P06 Proposed Masterplan Showing Wider Context

4408-WRD-XX-00-DR-A-0504 Rev. P05 Proposed Care Home Site Plan
B18095-101E Landscape Masterplan
B18095-102E Landscape Proposals
PC1260-RHD-GE-SW-DR-R-0002 Site Access and Visibility Splay
PC1260-RHD-GE-SW-DR-R-0051 7.5t Box Van
PC1260-RHD-GE-SW-DR-R-0052 Ambulance
PC1260-RHD-GE-SW-DR-R-0053 Large Car
PC1260-RHD-GE-SW-DR-R-0055 Site Access (11.6m Refuse Vehicle)
PC1260-RHD-GE-SW-DR-R-0056 Care Home (11.6m Refuse Vehicle)
PC1260-RHD-GE-SW-DR-R-0057 Large Car (Parallel Bays)
PC1260-RHD-GE-SW-DR-R-0058 Residential Dwellings (11.6m Refuse Vehicle)
129583/2000 Rev.D Proposed Drainage Strategy
129583/2001 Rev.B Impermeable Area Plan
129583/2002 Rev.C Flood Exceedance Plan
Updated Preliminary Ecological Appraisal (April 2021)
Landscape and Visual Appraisal Addendum (April 2021)
Tree Survey Report/Arboricultural Impact Assessment/Arboricultural Method Statement (October 2020).

APPLICATION NUMBER		20/01264/OUT	
SITE ADDRESS:		Land adjacent Ash Cottage, Bradbourne Lane, Brassington	
DESCRIPTION OF DEVELOPMENT		Outline Application for the erection of 1 no. dwelling house and a stone mason's workshop and associated removal of existing buildings on site.	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr Daniel Smith
PARISH/TOWN	Brassington	AGENT	Planning and Design Practice Ltd – Mr R Pigott
WARD MEMBER(S)	Cllr G Purdy	DETERMINATION TARGET	9 th February 2021
REASON FOR DETERMINATION BY COMMITTEE	Called in by Cllr Purdy	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> – Principle of development – Highway safety – Impact on residential amenity – Impact on character of area

RECOMMENDATION
Refusal

1.0 THE SITE AND SURROUNDINGS

- 1.1 The proposed site is located to the west of the village of Brassington separated from the properties to the east by two fields. Ash Cottage is adjacent to the road to the south west and there are allotments over the road. The site has curved stone walls adjacent to the access with a steep access road with land levels on site approximately 1m higher than the road level. There are existing steel and timber clad single storey buildings adjacent to the western boundary which were originally built for agricultural purposes but that have been used in association with a Stone Masons business for the last 15 years. The buildings are set back 40m from the road frontage with grassland and bunds at the higher land levels between the buildings and the road. The buildings are enclosed by a stone wall to the south east and adjacent to the buildings on western boundary there are 6m high trees.



2.0 DETAILS OF THE APPLICATION

- 2.1 Outline planning permission is sought for a dwelling with associated stonemasons workshop with all matters reserved. The red line includes the existing access to Bradbourne Lane and the square area of land that houses the existing building complex. The indicative layout shows a two storey dwelling in the centre of the site with an one and a half oak / metal link structure and attached zinc clad single storey workshop, creating a 'T' shaped building. The curtilage shown is to the south and west of the dwelling within the stone wall enclosure to the south and parking and turning area to the east.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan 2017:
 - S2 Settlement Hierarchy
 - S4 Development in the Countryside
 - S9 Rural Parishes Development Strategy
 - PD1 Design and Place Making
 - PD3 Biodiversity and the Natural Environment
 - PD5 Landscape Character
 - HC19 Accessibility and Transport
 - EC1 New and Existing Employment Development
2. National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

WED/379/169 – Erection of dwelling (Outline) Refused 13/06/79

5.0 CONSULTATION RESPONSES

Parish / Town Council

- 5.1 Brassington Parish Council are unanimously in support of the erection of one dwelling and one stonemason's workshop. The applicant belongs to a Brassington family and the intention to have a local business run by a local person is to be encouraged. No objection and full support.

Derbyshire County Council (Highways)

- 5.2 The application is for outline permission, with all matters reserved, for the erection of a new dwelling and a workshop. The proposed dwelling and workshop are intended to be served by an existing access onto Bradbourne Lane which serves the existing site and buildings. According to the application, the applicant visits the site daily. However, the access does not meet exit visibility standards, based on the de-restricted speed limit on Bradbourne Lane due to the narrow margin and characteristics of Bradbourne Lane in the vicinity of the site.

The applicant has submitted evidence that the achievable visibility distances are commensurate with vehicle approach speeds within the speed survey results. Therefore, whilst the applicant has constructed a wall around the site boundary, taking into account the speed survey results, the character and layout of Bradbourne Lane in the vicinity of the site and the low vehicle flows, it is considered that suitable exit visibility can be achieved in both directions and as such the access is therefore considered suitable to accommodate the vehicular traffic generated by the proposed dwelling. A condition in relation to parking and turning is recommended.

Derbyshire Wildlife Trust

- 5.3 The Wildlife Trust has reviewed the Ecological Assessment (Turnstone Ecology, 2020) submitted with the application. It is considered that sufficient information has been provided to determine the application and conditions relating to mitigation and enhancement and nesting birds are recommended.

5.4 Environmental Health (DDDC)

No objections.

6.0 REPRESENTATIONS RECEIVED

- 6.1 One representation has been received. A summary of the representation is outlined below:

- The proposed dwelling would stand above Ash Cottage which is at road level and would be overlook it and be most intrusive.
- The construction of a Stone Masons Workshop (Industrial Unit) would generate noise and dust from Stone Masons equipment/machinery.
- The property would also be outside the 30 mph speed limit.
- The proposed dwelling could devalue their property which stands alone on Bradbourne Lane, Brassington, which we have improved and lived in since 1981.

- 6.2 Cllr Purdy (acting on behalf of Cllr Lewis Rose) notes the original pre-application advice of our Planning Dept, to the effect that the proposed building would not fit in with the

village scene. However, I would submit that our Local Plan policies allow for such a building in fitting the criteria of sustainability, environmental and economic reasons. Since the first advice was considered times have changed drastically due to the Covid 19 pandemic which has caused great loss of business's and employment. The applicant is local and if this application is approved I envisage that it will give him the opportunity to expand and employ one or two employees. On that basis I would support the application.

7.0 OFFICER APPRAISAL

7.1 The following material planning issues are relevant to this application:

- Principle of development
- Highway safety
- Impact on residential amenity
- Impact on character of area

Principle of development

7.2 The site lies outside of the settlement of Brassington which is classed as a Tier 4 settlement defined by Policy S2 of the Adopted Derbyshire Dales Local Plan (2017) as an 'Accessible Settlement with Minimal Facilities'. The village has a low level of facilities and few employment opportunities and development is therefore limited to that needed to maintain existing services and facilities; this allows some scope for limited development within the settlement through infill and consolidation of the existing built framework of the settlement or is well related to the existing pattern of development and surrounding land uses.

7.3 Whilst the settlement has no defined boundary, the application site is clearly outside its outer built edge, separated from the built framework of the settlement by fields. The proposed application is considered to be countryside where the new dwellings are only acceptable if they meet the essential requirements of agricultural, forestry and other rural based enterprise. A Stonemason is not considered to fall within this category and the main reason given for requiring a dwelling is the fact the applicant is local, has lived in the village for 35 years and wishes to remain in the village. Other reasons given include it would allow the business to expand, reduce commuting and assist security at the site. No address is given for the applicant, however, if he continues to live within the village a short commute to the site is not considered a sufficient reason. The business could expand without the need for a dwelling on the site.

7.4 Policy S4 states that development that is acceptable in the countryside may comprise of redevelopment of a previous developed site and/or conversion or extension of existing buildings for employment use provided it is appropriate to its location and does not have an adverse impact on the character and appearance of the rural area. Although not specifically mentioned in relation to Tier 4 settlements in Policy S2, it is also considered, in line with the policy on Tier 5 settlements, that modest brownfield redevelopment opportunities, immediately outside settlements where redevelopment would be environmentally beneficial, is also in accordance with the aims of the policy. This relates to existing businesses and their redevelopment or expansion which is considered acceptable within the countryside and just outside of settlements. The proposal is a combination of residential development and new workshop buildings for an existing business. The submitted Planning, Design and Access Statement states the following:- the buildings on site were "originally built for agricultural purposes but for a number of years now have been used in connection with the applicant's business which includes stone masonry work and also grading, storing and selling stone". There is no planning history for the applicant's use of the buildings, however, it is stated they have been used in association with the business for 15 years which is outside the scope for enforcement action being taken.

- 7.5 The proposal does not comprise of any of the acceptable forms of residential development in the countryside as it is outside the village of Brassington and does not meet the essential requirements of agricultural, forestry or other rural based enterprise based on the requirements of Policy HC13 for functional need and being financially sound.

Highway Safety

- 7.6 The Local Highway Authority originally objected to the application, however, further information was submitted by the applicant in terms of commissioned an Automatic Traffic Count Surveys (ATC) that was anchored on Bradbourne Lane in the vicinity of the site access. The results confirmed visibility splays of 47 metres to the west and 48 metres to the east. Accident data has been reviewed for the section of West End covering both site access and the access to the allotments and this shows there has been no recorded incident at either access. This suggests that the operation of West End has sufficient capacity (in terms of traffic flow and speeds) to safely accommodate the proposed access arrangement. In considering the level of change in activity associated with the access, a modest dwelling in this location combined with the Stonemason's business would typically be expected to generate around 8 to 12 daily two way movements.
- 7.7 On the basis of the above survey information and visibility splay plans and calculations, the Highways Authority consider the access to be sufficient to accommodate the proposal with adequate parking and turning within the site in accordance with Policy HC19.

Impact on residential amenity

- 7.8 Policy PD1 of the Adopted Derbyshire Dales Local Plan relates to design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.9 The nearest dwelling 'Ash Cottage' is to the south at a distance of 30m and has a lower land level. Its rear elevation faces towards the site with only a small first floor window visible at the higher land level. The appearance of the new property is a reserved matter and as such the elevations and windows positions of the proposed dwelling are not known, however, the indicative layout shows a dwelling could be accommodated on site without significant impact on amenity of the existing property. The residents of Ash Cottage are concerned regarding noise and dust, however, the Stonemasons business has been on site for 15 years with no mention of existing nuisance.

Impact on character of area

- 7.10 All matters are reserved with an indicative layout and scales provided, however, a dwelling in this location separated from the built framework of the settlement by fields would be out of character with the existing pattern of development whereby dwellings are close to road frontages and ancillary buildings are located to the north. It is acknowledged that Ash Cottage has outbuildings adjacent to the eastern boundary of the site, however these are low level, have a lower land level and are screened by trees. A dwelling and attached workshop in the location proposed would appear dominant and intrusive in this rural context harming the character and appearance of the countryside, contrary to Policy S4.

Conclusion

7.11 The site lies within the countryside where only dwellings that meet the stringent requirements of agricultural, forestry and other rural based enterprise are acceptable. Whilst the agent states the business has been run from the existing agricultural buildings for 15 years there is no planning history in relation to the business and the requirement for its extension and expansion has not be sufficiently justified in in this unsustainable location with the resultant impacts on rural character. Any redevelopment of the site or extension to existing buildings for employment use alone would have to appropriate to its location in accordance with Policy S4.

8.0 RECOMMENDATION

That planning permission be refused for the following reason.

The proposed dwelling by reason of its location outside the existing built framework of Brassington is considered to be in the open countryside. Without a use justification of housing to meet the essential requirements of agricultural, forestry and other rural based enterprise the proposal would constitute inappropriate development in the countryside which is harmful to its open character and appearance, contrary to Policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan.

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 2644-001, 2644-sk002 Rev C and F21046/01
Planning, Design and Access Statement
Ecological Assessment by Turnstone Ecology dated September 2020
Email from Chris Bancroft dated 25th May 2021
ATC Data Tables 1 - 5

APPLICATION NUMBER		20/01272/OUT	
SITE ADDRESS:		Land West of Marston Lane, Doveridge, DE6 5JS	
DESCRIPTION OF DEVELOPMENT		Outline permission for the erection of 9 no. dwellinghouses with approval being sought for access only	
CASE OFFICER	Mr Andrew Stock	APPLICANT	Thompson Farming
PARISH/TOWN	Doveridge	AGENT	Hawksmoor Property Services
WARD MEMBER(S)	Cllr J. Allison	DETERMINATION TARGET	14 th February 2021
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	Not required.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of the development, having regard to its location; • Whether or not the proposed development makes efficient use of the land allocation; • Impact on character and appearance of this part of the settlement, and; • Impact on residential amenity.

RECOMMENDATION
Refusal.

1. THE SITE AND SURROUNDINGS

- 1.1 The application site lies within the defined settlement boundary of Doveridge and is accessed directly off Marston Lane. The site comprises an area of grassland used for agriculture/pasture to the northern edge of Doveridge, north of Derby Road at the junction of Marston Lane with the A50. The site is bounded by timber post and rail fence with associate hedgerow and hedgerow trees, Old Marston Road to the south, Marston Road to the east. The A50 slip road is to the north and Kamloops residential property is to the west of the site.
- 1.2 The site boundaries contain a number of semi-mature trees and other more mature trees can be found in third party property beyond the boundary along the east and north boundaries.
- 1.3 The application site is allocated within the Local Plan, reference HC2(p) within Policy HC2 of the Adopted Derbyshire Dales Local Plan (2017).



2. DETAILS OF THE APPLICATION

- 2.1 Outline planning permission is sought for the erection of 9 no. dwellings with all matters reserved except access.
- 2.2 An indicative plan sets out the proposed development of 9 no. dwellings comprising 3 no. two storey dwellings and 6 no. single storey buildings. The development will include detached and link detached properties in courtyard formations. It is noted on the submitted plan that an access would be retained to the north-east corner of the application site denoted 'Access to retained land'. A single vehicular access point into the site is proposed directly off Marston Lane.
- 2.3 The application site extends to approximately 0.49 hectares and is located towards the southern part of its overall allocation which extends to approximately 1.29 hectares.

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
- S10 Local Infrastructure Provision and Developer Contributions
- PD1 Design and Place Making
- PD3 Biodiversity
- PD5 Landscape Character
- PD6 Tree, Hedgerows and Woodlands
- PD7 Climate Change
- PD8 Flood Risk Management and Water Quality
- HC1 Location of Housing Development
- HC2 Housing Land Allocations
- HC4 Affordable Housing
- HC11 Housing Mix and Types
- HC14 Open Space, Sport and Recreation Facilities
- HC19 Accessibility and Transport
- HC21 Car Parking Standards

3.2 Doveridge Neighbourhood Plan (2018):

- D1 Design of New Development
- H1 Housing Mix to meet specific demographic need of Doveridge
- BE2 Internet Connectivity
- T1 Sustainable Transport, Safety and Accessibility within Doveridge
- NE1 Natural Environment

3.3 Other:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- 4.1 19/01406/OUT Outline Planning Application for 27 no. dwellings for occupants aged 55 years and above, with approval being sought for access – WITHDRAWN

5. CONSULTATION RESPONSES

5.1 Parish Council

Objection – Doveridge Parish Council understands that DDDC is undertaking a review of its SHLAA sites. It is felt that this site on Marston Lane (for 18 dwellings) should be withdrawn from the council's list of SHLAA sites. We would ask the council to reconsider urgently its allocated housing sites in Doveridge. There are already 2 large estates being built (a total of 147 new dwellings) and there are still houses for sale in these estates. There is absolutely no need for further housing estates in Doveridge. Why are so many houses being allowed in Doveridge despite it not being a sustainable location?

The Parish Council is aware that several applications for development at a neighbouring site (The Woodyard) have been made recently: -

Application 16/00208/OUT was for 17 houses and the reasons for refusal can be summarised as follows:

1. Residential development of up to 17 dwellings would be out of scale and context with the rural character of the northern side of Old Marston Lane, it would represent encroachment into the countryside and it would be harmful to the local landscape and rural setting of the village, contrary to policies.

2. Without an assessment of the likely implications of traffic noise from the A50 and consideration of any mitigation measures, the Local Planning Authority cannot be satisfied that the proposed development wouldn't adversely impact on the living conditions of future occupants by way of noise nuisance.

The Parish Council objected to this application and we feel that some of our previous comments on that application are still pertinent in this instance:

- inappropriate development outside an obvious settlement boundary which is contrary to policies, and the negative impact of noise from the A50 on any occupiers of the housing.

Application 16/00875/OUT was for up to 3 houses and this was also refused: - Unwarranted encroachment into the countryside, urbanising the character of this part of the village, undermining its rural setting and being contrary to policies. Application 17/00663/FUL was for 1 dwelling and this was also refused, as it was felt to be unwarranted and intrusive development on the northern edge of Marston Lane, outside the settlement boundary and neither preserving nor enhancing the character and appearance of this part of Doveridge, being contrary to policies. The applicant appealed against the decision but the appeal was dismissed, on the grounds that development would be contrary to policy.

The Woodyard site is not within the settlement boundary and it is protected by several policies, which have been shown to stand up at appeal. Given the location of the current application site, within the settlement boundary, it is accepted that different policies will be applied, however the Parish Council feels that this site should not be within the settlement boundary and objects to this development for the following reasons:

1. To all intents and purposes, the site is not within the actual settlement boundary of Doveridge. It may be included within the boundary of the settlement by virtue of a line on a plan but there are very few properties on this side of Marston Lane and those that are there are scattered and related to smallholdings. To anybody looking at the site, this is clearly not within any residential settlement boundary.

2. Road noise from the A50 is very much an issue for residents of Doveridge and to allow any housing development on a site so close to a concrete surfaced road, subject to national speed limits, would be truly unreasonable for any new residents. The Wardell Armstrong noise report submitted with this application states that there are 'high noise levels at the site' and at 2.1.7 it states 'it is understood that the council acknowledges that there is a potential that some properties associated with the proposed development may exceed noise guideline levels'. At 4.2.5 it states that open windows would allow the recommended internal noise guideline levels to be exceeded in living rooms and bedrooms across the site. At 4.2.9 the report states 'alternative ventilation should be provided in living rooms and bedrooms in all dwellings to ensure the required level of background ventilation is maintained throughout the proposed dwellings, even with windows closed to achieve the internal noise levels.'

3. As our Doveridge Neighbourhood Development Plan showed (during the consultation process) Doveridge is not a sustainable location: a lack of jobs, few facilities and amenities and as far away as it is possible to be from the administrative centre of DDDC - Matlock. There is not even any way to get to Matlock other than to drive - in itself not sustainable. Residents of Doveridge are heavily reliant upon facilities and amenities in Uttoxeter, a different county.

4. With the application being in outline form, for 9 dwellings and with only access details being provided, we can only assume that further development will follow. The road layout indicates an entry into the field closer to the A50, 'access to retained land', which will be subject to even more unreasonable levels of road noise due to closer proximity to the A50.

The Parish Council accepts that this is an outline application for residential development and that access only is being applied for at this stage but as the proposal is in outline form, there are very few details available to consider. Nine dwellings being built here (and the plan indicating an access to the adjoining field for future access for further development?) would set a precedent for further development in unsustainable areas. Notwithstanding that the Highway Authority do not seem to have any issue with development in this location, we object to the principle of development at this location for the reasons listed above.

5.2 Derbyshire County Council (Local Highway Authority)

No objection, subject to conditions.

5.3 Derbyshire Wildlife Trust

In a response to withdrawn application 19/01406/OUT on the same site Derbyshire Wildlife advised on the 15th January 2020;

We can confirm that the survey and report has been undertaken and produced according to good practice guidance. No further survey work is required at this stage. The ecology report (Brindle & Green, 2019) provides some recommendations for bird boxes as biodiversity enhancements. Although we support these enhancements, we recommend that additional enhancements are incorporated into the development to help provide an overall net gain for biodiversity and to help the recovery of priority species, as per the requirements of the National Planning Policy Framework (NPPF) (2019). We have therefore provided the following recommendations:

- Additional wildlife boxes to include bat and insect boxes, which can be integrated or placed on buildings / retained trees.
- The landscaping proposals should include native species, such as native shrubs and native hedgerow planting.
- Wildflower meadow planting within the landscaped buffer area.
- Hedgehog gaps to provide connectivity across the site.

5.4 Urban Design Officer (Derbyshire County Council)

This site is allocated for housing within the local plan. It is a relatively unconstrained site in terms of landform, and surrounding features, and relatively close to the centre of the village. In urban design terms the issue of how to intergrate the development into the village framework and to make any 'placemaking' character to the site will be key to the success of the development. The layout appears denser than the immediate properties set in very generous gardens along Old Marston Lane. However, the pattern of development proposed is not out of scale and character with other parts of Doveridge, although the site would be able to support more houses. Given the countryside edge a lower density can be acceptable depending on layout and character. From an urban design perspective I have the following comments to make:

- The Public Open Space situated adjacent to Old Marston Lane, with pond with elevations fronting it, will provide a characterful corner to the development when viewed from Marston Lane and this will help integrate the development into the existing village framework. The proposed footpath link to Old Marston Lane provides a better

opportunity for people to walk between old and new neighbourhoods. I would prefer to keep the character of Old Marston Lane by removing the proposed frontage footpath, however, I understand it is there to remove pedestrian/vehicular conflict.

- The layout plan generally shows parking to be located in between dwellings and I support a layout that reduces the amount of frontage parking.
- The entrance to the development will be faced with the elevations of new houses and I think this would add to the character of Marston Lane. Plot No 5 appears large and will read as a corner focal property when viewed across the pond when approaching the development.
- I am happy with the orientation of the houses facing outward to the open countryside but consider the verge and landscape on the opposite side of the private driveway may be characterised with some native hedge planting. This would have the appearance of a natural field boundary and give a good definition to the village edge whilst mitigating further any noise levels from the A5- slip road.

The layout does appear more resolved than the previous layout and whilst I think Plots 5 and Plot 7 appear oversized within the layout, I consider that a distinctively rural development to the village edge may be achieved at reserve matters depending on the details of the application.

5.5 Environmental Health Officer

I have considered this application and I have reservations about building houses in such a noise sensitive location. Ideally, dwellings should be located where noise conditions are suitable for development and where there are less public health implications as a result of noise. Our concerns specifically related to meeting the relevant standards for internal and external living and amenity spaces. These guidelines exist due to the possibility of adverse health effects occurring above the guideline values.

Indoor noise standards are being met through design of the properties and a closed window system. However, there still remains concern about the external amenity spaces.

“External amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50 – 55 dB LAeq,16 hr.”

Gardens are exceeding the maximum guideline values and are also above the WHO recommended value from road traffic sources, which is 53dB Ldan. Above these levels detrimental impacts on health can be produced which is why the standard is recommended. This is therefore a deviation from the maximum 55dB recommendation of all the relevant standards and despite the argument made in the report, I do not believe this provides sufficient justification for approval unless there is significant planning validation to override this opinion.

If you are minded to approve, I would recommend conditions to implement the recommendations of the noise assessment. I would also recommend validation of the noise levels submitted for the gardens when the properties are built. In addition, I would recommend the recommendations of the Air Quality report are implemented. For new developments it is recommended the following green infrastructure is provided, alongside sustainable heating.

Residential charging points shall be provided with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should be located where it can later be changed to a 32amp EVCP. Non-residential

charging points shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. Alternative provision to this specification must be approved in writing, by the Local Planning Authority.

The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

5.6 Derbyshire County Council (Lead Local Flood Authority)

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, we have the following comments:

- The plan showing the drainage layout shows that the proposed foul sewer to the south of the plan will be crossing an existing ditch, the applicant need to apply to the LLFA for a temporary land drainage consent, submitting a method statement and a plan showing how they will cross the existing ditch before connecting into existing public sewers.
- The applicant is proposing to discharge the surface water runoff from the proposed development into the existing ditch located to the south of the catchment, the applicant need to demonstrate if the existing ditch has wider network connectivity and has sufficient capacity and condition.
- In order to provide some increase in water quality in the discharge of surface water from the proposed site, we recommend that the parking areas of the residential properties drain into the permeable pavements before connecting into the main sewers, therefore increasing the water quality.
- The applicant has proposed to restrict the maximum surface water discharge to 5.7 l/s which is acceptable to LLFA, can the applicant submit micro drainage calculations (Refer to Points I and J in the Advisory Notes).
- Site plan and impermeable area
- Appropriate evidence to support how the site will drain, including confirmation of where the surface water will outfall to (photographs / maps / a confirmation letter from a water company)
- Basic calculations of the greenfield/brownfield runoff and discharge rates, (refer to Point J in the Advisory Notes)
- A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location
- Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep (Refer to Point J in the Advisory Notes)
- The attenuation pond should be fully designed and constructed in line with CIRIA SuDS manual C753
- Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (as per National Planning Policy Framework 165). A range of sustainable drainage techniques must be considered prior to or in conjunction with the planning layout.

5.7 Trees and Landscapes Officer

This is an allocated site and whilst it is on the edge of the existing settlement it is bordered by existing residential development. I do not object to the development of this land for

residential purposes, though the development should be appropriate for its settlement edge location in terms of scale, layout, design and density.

I would expect that the boundary hedges would be retained, renovated and thickened using appropriate native species. Details should be provided for approval. I would also expect all existing trees to be retained where it would be safe to do so and that additional tree planting using appropriate native species will be planned and details provided for approval. Plot boundaries should at least partly be comprised of appropriate native hedgerow.

The site boundaries contain a number of semi-mature trees and there are others in third party property beyond the boundary. I would expect a site layout design to be created that allows them to be retained. No groundworks, surfacing or construction should be planned within the root protection areas of existing retained trees. Appropriate tree protection measures should be employed throughout the development works to prevent harm to them. The roots from these trees will likely extend into the site for some distance, the magnitude of which will depend on the size of the trees and the distance between individual trees and the site boundary. An Arboricultural Impact Assessment to include a Tree Survey and a Tree Constraints Plan, all produced to the guidelines of BS5837:2012, should be submitted for approval and should be used to inform site layout design and any tree protection measures that may be needed.

6. REPRESENTATIONS RECEIVED

6.1 A total of 18 letters of objection have been received. A summary of the representations are outlined below:

Impact on residential amenity:

- Noise levels
- Distance from the A50
- Impact on Kamloops
- Risk of public life
- Air pollution

Highway Safety:

- Poor visibility
- Dangerous access
- Lack of footpath connectivity

Character and appearance:

- Negatively affect the rural character of the area
- Destruction of the village character
- High speed road
- Loss of green space
- Overdevelopment
- Inappropriate design

Other matters:

- Limited facilities in the village
- Primary school at maximum capacity
- No demand for houses
- Limited employment opportunities
- Too much development in Doveridge
- Increase population
- Lack of infrastructure
- Houses will not sell
- Water run off

- 6.1 A single letter of support has been received which comments that the site has been carefully considered and should be approved.

7. OFFICER APPRAISAL

- 7.1 Having regard to the policies contained within the Adopted Derbyshire Dales Local Plan, Doveridge Neighbourhood Plan and the National Planning Policy Framework, the main issues to assess are:

- Principle of the development, having regard to its location;
- Whether or not the proposed development makes efficient use of land the allocation;
- Impact on character and appearance of this part of the settlement, and;
- Impact on residential amenity.

Principle of the development, having regard to its location

- 7.2 In accordance with Policy S2 of the Derbyshire Dales Local Plan (2017), proposals for new development will be directed towards the most sustainable locations. Doveridge is designated as a Third tier settlement defined as 'Accessible Settlement with Some Facilities' within Policy S2 of the Adopted Derbyshire Dales Local Plan (2017) where there are some facilities and services that, together with local employment, provide the best opportunities outside the first and second tier settlements for greater self-containment. It is advised that such locations will provide for reduced levels of development in comparison to higher order settlements in order to safeguard and where possible, improve their role consistent with maintaining or enhancing key environmental attributes.
- 7.3 Policy S3 of the Adopted Derbyshire Dales Local Plan (2017) confirms that new development should be focused within the settlement boundaries of these settlements in accordance with their scale, role and function unless otherwise indicated in the Local Plan.
- 7.4 Policy HC1 of the Adopted Derbyshire Dales Local Plan (2017) sets out that the District Council will ensure provision is made for housing by promoting the effective reuse of land by encouraging housing development including redevelopment, infill, conversion of existing dwellings and the change of use of existing buildings to housing, on all sites suitable for that purpose.
- 7.5 The application site is allocated within the Local Plan for housing, reference HC2(p) within Policy HC2 of the Adopted Derbyshire Dales Local Plan (2017) which states that the District Council should work with developers and the local community to bring forward sustainable developments in accordance with the other policies in the Local Plan. As the site is allocated for housing and lies within the defined settlement boundary of Doveridge, the principle of development is considered to be acceptable.

Whether or not the proposed development makes efficient use of the land allocation

- 7.6 The Strategic Housing Land Availability Assessment (SHLAA) acknowledged that the site is only 50% developable to allow opportunities to retain key features, ensure development reflects surrounding settlement pattern and to allow the incorporation of mitigation measures given the close proximity of the A50 allowing a total figure of 18 dwellings across the wider site.
- 7.7 Outline planning permission is sought for 9 no. dwellinghouses, with approval also being

sought for access. An indicative plan sets out the proposed development of 9 no. dwellings located towards the southern part of the site allocation (HC2(p)) with the remainder of the land not coming forward as part of this application. However it is noted on the submitted plan that an access would be retained to the north-east corner of the application site denoted 'Access to retained land'.

- 7.8 Policy S1 of the Adopted Local Plan (2017) advises that all developments should seek to make a positive contribution towards the achievement of sustainable development by improving the economic, environmental and social conditions of the area wherever possible, which will be achieved by making efficient use of land by optimising the use of sites whilst also reflecting the character, accessibility and infrastructure capacity of the area.
- 7.9 It is appreciated that the site has physical constraints to its development, these are considered in more detail below. However, having regard to the site allocation it is considered that more dwellinghouses could be provided on the site, in line with the 18 dwellings identified within the Strategic Housing Land Availability Assessment.
- 7.10 The Local Planning Authority considers that a comprehensive approach of the whole site allocation (HC2(p)) is required in order determine the best design solution to address site constraints and to address the requirements of all Plan Policy including housing mix, affordable housing, local infrastructure provision and developer contributions. The application would constitute piecemeal development of the wider site allocation (HC2(p)) and does not make efficient use of land by optimising the use of site potential. As a consequence the requirements of Plan Policy relating to appropriate housing mix, affordable housing, local infrastructure provision and developer contributions are not adequately addressed.

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

- 7.11 Policy S3 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with development within defined settlement boundaries and states that planning permission will be granted for development where the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located, the access would be safe and the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development; it would have a layout, access and parking provision appropriate to the proposed use, site and its surroundings; and it does not conflict with any other relevant policy of this Local Plan.
- 7.12 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) relates to design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development so as not to cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.13 Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017) seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement.
- 7.14 Policy D1 of the Adopted Doveridge Neighbourhood Development Plan (2018) advises that new development must be designed to be safe, convenient, sustainable and complement the existing character of this historic village which has evolved over many centuries.
- 7.15 The application site comprises an area of grassland used for agriculture/pasture which is located to the northern edge of Doveridge, north of Derby Road at the junction of Marston Lane with the A50. The site is bounded by timber post and rail fence with associated

hedgerow and hedgerow trees, Old Marston Road to the south, Marston Road to the east and A50 slip road to the north. The site lies to the edge of settlement and is essentially fringe development toward the outer edge of Doveridge village with the immediate area comprising detached two storey houses, set within large plots in a sporadic manner.

- 7.16 In considering the expansion of villages it is important to consider amongst other matters the impact of additional development on the character and appearance of the landscape and settlement pattern. A report by Wardell Armstrong on Landscape Sensitivity was carried out to aid in the determination of where development should be focussed, identifying within each settlement the landscape characteristics and sensitivity prior to the adoption of the Local Plan during the consideration of site allocations. The site landscape sensitivity to housing development is medium and concludes that there is capacity for development on the site subject to appropriate mitigation measures.
- 7.17 The proposed piecemeal development of 9 no. dwellings to the southern section of the application site is not considered to assimilate well with the existing pattern of development to the northern end of the village. The dense suburban layout of the proposed does not fit well with the existing development of much looser pattern of development within the locality. The proposal reduces the openness of the site which is considered to contribute positively to the wider more rural character of the area. The proposed development by reason of its siting, layout and density would introduce a contrived and cramped form of development on this visually prominent site that does not respect the character, identity and context in this edge of settlement location and would represent an intrusive and uncharacteristic form of residential development.

Impact on residential amenity

- 7.18 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development so as not to cause unacceptable effects by reason of noise or other adverse impacts on local character and amenity.
- 7.19 The closest residential dwellinghouse to the site is Kamloops which adjoins the application site to the west. As the application proposes the erection of mainly single storey dwellings in close proximity to the only adjoin neighbour (Kamloops) with two storey units proposed to the north and south of the application site, away from the immediate neighbour. It is considered that there is sufficient separation from the existing dwellings to the proposed development for there not to be any significant direct overlooking between the properties. As the application is made in outline with details such as external appearance (including fenestration) to be considered, subject to approval, with any reserved matters application it is considered that the proposed development would not result in any significant loss of privacy or amenity for the occupants of existing neighbouring properties.
- 7.20 Turning to the potential impact upon the amenity of future occupants of the dwellings. The site lies immediately south of the A50 which is the major trunk road between Derby and Stoke-on-Trent. The application is accompanied by a Noise Assessment Report and Air Quality Assessment which considers the impact on future occupants of the proposed dwellings. The Councils Environmental Health Team have considered the supporting information submitted as part of the application and have concluded that there are reservations about building houses in such a noise sensitive location. It is commented that dwellings should be located where noise conditions are suitable for development and where there are fewer public health implications as a result of noise. The concerns raised by the Councils Environmental Health Team specifically related to meeting the relevant standards for internal and external living and amenity spaces.

- 7.21 The Noise Mapping Data of the A50 predicts LAeq 18hr levels (day time) across the site to range between 55 dB and 70 dB and Noise Mapping Data of the A50 predicts LNight levels (night time) across the site to range between 50 dB and 60 dB. It is acknowledged that indoor noise standards are being met through design of the properties and a closed window system there remains concern about the external amenity spaces which exceed the maximum guideline values and are also above the World Health Organisation (WHO) recommended value from road traffic sources, which is 53dB Ldan.
- 7.22 Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017) the District Council will protect people and the environment from unsafe, unhealthy and polluted environments whilst promoting the use of appropriately located brownfield land. This will be achieved by only permitting developments if the potential adverse effects (individually and cumulatively) are mitigated to an acceptable level by other environmental controls or by measures included in the proposals.
- 7.23 Policy PD9 does not specifically set out what is considered to be an acceptable level of noise levels and the issue of noise levels above the recommended guidelines is not an unknown factor to the Local Planning Authority as it has been recognised and assessed as a potential issue in the consideration of the acceptability of the site allocation in the SHLAA assessment.
- 7.24 The Local Planning Authority recognised that there needs to be a balance between the potential impacts on future residents of the development and the contribution that the site makes towards delivering the overall housing requirements set out in the Derbyshire Dales Local Plan given its allocation. However the clear lack of consideration of a comprehensive design approach to overall allocation (HC2(p)) in order to determine the best design solution to address the site constraints, including noise levels, weighs heavily against the development proposal.

Other matters

- 7.25 The application site would be accessed via the existing vehicular access, albeit in modified form. The Local Highway Authority has considered a number of development proposals on this site, include a proposal of up to 35 dwellings and have concluded that the applicant has demonstrated, using speed readings, that an access with appropriate visibility can be formed. The Local Highway Authority raise no objection to the application, subject to conditions.
- 7.26 Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design. Whilst no details have been submitted to consider the requirements of Policy PD7, as measures to mitigate the impact of the development could be controlled via condition, the lack of consideration in this respect is not considered to be sufficient to warrant a reason for refusal on its own merits.
- 7.27 The application is accompanied by a Flood Risk Assessment which has been assessed by the Lead Local Flood Authority who advise that although the proposal is a minor planning application it is lacking in detail to fully appraise the development and its potential impact. The applicant would need to demonstrate whether the existing ditch has wider network connectivity and has sufficient capacity and condition to accommodate the proposal. The application therefore fails to provide sufficient information to fully demonstrate that the proposed site is able to safely and sustainably drain contrary to Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

7.28 Turning to the impact of the development on the local environment and, in particular protected species the application is accompanied by Preliminary Ecological Appraisal which was also submitted for consideration under application 19/01406/OUT and independently assessed by Derbyshire Wildlife Trust at the time. The application was subsequently withdrawn, however the comments made by Derbyshire Wildlife Trust are still relevant to this latest application. Derbyshire Wildlife Trust confirm that the survey and report has been undertaken and produced according to good practice guidance and that no further survey work is required at this stage. The ecology report provides some recommendations for bird boxes as biodiversity enhancements. Although Derbyshire Wildlife Trust support the enhancements set out in the appraisal it has been recommended that additional enhancements are incorporated into the development to help provide an overall net gain for biodiversity and to help the recovery of priority species, as per the requirements of the National Planning Policy Framework (NPPF) (2019). Given the above, and subject to compliance with the submitted documents, the proposed development will not have any impacts on protected species and as such the Local Planning Authority can be confident that protected species issues have been addressed.

Conclusion

7.29 Whilst the Local Planning Authority acknowledges that District Council has a modest shortfall in its supply of housing and the proposed development would constitute a sustainable form of residential development within the defined settlement boundary of Doveridge which in turn would add overall housing stock within the District, the application constitutes piecemeal development of the wider site allocation (HC2(p)) and does not make efficient use of land by optimising the use of site potential. As a consequence requirements of Plan Policy relating to appropriate housing mix, affordable housing, local infrastructure provision and developer contributions are not adequately addressed.

7.30 The piecemeal nature of the development further raises concerns over its impact on the settlement. The development by reason of its siting, layout and density would introduce a contrived and cramped form of development on this visually prominent site that does not respect the character, identity and context of this fringe of settlement locality and would represent an intrusive and uncharacteristic form of residential development.

7.31 Furthermore the application fails to provide sufficient information to fully demonstrate that the proposed site is able to safely and sustainably drain and whether occupants will have suitable outdoor amenity space protected from unacceptable levels of road noise from the A50.

7.32 Taking the above into consideration application fails to satisfies the relevant provision of the Policies S1, S2, S10, HC1, HC2, HC4, HC11, PD1, PD5 and PD8 of the Adopted Derbyshire Dales Local Plan (2017), Policies D1 and H1 of the Adopted Doveridge Neighbourhood Development Plan (2018) and the guidance contained in the National Planning Policy Framework (2019)

7.33 A recommendation of refusal is put forward on this basis.

8. RECOMMENDATION

That outline planning permission be refused for the following reasons:

1. The application would constitute piecemeal development of the wider site allocation (HC2(p)) and does not make efficient use of land by optimising the use of site potential. As a consequence the requirements of Plan Policy relating to appropriate housing mix, affordable housing, local infrastructure provision and developer contributions are not adequately addressed, contrary to policies S1, S2, S4, S8, PD1, PD2, PD5, HC1 and HC11

of Adopted Derbyshire Dales Local Plan (2017), Policy H1 of the Adopted Doveridge Neighbourhood Development Plan (2018) and the guidance contained with the National Planning Policy Framework (2019).

2. The proposed development by reason of its siting, layout and density would introduce an contrived and cramped form of development on this visually prominent site that does not respect the character, identity and context of this fringe of settlement locality and would represent an intrusive and uncharacteristic form of residential development, contrary to Policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017), Policies D1 and NE1 of the Adopted Doveridge Neighbourhood Development Plan (2018) and the guidance contained with the National Planning Policy Framework (2019).
3. In the absence of a wider assessment of the site allocation to satisfactorily address the potential adverse noise impacts on the future occupants of the dwellings it is considered that the use of gardens to dwellinghouses would expose residents to significant noise nuisance from the A50 to the detriment of their residential amenity, contrary to Policy PD1 of the Adopted Derbyshire Local Plan (2017).
4. The application fails to provide sufficient information to fully demonstrate that the proposed site is able to safely and sustainably drain contrary to Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

2. This decision notice relates to the following documents:
Submitted plans date stamped 14th December 2020.

APPLICATION NUMBER		20/01332/FUL	
SITE ADDRESS:		8-10 Snitterton Road, Matlock	
DESCRIPTION OF DEVELOPMENT		Erection of 2no. apartment blocks comprising of 18 no. apartments, change of use of former bank to 4no. apartments with associated extensions and related demolition of listed and non-listed ancillary buildings and extensions	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr James Collins
PARISH/TOWN	Matlock	AGENT	Evans Vettori Architects Ltd.
WARD MEMBER(S)	Cllr S Burfoot Cllr M Burfoot Cllr S Wain	DETERMINATION TARGET	16 th April 2021
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context and the impacts to heritage assets arising from the proposal.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of development - Impact upon heritage assets - Ecology and Trees - Impact on residential amenity - Highway safety - Flood Risk - Affordable Housing and Developer Contributions

RECOMMENDATION
That Planning Permission be Refused.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The (former) Royal Bank of Scotland (8-10 Snitterton Road, Matlock) is a grade II listed building (listed 1950) located prominently within the Matlock Bridge Conservation Area to the west of Matlock Bridge. The property was constructed in the late 18th century as an imposing detached townhouse. Some alterations appear to have been made in the early-mid part of the 19th century. In c. 1881 it became a bank at ground floor level with residential above. The principal block is designed in the Classical style, with pilasters, and is constructed from ashlar stonework with areas of coursed sandstone, sash and casement windows in plain stone architraves and central door with moulded stone door case. The hipped roof has been re-tiled with concrete slates. A new entrance was added to the southern side of the building in c.1912-3 which has Baroque Revival architecture with a heavy stone cornice and surmounted by 2 stone urns. Further flat roofed additions were made to the south-west and western sides of the building in the 20th century (including a new strong room on the western side of the main building in 1970-71). On the northern side of the original building a large two-storey extension, with 'archway', was added, most likely between 1937 and 1951. This is predominantly of ashlar/coursed stonework construction with stone detailing and sash windows of an unusual pattern. The roof is flat and part of the extension bridges a vehicular access way with its northern elevation is rendered. Attached to this northern extension is a single-storey flat roofed and timber clad terrapin building of c. 1961. To the rear of the building is a garage block of c.1951 with is not considered to be listed. To the frontage of the building is open ground and former garden with impressive stone walls. At the south-eastern corner is the Classical stone colonnade and the weeping beech tree covered by TPO 131 together with a group of trees in the north eastern corner.
- 1.2 With regard to the status of the main building group the entire group of buildings/structures (being all con-joined) as outlined above are protected by the grade II listing as the 1990 Act states that in the Act a 'listed building' means a "*building which is included in a list compiled, or approved, by the Secretary of State and, for the purposes of the Act, any object or structure fixed to the building shall be treated as part of the building*". In addition, any buildings/structures within the curtilage of the building (i.e. not physically attached/fixed to the building) which pre-date 1948, would also be protected by the grade II listing (i.e. the stone colonnade and boundary walls, for example). In this regard, the detached garage building to the rear (and built in 1951) would not be covered by the listing protection.
- 1.3 The Stone Cottage (12 Snitterton Road) is immediately to the west with its front elevation facing the rear car parking area adjacent to the garage block. The attached building has been converted into a holiday let. This property shares access with the site and has a small garden area to the north and west of the property with its rear elevation adjacent to the Snitterton Road footpath. Matlock Station abuts the site to the north with the pedestrian bridge over the railway line immediately adjacent to the northern boundary. The railway line and a bank of trees separate the site from the two storey stone town houses on Snitterton Road to the south west which are at a higher land level than the site. A variety of commercial buildings and a café are to the south over the road.

2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for alterations to the former bank in association with conversion to 4 No. apartments and the internal and external alterations are detailed below:-

External alterations to the main building are as follows –

NE Elevation –

- i. The double doors to the southern (former entrance) are to be fixed shut and the current handrailing removed,

SE Elevation –

- ii. Half of the 1970 strong room is to be removed and a new western wall formed with a double pair of glazed doors,
- iii. A new large opening is to be formed in the SE elevation of the northern wing with new lintel over and glazed bi-fold doors,
- iv. A former two-light window on the first floor of the SE elevation of the main building (historically blocked) is to be re-opened and glazed.

SW Elevation –

- v. Altering an existing window opening on the ground floor of the southern wing to form a new doorway,
- vi. New stone boundary wall, with gates, to yard area,
- vii. Remove fire escape apparatus from second floor window

NW Elevation –

- viii. Removal of the northern extension (& making good to the walling of the main building),
- ix. Re-instate two former first floor windows to northern wing,
- x. Re-open blocked window to ground floor of elevation,
- xi. Remove external fire escape staircase and re-instate window to fire escape doorway at first floor,
- xii. Install 3No. rooflights to north facing roof slope to southern wing

2.2 Demolition of parts of the listed building and including the extensions to bank, northern extension and the terrapin building are proposed. The northern extension and terrapin are to be removed and replaced by a detached square flat roofed building with accommodation on part of the roofspace with a gap of 6m between the buildings and slightly set back (200mm) from the front elevation of Bank House. The building would comprise of nine 2 bed apartments and one 1 bed apartments with the stairs and lift located in the centre of the building. The third floor would be set back 5m from the front of the building and would protrude 1.7m above the parapet wall of the two storey part. The overall height of the building would be 8.6m with the two storey part 7m in height.

2.3 To the rear a new three-storey block (double-piled) comprising of two 2-bed apartments and six 1-bed apartments with under-croft parking on the ground floor is proposed. The proposed block would utilise existing land levels with the frontage section providing the ground floor 2.5m lower than the finished floor level of the first floor. The building would therefore appear as two storey from the rear and three storeys from the front. The height of the building would be 10.2m to the ridge at the front and 8.8m to the ridge at the rear. The buildings are to be contemporary in their design ethos with the use of stonework cladding and contemporary cladding and finishing materials / colours.

2.4 The total number of apartments proposed is 22. The block plan indicates a total of 24 car parking spaces would be provided surrounding the buildings with four spaces within the ground floor of the rear block and two spaces to the front of No.12 Snitterton Road. The Design and Access Statement states that eight spaces would be allocated and 14 would be unallocated. The entrance to the site would be to the rear with the exit to the front.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - S2: Settlement Hierarchy
 - S3: Development within Defined Settlement Boundaries
 - S7: Matlock / Wirksworth / Darley Dale Development Strategy
 - PD1: Design and Place Making

- PD2: Protecting the Historic Environment
- PD3: Biodiversity and the Natural Environment
- PD7: Climate Change
- PD8: Flood Risk Management and Water Quality
- HC1: Location of Housing Development
- HC2: Housing Land Allocations
- HC4: Affordable Housing
- HC14: Open Space and Outdoor Recreation Facilities
- HC19: Accessibility and Transport

2 Matlock Bridge Conservation Area Appraisal

3. National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

20/01333/LBALT	Alterations to former bank in association with conversion to apartments and demolition of Listed Buildings (extensions to bank and terrapin building)	PCO	
19/00459/LBALT	Relocation and alteration of former ATM aperture	PER	10/06/2019
19/00458/FUL	External refurbishment including replacement of ATM with window, removal of associated lighting, cabling and conduit box and repair works	PER	10/06/2019
T/18/00151/TCA	Works to various trees within the Matlock Bridge Conservation Area	PERC	09/11/2018
18/01140/FUL	External alterations as part of decommissioning of branch	PERC	05/02/2019
18/01141/LBALT	Internal and external alterations as part of decommissioning of branch	PERC	05/02/2019

5.0 CONSULTATION RESPONSES

Parish / Town Council

5.1 Whilst a prospective housing scheme for the Former RBS premises on Snitterton Road is welcomed it is not considered that the proposed application meets the requirements of the Local Plan and the development's position in the Matlock Bridge Conservation Area and therefore recommend that the application is refused and that the applicant is requested to resubmit.

In resubmitting, the applicant should take account of the following:

The application makes no provision for affordable housing despite proposing twenty-two apartments, sufficient to require a contribution under Policy HC4 of the Local Plan. There is a concern regarding the massing and detailing of the western block. It is understood that the intention behind the design was for this block to be subservient to the existing house, while picking up certain characteristics. Unfortunately, the proposal does

not achieve this intention, which is a major concern given its prominent location in the Conservation Area. The features that need to be addressed include:

- The height, width and positioning of the western block. Viewed from the front, the two blocks appear very much of similar height and width. Consequently, they tend to compete for dominance. To avoid this, the western block needs either to be set back or be lower in height at eaves level.
- The need for a roof that complements the existing house. The flat roof may be acceptable but the second-floor block that rise above the eaves level of the existing house is not sympathetic clashing as it does with the existing hipped roof. We would prefer to see a double pitched slated roof like that on the existing house.
- Window treatment that complements the existing house. The windows in the existing house and the pillars lighten its appearance by distracting from its overall size and form, whereas the windows in the western block emphasize the rather heavy pillars proposed. Therefore, whereas the existing house has that lightness of touch that is apparent in 18th Century houses of its type, the western block seems to echo the rather brutal English architecture of the 1960s to 1980s. We believe that these two styles fight rather than complement. A design that placed more emphasis on the windows and used windows and decorative pillars similar in style to the existing house would avoid this problem. We recognise that their use may have consequences for the design of the apartments. Therefore, the architects might like to consider other approaches that have been used to marry new developments to existing formal 18th and early 19th Century buildings that avoid the heaviness inherent in the existing design.

Matlock Town Council is deeply concerned that the town has flooded three times in the past 18 months. In some areas the existing surface, foul and combined drains and sewers appear at capacity and are often discharging human waste and sanitary goods into the highway during heavy rainfall. Storm Christopher, January 2021, once again highlighted the need to have a comprehensive assessment of the drainage systems. The same issues remain now, as were apparent in the November 2000 flood, over twenty years ago. It is understood that there is no requirement for DDDC LPA to consult with STW regarding any new developments, as comment was made at the Local Plan stage four years ago! This is totally unacceptable, taking account of the town's recent issues with flooding and ongoing sewage issues. It is requested that the DDDC LPA ensure that the local surface, foul and combined drainage network is rigorously assessed to ensure the 22 additional properties will not add an unacceptable risk to the existing infrastructure.

There is little in the Design and Access Statement to indicate what has been done to minimise energy utilisation and lifetime carbon dioxide equivalent emissions. Both the District Council and Matlock Town Council have declared a climate emergency and are implementing related measures. Design requirements are changing, and we would expect current applications to meet the requirements that will come into force during the period for which any permission is current. We would like to see a statement from the applicant regarding the measures that have been taken in this respect. Perhaps the table provided in the draft Climate Change Strategic Planning Document could be used. We would also like to see a statement of estimated carbon dioxide equivalent emissions for the development.

The car parking spaces need EV charging points.

The two parking spaces at the front of the existing house might be better positioned under the trees on the western side of the plot thereby avoiding blockage of the main footpath from the junction with Dale Road and cars driving around to the front of the building.

Environment Agency

- 5.2 The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the site that they wish to formally comment on.

Derbyshire County Council (Highways)

- 5.3 The block plan indicates 24 car parking spaces of which 8 are allocated and 14 are unallocated. Taking account of the town centre location, good access to public transport, availability of public parking and the on-street parking restraint it is not considered that the Highway Authority would be unable to sustain an objection on the level of parking. It is recommended that secure cycle parking is provided within the site.

In view of the previous commercial use of the site and potential re-use, it is not considered that the proposals would lead to an increase in vehicular movements at the site and conditions in respect of provision of a construction compound, wheel washing and provision of parking and secure cycle parking.

Derbyshire County Council (Education)

- 5.4 The proposed development falls within and directly relates to the normal area of St Giles Church of England Primary School. The proposed development of 22 dwellings (excluding 7x1 bedroom) dwellings would generate the need to provide for an additional 4 primary pupils. Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would not have sufficient capacity to accommodate the 4 primary pupils arising from the proposed development.

The proposed development falls within and directly relates to the normal area of Highfields School. The proposed development of 22 dwellings (excluding 7x1 bedroom) would generate the need to provide for an additional 4 secondary phase (with post16) pupils. Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate the 4 secondary phase (with post 16 pupils) arising from the proposed development.

The County Council therefore requests financial contributions as follows:

- £68,706.36 towards additional education facilities for 4 primary places at St Giles Church of England Primary School.

DCC wish to reserve the right to use the contribution to provide primary places at an alternative local school within 2 miles of the development should expansion of the normal area school prove unfeasible.

- £106,027.64 towards additional education facilities for 4 secondary phase (with post 16) places at Highfields School.

- 5.5 Derbyshire County Council (Archaeology)

It is not considered that the works would have any archaeological impact.

Derbyshire County Council (Flood Team)

- 5.6 No consultation response has been received and shall be reported either through late representations or verbally at committee

Derbyshire Wildlife Trust

- 5.7 The Wildlife Trust have reviewed the Preliminary Ecological Assessment prepared by Arbor Vitae, December 2020. This assessment includes a Preliminary Bat Roost Assessment. The reports have been undertaken to an acceptable standard and provide the Local Planning Authority with a reasonable level of confidence with regards to potential impacts on nature conservation and biodiversity. The report has concluded that the development is unlikely to have any significant impacts on biodiversity including protected species. They hold no information to contradict this assessment. The Tree Survey undertaken by Jonathan Oakes (September 2018) and the Site plan – Landscaping drawing have been reviewed. The tree survey made recommendations regarding some tree works including felling of some coniferous trees. Their records indicate that there are a number of trees and groups of trees within the development site with Tree Preservation Orders and would advise the retention of these trees unless they are unsafe. Conditions are recommended in terms of tree retention, ecological enhancements and bird breeding.

Historic England

- 5.8 No comments.

Design and Conservation Officer (Derbyshire Dales)

- 5.9 In terms of the conversion of the main bank building, the new large opening to be formed in the SE elevation of the northern wing with new lintel over and glazed bi-fold doors is considered harmful to the significance of this particular wall and the visual/physical presence of such a large modern opening in an historic wall would appear out of context and anomalous.

The demolition of the northern curtilage-listed extension would constitute harm to the host building and this part of the Conservation Area. It is, however, considered that in itself the demolition of the northern extension would not constitute substantial harm to the significance of the designated heritage asset. Where a proposal would lead to less than substantial harm that harm should be weighed against the public benefits of the proposal.

The existing northern extension to the building is considered to be sympathetic and complimentary to the original house. It appears as a transitional building which flows through with the Georgian architectural style and proportion and this, with its stonework detailing etc., gives it significance. The submitted Heritage Statement has limited the value of the extension and evidence of why the extension cannot be incorporated into the scheme has not been provided together with why it cannot be integral to the scheme. On this basis, it is difficult to come to view that the harm identified is outweighed by a public benefit if no viability argument or evidence has been provided. No information has been provided on the feasibility of converting/altering the extension.

It is considered that the proposed scheme significantly competes with the original listed building in its articulately strong vertical and horizontal emphasis and its alignment, scale and mass which would be more in keeping with an urban, city, environment and not Matlock. It is felt that the extensive glazed reflections on the proposed building with panels set behind the stone frame would draw the eye and increase and exacerbate its presence and dominance. The listed building is set within its own grounds and its massing and shaping is softer in architectural style. It is considered that any replacement extension would have to be subservient with a low level link building, set back and narrowed.

Landscape and Tree Officer (Derbyshire Dales)

- 5.10 The proposed tree removals are acceptable as they are limited to poor specimens with limited contribution to the Conservation Area and because they are located outside of the area subject to the Tree Preservation Order. There appears to be an absence of detail relating to proposed locations, specifications and timing of erection/removal of

temporary tree protection fencing / temporary ground protection. These protections should be to the guidelines of BS5837:2012. Details should be submitted for approval.

There appears to be an absence of detail relating to removal of existing surfacing / re-surfacing / new surfacing works within the root protection areas (as defined by BS5837:2012) of retained trees which are subject to Tree Preservation Order. Damage to the rooting systems of these trees could not only harm the vitality of the trees but could reduce their stability in a relatively high risk location. If the intention is to repair / replace / extend the existing surfacing then the incursion into the root protection areas would be very considerable. Even if no-dig methods / specification were proposed for any repairs or new surfacing there would be serious concerns because of the potential impact on the vitality and stability of the important retained trees.

There may also be problems in future with the existing surfacing becoming damaged by root growth beneath it over time. This would likely lead to desire to repair and/or resurface the affected areas within the root protection areas of retained TPO trees which has potential to harm the trees and/or lead to pressure for their removal to facilitate repairs and prevent ongoing recurrence of damage with associated onerous and burdensome costs and disruption. The root protection areas of the TPO trees should be excluded from development entirely and the existing surfacing carefully removed using only hand tools under arboricultural supervision and the area covered with top soil and grassed.

Conditions are recommended in terms of proposed trenching required, ground level changes within RPAs, pruning required for construction and the additional trees planting requirements and their long term protection.

Environmental Health (Derbyshire Dales)

- 5.11 No objections to the development, however, a report assessing air quality as a nearby passive diffusion tube for Nitrogen oxides has an uncorrected annual average of 39.56ug/m³ is recommended via condition. The national Air Quality objective annual mean should be below 40ug/m³. This area is traditionally a commercial area, however this development introduces residential receptors at ground level in this area. Conditions in respect of electric vehicle charging points, submission of a noise mitigation scheme, hours of construction and bin storage are recommended.

Strategic Housing (Derbyshire Dales)

- 5.12 The Director of Housing notes that the application form does not make reference to affordable housing provision within the scheme. The scheme should make an affordable housing contribution in line with planning policy HC4, given the location and total number of units.

6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 13 representations have been received with 2 in support. A summary of the representations is outlined below:
- Adequate parking provision during construction and once completed is required to avoid massive disruption to residents and visitors of the area.
 - There are concerns from the owner of Bank House in relation to his holiday cottage in terms of health and safety of visitors during construction.
 - The proposal retains the one way system through the site as the entrance is far too narrow for construction vehicles and may cause damage to Bank House.
 - Two car parking spaces to the front of Bank House have been agreed with the applicant.

- The style and designs of the new apartments is entirely unsympathetic with the existing architecture of this Grade 2 listed building within a Conservation Area. The proposals are not in keeping, with an extensive use of zinc especially.
- Any development within a Conservation Area requires consideration of the impacts and harms to the special character and appearance of the Conservation Area, and these proposals give no such consideration and are obtrusive by design.
- The proposed height of the rear block would have a huge negative impact on many residents on Snitterton Road living opposite, affecting the far reaching views from the road, and
- The proposed apartments would overlook properties on Snitterton Road, giving a direct line of sight into front rooms.
- The height of this building should be much reduced, by having no car parking, underneath, or be of only one storey. It would also benefit from not having a high double pitched roof- a flat roof like the other block would also much reduce the height and impact.
- The number of car parking spaces seems woefully inadequate for the number of apartments, and there is a concern that this will place even more pressure on the limited car parking spaces on Snitterton Road.
- Snitterton Road should be restricted to 'residents only' parking due to the existing parking issues residents face.
- There are concerns that the additional vehicles would cause traffic congestion at peak times at the traffic lights at the bottom of Snitterton Road.
- Measures could be taken to ensure car parking on the road does not get affected by providing additional spaces on the development site by utilising some of the grass area.
- There appears to be missed opportunities to provide renewable energy in this development. Solar panels, electric car charging points for instance could be incorporated into the design.
- Each apartment should have space for storage and charging of electric bikes due to their proximity to the White Peak Loop cycle track.
- The flat roof part of the existing building and archway could be sympathetically restored and redesigned rather than being demolished.
- The amount of flats being built in Matlock is out of keeping with its character and infrastructure.
- It is not for architects to change the character of what remains of this old spa town.

Support

- The former bank building is beautiful and it will be so nice to see it restored with the eyesore side extensions removed and also it is great to see the colonnades and large tree are being retained.
- The proposal is considered to make a fantastic architectural statement and built respectfully in natural material, much improved on what is already there.
- The only negative would be that this application has only 22 apartments, it must be the most sustainable location in the district being in the centre of town next to transport hubs and everything on the door step.
- The apartments would be very well located for people who want to live in the middle of Matlock and being able to walk to all the facilities.
- It is also very encouraging that the proposals seem to preserve the lawned area to the front and the beautiful bank building whilst removing the ugly flat roofed portakabin area.
- It is hoped that the historic ceilings remembered from the bank are being kept.

Matlock Civic Association

Welcome the proposal to redevelop this important site in the heart of Matlock. However the design of the new block to the west of the existing building needs to be reconsidered

and greater attention paid to the need to extend and progressively regenerate the tree belt down the western boundary.

The principle of this proposed redevelopment of this very important site in the heart of Matlock is welcomed. This type of redevelopment was advocated in our representations on the Local Plan and in subsequent discussions with the developer. Particularly the removal of the 20th century flat-roofed addition to the original house is welcomed which detracts from the simple harmony and distinctive symmetrical character of the original house. There is modest scale and design philosophy adopted for the new block to the south (at the rear of the site next to the railway) and the use of local gritstone for the walls in the new apartment blocks. However there is concern that the roofing material seems to be zinc – the predominant roofing material in the Conservation Area is blue/grey slate or tiles and this should be adopted here too.

There are major reservations about the design proposed for the new square building to the west of the existing house. The architect's stated intention to ensure that this new block should be subservient to the existing house is noted but it is felt that the proposal as submitted does not achieve this. The design should also pay more regard to the character of the town (particularly as the site is within the Matlock Bridge Conservation Area). This western block would form an integral part of the frontage of the development facing Matlock and would be prominent in the views from the town. The applicant should be invited to rethink this part of the project.

The brief for this redesign should be:

1. The roof should be pitched to be in keeping with the roof styles that are a prominent, defining feature in the Conservation Area. This style of roof has been adopted for the new block to the south (which is shown as a double-pitched roof) and a similar treatment is needed for the Western Block to unify the development. The flat roof proposed is not appropriate.
2. The new block should be a similar height, ideally lower than, the existing house. The applicant recognises this point by showing the eaves height slightly lower than the eaves of the existing house.
3. The materials should reflect the characteristic materials in Matlock town centre – natural gritstone walls and blue/grey slates/tiles. The extensive use of zinc would not be necessary with a pitched roof design as we suggest.
4. The existing house has a very simple, domestic-scale, symmetrical façade facing the town. The design for the new block should respect this and not compete with it. The northern elevation in particular should be simpler (the proposal shows a complicated fenestration) and be less 'monumental' in appearance.
5. The new block should be behind the building line of the existing house to emphasise its subservience.

Four points are made on the landscape proposals:

1. There is an important belt of trees to the west of the site on the boundary with the Railway Station Approach. However this has been badly neglected over the years with several malformed trees. Some work has been done recently (with our support) to recognise this. However many of the remaining mature trees are very close to the western perimeter wall (indeed one tree overlaps the coping stone). The removal of more of these trees would be necessary in due course to protect the integrity of the wall. There is already some natural regeneration under the existing trees which would need attention to give the better stems room to grow. However more space needs to be provided for new planting inside the

existing tree belt to enable these successor trees to become well established before the removal of the mature trees close to the wall becomes necessary. This will need the proposed angled parking bays to be repositioned to create the necessary space.

2. This tree belt only runs part of the way down the western boundary and room should be provided to extend the belt southwards the full length of the boundary (towards the railway). This will involve breaking out a significant section of the existing hard surfacing which runs hard up to the boundary wall in this location.
3. To emphasise the separation of the new Western Block from the existing house trees should be planted in the gap between them and/or in the front lawn in order to create a treed separation between new and old.
4. The northern boundary onto the A6 main road is currently a fairly recently planted laurel hedge. If allowed to grow too high it will become rather oppressive to pedestrian users of the station approach and will obscure the view of the attractive existing house and the complementary new western block from Matlock Bridge.

This is such an important site not just because of its location in the town and in the Conservation Area but also because of the precedent whatever design is eventually adopted would set. Once a modern flat roofed design is adopted for one site it would make it more difficult to resist it becoming the norm. Conservation Area and Local Plan policies need to be given primacy. Importantly too, the Government seems to be more willing to support Councils in refusing applications on design grounds in its proposals for changes to the NPPF – so a refusal on design grounds should be easier to defend at an Inquiry.

The Civic Association was invited by the Applicant to discuss the site and the proposed design solutions and the applicant was sympathetic to their suggestions. The Civic Association drew up sketch alternative such as a crown roof solution, a double gable with central valley solution but neither were considered suitable for the site by the applicant / architect. The revised plans submitted have been discussed with the applicant. Redevelopment must be done in a way that fully respects the character of the site and which fully complies with DDDC Local Plan and Conservation Area policy. It is considered possible to achieve this - but unfortunately the revised scheme still falls short.

We therefore urge DDDC to seek to negotiate a scheme that does comply with its policies. However the application as it currently stands should be refused. DDDC could express a willingness to consider a new application sympathetically if it can be demonstrated to comply with its policies. This would be entirely consistent with the government's current proposals to amend the NPPF to give Councils greater scope to refuse unacceptable design which is not appropriate to their surroundings.

Cllr Wain

Considers the scheme an excellent opportunity to develop this brownfield site on a main arterial route through Matlock. The site is highly prominent and the old bank and its colonnade is a valued part of our community. While supporting development, I do have a number of reservations regarding the current application.

The square block to the west of the existing bank, which would replace the terrapin building is right for that location. It appears to overwhelm the existing bank building. Furthermore, it is not considered that the design of the new block is in keeping with that particular area of Matlock which is in a Conservation Area. The prominent site and would be visible from the centre of Matlock and the new structure should be subservient to the existing bank building.

In relation to highways cannot agree with the highways assertion, that in view of the previous commercial use of the site the reuse is not likely to lead to an increase in vehicle movements. The office premises, formerly an accountants, were working between 9 am and 5 pm and therefore there was little movement between these times. Please note the use as dwellings will create use over a much longer period throughout the day. As there are only 22 car parking spaces demonstrated on the layout, where will visitors, including family, health care professionals, deliveries and others park? There is a concern that this would only exacerbate the already limited car parking in the vicinity and add to highway congestion. However, the DCC request for secure cycle parking on site is fully supported, also with the addition of appropriate charging points.

It is noted that a basic drainage plan has been submitted, however once again there does not seem to be any consultation with STW, to ascertain whether the current drainage and sewerage infrastructure can accommodate this development. In light of the flooding and drainage issues in Matlock, is it possible that such a consultation can be undertaken?

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to the assessment of this application:

- Principle of development
- Impact upon heritage assets
- Ecology and Trees
- Impact on residential amenity
- Highway safety
- Flood Risk
- Affordable Housing and Developer Contributions

Principle of development

- 7.1 The site is allocated for housing in Policy HC2 (u) and is within the settlement boundary of Matlock. Matlock is identified in the Local Plan as one of the three main market towns within the district which are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres and shall continue to provide significant levels of jobs and homes. The housing allocation HC2 (u) has a site area of 0.35 hectares and was allocated for 24 dwellings. Policy S7 specifically seeks to promote the sustainable growth of Matlock / Wirksworth and Darley Dale. The policy goes on to state that this will be achieved by protecting and enhancing the historic environment and supporting the allocation of sustainable, suitable and deliverable housing sites sufficient to meet the requirements of the Plan area including the delivery of appropriate levels of housing development of new housing on sustainable sites. The principle of residential development within a town centre is considered acceptable, however, in this case the harm to the heritage assets has to be assessed and weighted against the public benefits.

Impact upon Heritage Assets

- 7.2 Within settlement boundaries Policy S3 allows development that:- is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located, retains existing buildings that make a positive contribution to the area and the proposed access and parking provision is appropriate. Policy PD1 requires development to be high quality that respects the character, identity and context and contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.3 Policy PD2 which seeks to conserve heritage assets in a manner appropriate to their significance, taking into account the desirability of sustaining and enhancing their

significance and ensuring that development proposals contribute positively to the character of the built and historic environment. It states that any proposed works should be informed by a level of historical, architectural evidence proportionate to their significance. Extensions and alterations are required to demonstrate how the proposal has taken account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset.

- 7.4 Policy PD2 requires proposals that affect a heritage asset and/or its setting to demonstrate how it has taken into account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset. The application is accompanied by a detailed Heritage Statement (HS) which assesses the significance of the assets taking account of the Conservation Area Character Appraisal and views that allow the significance of the assets to be appreciated.

Conversion of Bank House

- 7.5 The submitted Design and Access Statement (DAS) states that the strategy for the main building would be to “repair and conserve extant in situ historic fabric of moderate and considerable significance” and that “the main areas where significance should be sustained and enhanced to a high degree are the interiors and exteriors of the house where significant historic fabric of primary origin remains largely intact”. The DAS goes on to state that “the survival of architectural features from the original house is prioritised for retention or re-instatement”.

- 7.6 The external alterations are discussed in detail below:-

- i. *The double doors to the southern (former entrance) are to be fixed shut and the current handrailing removed.* This is considered acceptable.
SE Elevation –
- ii. *Half of the 1970 strong room is to be removed and a new western wall formed with a double pair of glazed doors -* As a modern insertion its full removal would be preferred, however, retaining some of it to provide internal ground floor accommodation is understood. The design and detailing of the new glazed doors will be important.
- iii. *A new large opening is to be formed in the SE elevation of the northern wing with new lintel over and glazed bi-fold doors.* Whilst currently concealed behind the 1970 extension this southern wall of the northern wing is likely to date to the late 18th century or possible early-mid 19th century. In that regard, the removal of such a large area (and associated structural works) is considered harmful to the significance of this particular wall and the visual/physical presence of such a large modern opening in an historic wall would appear out of context and anomalous. It is considered that a much smaller opening, or perhaps two small doorways could be formed which would be respectful to the significance, character and appearance of this part of the listed building.
- iv. *A former two-light window on the first floor of the SE elevation of the main building (historically blocked) is to be re-opened and glazed.* As an historic, former, opening retaining its stone surround and mullion the proposal to re-open it is considered acceptable (subject to the proposed new window type, form, pattern, design and detailing).
SW Elevation –
- v. *Altering an existing window opening on the ground floor of the southern wing to form a new doorway.* The submitted Heritage Statement (HS) does not analyse these two ground floor narrow windows in terms of their potential date etc. In this regard, without any evidence to the contrary, it is assumed that they date from the original build. In this respect the proposal to lower the cill to the left hand window, remove the 4 over 4 sash and install a multi-paned glazed door potentially affects primary

- fabric and detailing. However, if analysis provided evidence that they are later insertions then an appropriate alteration may possibly be deemed acceptable.
- vi. *New stone boundary wall, with gates, to yard area.* A new stone boundary wall (with gates) to the yard areas is acceptable subject to the constructional detailing & design of the wall and gates.
 - vii. *Remove fire escape apparatus from second floor window.* The removal of the old fire escape apparatus is welcomed.
NW Elevation –
 - viii. *Removal of the northern extension (and making good to the walling of the main building),* This is discussed below.
 - ix. *Re-instate two former first floor windows to northern wing.* There is internal evidence for these, however, refer to discussion below on the northern extension.
 - x. *Re-open blocked window to ground floor of elevation.* There is external evidence for this, however, refer to discussion below on the northern extension.
 - xi. *Remove external fire escape staircase and re-instate window to fire escape doorway at first floor,* The removal of the old fire escape apparatus is welcomed.
 - xii. *Install 3No. rooflights to north facing roof slope to southern wing.* The installation of three rooflights to the roof slope as indicated may be acceptable, subject to them being recessed, conservation type, rooflights.

7.7 All proposed external repairs to the main building shall be carried out under good conservation practice and specifications and methodologies would be required, via conditions, for such works. It is noted that it is proposed to remove the modern concrete tiles from the roofs of the main building and replace these with natural slate. This is considered to be an acceptable alteration to the roof and one which would re-instate its former character and appearance. On this basis the proposed conversion, subject to amendments in relation to the large opening in the northern wing, is considered acceptable subject to detailed conditions.

Northern Extension

7.8 The Heritage Statement (HS) concludes that the northern extension was built between 1937 and 1951. The HS, using ‘customary terminology’ deemed the northern extension to have ‘low-moderate’ historic and evidential significance and ‘low-moderate’ architectural and aesthetic significance. In both categories the northern extension is acknowledged as complementing the main building. It is clear that the northern extension was (almost certainly) designed by an architect as its design concept, detailing, stonework treatment and idiosyncrasies form an important part of its character and appearance. As the HS acknowledges the northern extension complements the main building and in that regard its architectural design concept is important.

7.9 The DAS states that “retaining these elements of structure would not be practical due to their form and shape”. Whilst this also refers to the garage block and terrapin it also refers to the northern extension. Whilst identified as having a ‘low-moderate’ significance (indicating ‘local value only’) the extension still has significance to the site. In that regard, to dismiss it as ‘truncated and incomplete’, ‘an incongruous composition’, ‘and insensitive relationship to the main house’ and having ‘unbalanced the symmetry and rhythm of the original façade and undermined its simple elegance’ is considered unfair. Furthermore, the DAS identifies it (with other elements) as ‘unsightly additions’. The DAS cites that the removal of the northern extension (and other elements) would allow the symmetry, rhythm and simple elegance to ‘be recovered and also benefit the legibility of the C18 building thereby enhancing the overall significance of the building in itself and within the extensive grounds and wider townscape of the Conservation Area’. This ‘recovery’ is difficult to reconcile when the 1912-13 extension on the south side of the C18 building (all be it of smaller scale) is appreciated and is to be retained. In this regard, the architectural cherry-picking of what constitutes a ‘recovery’ of the C18 building is brought into doubt.

- 7.10 The significance of the northern extension has been cited as 'low-moderate' in the HS which is stated as equating to 'local value only'. However, as a piece of historic and finely detailed architecture (now 70+ years old) attached to the main building and prominent within this part of the Conservation Area that 'local value' could be considered to be high giving it a pre-eminent local heritage value to Matlock and the Matlock Bridge Conservation Area. In that regard, the demolition of this curtilage-listed extension would constitute harm to the host building and this part of the Conservation Area. It is, however, considered that in itself the demolition of the northern extension would not constitute substantial harm to the significance of the designated heritage asset. Where a proposal would lead to less than substantial harm that harm should be weighed against the public benefits of the proposal.
- 7.11 The applicant provided information on the feasibility of converting /altering the extension and concluded that retaining the extension and extending onto to it by 50% would provide 2 offices and six apartments. It was stated that the new frontage block was what made the scheme viable and generated the profits for the whole site. The applicant went on to state that *"the bank building conversion is heavily loss making and the rear block will have significant building costs being close to the railway. Therefore if the proposed block in a form to provide 10 units were not permitted then the whole scheme would not be viable"*. The information provided does not constitute a viability assessment it merely states that the retention of the extension would make the scheme unviable. It should be noted that Government Guidance with the Planning Practice Guidance (PPG) on Viability defines "viability assessments as a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return". This level of information has not been provided. Furthermore, the PPG is clear that "under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan". The information provided is not considered to provide sufficient evidence to demonstrate that it would not be either viable or feasible to incorporate the extension into any scheme it is only on that basis that consideration of demolition of the northern extension and replacement would be considered and the harm can be accordingly weighted in the planning balance.
- 7.12 The garage block to the rear was built in 1951 and is not, therefore, deemed a curtilage-listed building. It has no special architectural or historic value and its demolition is considered to be acceptable. The Terrapin building being physically linked/attached to the main buildings is, technically, a curtilage-listed structure. However, it has no special architectural or historic value to the building group or context and its demolition is considered to be acceptable.

Frontage Building

- 7.13 The Design & Access Statement (DAS) cites that the "proposed 2 new build blocks are subservient to the main house, achieved in part by their simple form and lower parapet height'. With regard to the front block the DAS states that it has been designed 'to ensure that it is especially sympathetic to Bank House. Taking the simple cornice and columns of Bank House the proposal plays on these motifs to create a respectful but idiosyncratic elevation bound together with the use of local stone' and concludes that the 'proposal restores an element of the understanding/interpretation of the historic nature and design of the building'.
- 7.14 In relation to the proposed frontage elevation the following is noted:
- The frontage length of the new block is considerably longer than that of the main C18 house,
 - The top of the parapet to the frontage block is only slightly lower than the eaves line of the main house,

- The gap between the existing and the new is such that there is a close relationship between the existing and the new building,
 - The architectural design concept has stone 'columns' to each corner (essentially free-standing) and chamfered (staggered) recesses to the main openings or apertures,
 - The front elevation of the frontage block is on a similar alignment as the front elevation of Bank House.
- 7.15 It is considered that the proposed new frontage building presents an adverse architectural competitor to Bank House. This is represented by its frontage alignment, its scale and mass, its un-subservience, its strong architectural treatment and its proximity to the listed building. The streetscene and 3D plans indicate the potential competitive architectural grouping that would result from such a development where the eye cannot rest on the original and existing building but is restless in the proposed visual comparison and competition of the two. Whilst it is acknowledged that the building design, detailing and materials are likely to be exemplary the proposed frontage building is considered not to be subservient to the host building (and its setting) and would present an architectural interloper that would be deemed inappropriate for this particular site and context. It is considered that the proposal is not the correct design response to the site due to the impact on townscape and key views when passing the site. Due to its prominence in the streetscape and as a key building in the Conservation Area it does need to be a design that enhances the character of the original building and the site, rather than complete. Minor changes have been made to the plans through some negotiations with Matlock Civic Association but these went little way in addressing the fundamental issues.
- 7.16 It is considered that the proposed loss of the northern extension for the proposed new frontage building would not preserve the listed building or its setting. It is considered that the proposed frontage block would neither preserve nor enhance the Conservation Area.

Rear Building

- 7.17 The DAS states that 'the rear block relates to the Snitterton Road cottages which are stone faced with pitch roofs. The step in the plan reduces the massing of the building making it more domestic in nature and reflects the stepping of the cottages up the hill. Simple openings with deep reveals and ashlar gritstone simplifies the form of the building allowing it to be more background. The use of traditional zinc on the roof ties in with the wider context of pitched roofs along Snitterton Road. The setback entrance ties the front and back block together in design and again breaks up the massing of the elevation'.
- 7.18 The above rationale for the rear block clearly attempts to justify the proposed scale and massing of the block. It is, in its footprint, width, length and height a large building in this rear yard to the listed building. It is considered that in this location the proposed building does not have the relationship with Snitterton Road as much as the DAS claims. There is a clear separation with the sunken railway line and in the nature of the character of the rear yard to Bank House and that of Snitterton Road.
- 7.19 Whilst the location for the rear block has less impact on the frontage aspect of Bank House and the views from the public realm from the A6 and the lower end of Snitterton Road it is considered that the proposed new block is large and over-dominant to the rear yard. Much of its architectural treatment and design is taken from the proposed frontage block and whilst that may constitute an architectural suiteing of new development it allows the proposed contemporary architectural concept to dominate the site.
- 7.20 It is considered that the proposed rear block would not preserve the listed building or its setting. It is considered that the proposed rear block, as submitted, would neither preserve nor enhance the Conservation Area.

- 7.21 The NPPF refers to the potential harm that developments may have on the significance of designated heritage assets. It is considered that a development scheme within the curtilage or grounds of the designated heritage asset, that is not deemed appropriate in terms of its location, alignment, scale and mass, subservience and architectural treatment (in relation to the listed building) would not represent substantial harm to the significance of the designated heritage assets and in representing less than substantial harm that harm would need to be weighed against the public benefits of the proposal.
- 7.22 The 1990 Act places a general duty on local planning authorities that when considering whether to grant planning permission for development which affects a listed building, or its setting, the authority shall have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. The Act also requires an authority to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area. It is considered that the proposed rear block, as submitted, would neither preserve nor enhance the Conservation Area. The NPPF refers to the potential harm that developments may have on the significance of designated heritage assets.
- 7.23 The proposed loss of the northern extension for the proposed new frontage building is not considered to preserve the listed building or its setting. It is considered that the proposed front and rear buildings within the curtilage or grounds of the designated heritage asset are not appropriate in terms of their location, scale and mass, subservience and architectural treatment and result in harm to the Grade II Listed Bank House and this part of Matlock Bridge Conservation Area.
- 7.24 The conversion of the listed Bank House would renovate a prominent heritage asset bringing it back into use and would result in some improvements to the landscaping surrounding the buildings. The conversion and construction of two new buildings would also generate construction employment. The harm identified, however, whilst at the higher end of less than substantial harm in NPPF terms, would, however outweigh these public benefits. It is considered that the proposed unjustified loss of the northern extension for the proposed new frontage building together with the rear block would not preserve the listed building or its setting. The proposed frontage and rear blocks would neither preserve nor enhance the Conservation Area.
- 7.25 NPPF paragraph 193 states that:-
“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”. Paragraph 194 states: *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.*
- 7.26 The harm identified in terms of the demolition of the northern extension has not been sufficiently justified and great weight should be attributed to the harm on the significance of the listed building and Conservation Area outlined above. It is on this basis, in heritage terms that is considered that the harm outweighs the public benefits.

Impact on residential amenity

- 7.27 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. The nearest dwelling is No. 12 Snitterton Road adjacent to the site in the south western corner sharing the access and parking with the site. The rear block would be to the north west of the dwelling and as such would not cause significant overshadowing. No

windows are proposed on the elevation facing the dwelling therefore overlooking is not an issue. However, the proposal would introduce a 10.5m double gable wall with an eaves height 1.8m higher and ridge height 2m higher than the existing dwelling at a distance of 8.5m. This a substantial building in close proximity to one of the main elevations of the existing residential property with the resultant dominance and overbearing presence. The frontage block would introduce three floors of living room and bedroom windows 16 -18m from the rear windows of the existing property. It is on this basis the proposal is considered to be detrimental to the residential amenity of this property by reason of its proximity, scale, height and mass, contrary to Policy PD1.

Ecology and Trees

7.28 In terms of Ecology the Wildlife Trust are satisfied with the information submitted with the application concluding that the proposal is unlikely to have any significant impacts on biodiversity including protected species in accordance with Policy PD3. In relation to trees, a TPO covers the weeping Beech tree and the group of trees in the north eastern part of the site. Insufficient evidence has been submitted with regard to impact on these protected trees. No detail relating to proposed locations, specifications and timing of erection / removal of temporary tree protection fencing / temporary ground protection have been provided. There is an absence of detail relating to removal of existing surfacing / re-surfacing / new surfacing works within the root protection areas of retained trees which are subject to Tree Preservation Order. Damage to the rooting systems of these trees could not only harm the vitality of the trees but could reduce their stability in a relatively high risk location. If the intention is to repair / replace / extend the existing surfacing then the incursion into the root protection areas would be very considerable.

There may also be problems in future with the existing surfacing becoming damaged by root growth beneath it over time. This would likely lead to desire to repair and/or resurface the affected areas within the root protection areas of retained TPO trees which has potential to harm the trees and/or lead to pressure for their removal to facilitate repairs and prevent ongoing recurrence of damage with associated onerous and burdensome costs and disruption. The root protection areas of the TPO trees should be excluded from development entirely. The proposal does not comply with the guidance within BS5837:2012 and Policy PD6.

Highway safety

7.29 Policy S3 requires development to have appropriate access and parking provision *Policy HC19 seeks to ensure that development can be safely accessed in a sustainable manner and adequate parking is provided. The site is located within the town centre of Ashbourne and is thus assessable by a choice means of transport and there is on-street parking on Station Road and a number of public car parks in close proximity to the site.*

Flood Risk

7.30 Policy PD8: Flood Risk Management & Water Quality sets out that new development shall incorporate Sustainable Drainage Measures (SuDs) in accordance with National Standards for Sustainable Drainage Systems. This should be informed by specific catchment and ground characteristics, and will require the early consideration of a wide range of issues relating to the management, long term adoption and maintenance of SuDs. This submission includes a drainage plan and a statement within the DAS that SUDS would be incorporated. Insufficient information has been supplied in terms of surface water drainage, contrary to Policy PD8.

Affordable Housing and Developer Contributions

7.31 Policy S10: Local Infrastructure Provision and Developer sets out that the release of land for development will be informed by capacity in the existing local infrastructure to meet the additional requirements arising from new development. New development should only be permitted where the infrastructure necessary to serve it is either available, or where suitable arrangements are in place to provide it within an agreed timeframe.

7.32 The County Council Education Authority has assessed the capacity for the development on local schools and considered there would not be sufficient capacity and therefore requests financial contributions as follows:

- £68,706.36 towards additional education facilities for 4 primary places at St Giles Church of England Primary School.

DCC wish to reserve the right to use the contribution to provide primary places at an alternative local school within 2 miles of the development should expansion of the normal area school prove unfeasible.

- £106,027.64 towards additional education facilities for 4 secondary phase (with post 16) places at Highfields School.

In order to comply with Policy S10 a S106 would be required to secure these contributions.

7.33 Policy HC4: affordable housing requires all residential developments of 11 dwellings or more or with a combined floorspace of more than 1000 m² should provide at least 30% of net dwellings proposed as affordable housing. No affordable housing contribution has been offered for this 22 apartment scheme where Policy HC4 has a requirement of 30% with a potential split of 80% social and affordable rented accommodation with a balance of intermediate or starter homes discount. The DAS simply states that the flats would be “very popular with elderly people” with the majority category 2 and 10% category 3 of Part M of the Building Regulations. The scheme as submitted is not policy compliant, contrary to Policy HC4.

7.34 Policy HC14 has a requirement for new residential development of 11 dwellings or more to provide or contribute towards public open space facilities as set out in the Table 6 of this policy. This requirement is to improve the quantity, quality and value of play, sports and other amenity greenspace provision in line with the standards identified in the Derbyshire Dales Built Sports Facilities and Open Space Strategy (January 2018). The Council’s Supplementary Planning Document (SPD) on Developer Contributions seeks a requirement of open space for 22 dwellings that would equate to 214.28m² (Parks and Gardens), 170.10m² (Play space) or 59.10m² (Allotments). Due to the constraints of the site these contributions would be off site contributions of £3,214.20(Parks and Gardens), £3,742.2 (Play space) and £1,300.2 (Allotments). In order to comply with Policy S10 a S106 would be required to secure these contributions.

Conclusion

7.35 Whilst it is recognised that the delivery of housing on this allocated site will contribute towards the Council meeting its objectively assessed housing needs and bring with it associated social and economic benefits, the site is constrained by trees and designated heritage assets which receive a high level of protection in national planning guidance in the Council’s Development Plan Policies.

7.36 The Annual Monitoring Report for the period 1st April 2019 to 31st March 2020 confirms that whilst it is anticipated that the Objectively Assessed Housing Need identified in the

adopted Derbyshire Dales Local Plan of 5680 dwellings will be met by 2033, in the shorter term, as at 1st April 2020, the District Council does not have five years supply worth of housing, providing only 4.61 years' worth of supply of land for housing. Whilst this is a relatively modest shortfall and the site is allocated for housing development in the development plan under Policy HC2(u), there is a requirement under Paragraph 11 d) in the National Planning Policy Framework (2019) to approve development proposals that accord with an up-to-date development plan without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the Framework that protect areas or assets of particular importance (including designated heritage assets) provides a clear reason for refusing the development proposed. The Policies in the Development Plan which seek to conserve heritage assets in a manner appropriate to their significance align closely with guidance contained in the National Planning Policy Framework and remain the primary basis for assessing the scheme.

7.36 The benefits in this case comprise the provision of housing within a Tier 1 settlement in the Adopted Derbyshire Dales Local Plan and the delivery of a housing allocation in the Adopted Derbyshire Dales Local Plan to meet the districts objectively assessed housing needs. However, the significant adverse impacts on designated heritage assets set out above provide a clear reason for refusing the application. This in combination with the lack of affordable housing and developer contributions and the impact on the residential amenity of the occupants of No.12 Snitterton Road, which weigh heavily against the development, is such that refusal of the application is recommended in this case.

8.0 RECOMMENDATION

That planning permission be refused for the following reasons:

1. The loss of the northern extension, which is finely detailed and contributes positively to its surroundings and the history of the site is unjustified in heritage terms. Moreover, the alignment, scale and mass, strong architectural treatment and relationship of the new buildings to Bank House would compete with and appear as incongruous, prominent and dominating new development within the grounds of this Grade II Listed Building resulting in harm to its setting and the character and appearance of this part of the Matlock Bridge Conservation Area. This identified harm would not be outweighed by the public benefits to be derived contrary to Policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2019).
2. The proposal fails to provide any provision for affordable housing. Furthermore, no mechanism or offer to deliver the required contributions towards education and public open space have been made. On this basis the proposal is contrary to Policies HC4 and S10 of the Derbyshire Dales Local Plan (2017).
3. The proposed development would result in unacceptable overbearing effects on the occupants of No.12 Snitterton Road by reason of the proximity, scale, height and mass of the new buildings on site, contrary to Policy PD1 of the Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority considered the merits of the submitted application and sought to negotiate through providing details of the concerns and issues and additional information and amendments that may resolve the fundamental planning problems. However, as no significant amendments were forthcoming and no further negotiation was acceptable to the applicant it was considered 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 without delay and thereby allowing the applicant to exercise their right to appeal.

This decision notice relates to the following plans and documents:

Drawing no's P01, P02, P03A, P04A, P05, P06, P07A, P08A, P09B, P010A, P11A, P12A, P13A, P14A, P15A, P16

Design and Access Statement Ref: Doc_001

Tree Survey dated 21st September 2018.

Preliminary Ecological Assessment

Heritage Statement dated December 2020

APPLICATION NUMBER		21/00201/FUL	
SITE ADDRESS:		Hall, Jackson Road, Matlock	
DESCRIPTION OF DEVELOPMENT		Change of use of former band hall to storage facility (B8 Use)	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr J Probert
PARISH/TOWN	Matlock	AGENT	Planning Design and Practice Ltd
WARD MEMBER(S)	Cllr S Burfoot Cllr M Burfoot Cllr S Wain	DETERMINATION TARGET	12 th April 2021
REASON FOR DETERMINATION BY COMMITTEE	Due to local objection	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context and the impacts to residential amenity

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of development - Impact on character and appearance of the Conservation Area - Impact on residential amenity - Highway safety

RECOMMENDATION
Approval

1.0 THE SITE AND SURROUNDINGS

1.1 The site comprises of the former Band Hall which was constructed on the site in 1970. The building is single storey with cream cladding and glazing set lower and back from the front elevations of the stone terraced properties to the west. Land levels drop steeply to the south with the access road and properties accessed from it approximately 3 metres lower. The vehicle access and parking area is enclosed by a low wall adjacent to the eastern elevation. The site lies within the Matlock Bank Conservation Area.



2.0 DETAILS OF THE APPLICATION

- 2.1 The application seeks to regularise the change of use of the building from D2 to B8 (Storage and Distribution) incorporating some external alterations. The proposed use is a builders store for the applicant to store plumbing fittings/screws/fixings, tools and small plant such as concrete mixers/barrows. Occasionally kitchen appliances would be stored in the building prior to them having safe storage at the renovated property. Surplus materials that are low bulk and lightweight are stored until re-allocating to a different project. The storage of heavy building materials is avoided as this would not be economic or energy efficient. No external storage is proposed and the parking on site will be retained for a van or light truck.
- 2.2 In order to transport of any tools/plant or materials into and out of store would only require smaller vehicles and be loaded/unloaded by one or two persons and would not require any mechanical handling. External changes proposed include the insertion of a pair of double doors inserted centrally to the eastern elevation and the building would be re-painted in a similar colour scheme to the existing. The Highways Consultant has recommended that the bollards be removed and replaced with railings where a barrier is required for fall protection. The steps will be also be removed.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - S2 Settlement Hierarchy
 - S3 Development within Defined Settlement Boundaries
 - PD1 Design and Place Making
 - PD2 Protecting the Historic Environment
 - HC19 Accessibility and Transport
 - EC1 New and Existing Employment Development
2. National Planning Policy Framework
 - National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

14/00672/FUL	Replacement of Band Hall with 6 apartments	REF	03/12/2014
15/00206/FUL	Replacement of Band Hall with 5 apartments	PERC	15/07/2015
20/00956/FUL	Use of former band hall for storage and distribution use (Use Class B8)	WDN	25/01/2021
0385/0180	Retention of building without complying with condition 4 on planning consent WED/478/248	A	03/04/1985

5.0 CONSULTATION RESPONSES

Matlock Town Council

5.1 Matlock Town Council objected to the first application on the ground that the use of the building as a B8 facility would be inappropriate in a residential area. This remains the same and we ask that the application is refused.

Policy PD1b – The change of use to business class goes against Policy PD1b which states that the proposal must not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light, pollution or other adverse effects on local character and amenity.

The Band Hall is surrounded on all sides by houses, some on a lower level because of the sloping hillside and this type of use is totally unsuitable in a Conservation and Residential Area.

The Applicant's own Planning Statement neatly lays out the requirements of the Local Plan, but he has done nothing since withdrawing his previous application to comply this time.

Policy S3 – "Within the defined settlement development boundaries (Policy S2), planning permission will be granted for development where:

a) the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located...

e) the access would be safe and the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development;

f) it would have a layout, access and parking provision appropriate to the proposed use, site and its surroundings;

There has not been any alteration to Jackson Road since the last application. There is still no room for delivery vehicles to park outside the Band Hut without blocking access to residents and we do not believe that it is either possible or good practice to manually load or unload building materials which are by their nature too large and heavy to carry any distance, but this is what the applicant says the staff will be doing. The parking space provided is not big enough for anything other than a small van or truck, certainly not the

size of builder's merchants lorries, whereas the Highway Authority require room for one car and one lorry meaning that the requirement that it should have appropriate layout, access and parking provision is not met.

Policy EC1 – "... Permission will be granted for business or industrial development, or for the expansion or intensification of existing industrial or business uses, provided that the proposals would:

- Be of a type and scale of activity that does not harm the character, appearance or environment of the site or its surroundings or to the amenity of occupiers of nearby properties.
- Be accessible by a variety of transport modes, promote opportunities for sustainable transport and seek minimal reliance on the private car.
- Have a layout, access, parking, landscaping and facilities that are appropriate to the site and its surroundings and contribute to an attractive business environment.

The applicant has been unlawfully using this building for several years and it is thus a matter of fact, not conjecture that the operations carried out there do indeed harm the amenity of occupiers of nearby properties. In no way does the building have a layout, access, parking, landscaping and facilities that are appropriate to the site and its surroundings or contribute to an attractive business environment.

The building is past its sell by date, built on a base which has suffered subsidence, cannot provide enough parking space and is a rotting eyesore in a Conservation Area.

Policy HC19 – "The District Council will seek to ensure that development can be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan. This will be achieved by:

- Ensuring development does not lead to an increase in on-street parking to the detriment of the safe and efficient operation of the highway network.
- Requiring applicants to submit details of parking provision, which includes the proposed parking provision, based on an assessment of parking needs of the development and the impact on the surrounding road network. The details should be proportionate to the impact of the development."

Policy HC21 – "Vehicular parking for new development should be provided having regard to adopted standards, as set out in Appendix 2 of this Local Plan, or where the developer can adequately justify their own parking provision with evidence accompanying any planning application. Evidence will need to demonstrate that the level would not have a detrimental impact on the local road network."

Again, for reasons already outlined above we do not believe the information given meets the above Policies HC19 and HC21.

The automatic traffic counter used was only recording the speed and number of vehicles on Jackson Road and not the number using the site, which is the concern here. The results can be of little significance as it was in a period of lockdown and, as the TRICS data base used does not contain any comparable sites, the number of movements by the applicant's vehicles were guessed at by himself. Not a credible method in anyone's imagination. And yet 6 paragraphs down MEC continue to use the inadequate TRICS data base to give the likely number of visits, again on figures supplied by the applicant.

As the car parking area is several feet above ground level the two stone buttresses at either side of the entrance are there as a safety measure, to prevent any vehicle falling over the wall. We consider it will be very unsafe to take them down without extending the safety rail as far as the road. The applicant's intentions are not clear.

The proposed plans show new double doors leading onto the car parking space and mention repainting the walls of the building. There are however no details of the materials to be used in either case. These need to be provided before any determination.

We notice there is no request for Saturday working. This is unusual in the building industry. It is important that the applicant understands what he is requesting.

Matlock Town Council believes there are enough reasons itemised here in this submission to support our recommendation that the Committee refuse this application.

If, however the Committee is minded to grant planning permission we would like to see:

a) A Condition limiting working hours to those requested with no work on Saturdays, Sundays or Bank Holidays.

b) A Condition that the alterations to the entrance be done before using the site and the rickety existing barrier be replaced with a barrier fit for purpose.

c) The provision of parking for both a car and a lorry as required by the Local Highway Authority.

d) A Condition banning any outside storage or work from taking place at any time.

Derbyshire County Council (Highways)

- 5.2 The Highway Authority notes that this is a resubmission of a previous application (20/00956) to which they requested additional information be submitted to allow the proposal to be fully assessed. This latest application includes the previously requested information in the form of speed survey data and swept path analysis. Based on the submitted data, the existing site access is considered to have appropriate exit visibility in both directions and there appears to be sufficient space available within the site to allow appropriate parking and turning associated with the likely vehicles visiting the site such that the proposal is not considered to have a detrimental impact on highway safety or the efficient movement of traffic on Jackson Road.

On the basis that the use of the building would be for that as described in the planning application and not as an open B8 classification, which would be secured by condition, it is considered that an objection to the application on highway safety grounds would be difficult to sustain. Conditions in respect of access and parking are recommended.

Design and Conservation Officer (Derbyshire Dales)

- 5.3 The Conservation Officer considers the proposed alterations to the exterior of the building (east elevation) are minimal, and subject to the appropriate detailing/finish of the new double doors etc., would not constitute harm to the building or to the character and appearance of this part of the Conservation Area.

Environmental Health (Derbyshire Dales)

- 5.4 The Environmental Health Officer has reviewed the Structural Report and as confirmed in the applicant's summary this would appear suitable, with on-going monitoring generally which could be undertaken by the applicant going forward, and then seeking further

guidance if further deterioration is noted. Therefore I would confirm the site is considered safe for the proposed use.

The conditions below are recommended for the change of use which shall ensure the neighbouring properties are not unreasonably affected by the property and activities within.

- Working hours:
 - Weekdays between 08:00 and 18:00
 - no work at weekends or Bank Holidays
- No use of bench or floor mounted power tools
- Delivery vehicles limited to 2 axle 3.5T LGV
- No Skips (other than for routine maintenance in which case limited to a reasonable length of time to undertake the necessary maintenance)
- No storage of materials external to the building overnight

Building Control

- 5.5 This building was reported to Building Control on 18th March 2021 as a possible dangerous structure. An Officer attended site that day and their conclusion was that the building and retaining wall to the rear were not dangerous from a Building Control perspective as a dangerous structure. There are some cracks apparent in the lower masonry walls that form the rear of the building and the area to the side that forms the car standing area but the walls are not leaning and do not appear in any danger of collapse. The small retaining wall on the rear boundary is a little untidy but again does not appear in danger of collapse. It is noted from the structural engineer's updated report that he states that the wall is in the same condition as it was in 2007. If there are concerns about future loadings imposed on the building and car standing area would it be prudent to get the applicants to provide a structural report of their own from a qualified structural engineer to confirm adequacy or improvements required for the proposed use of the building.

Cllr S Wain

- 5.6 Previously commented on this planning application and whilst remaining supportive of the site for redevelopment for housing, have serious concerns regarding its use as a storage facility. It will negatively impact upon the amenity of the neighbourhood. It is noted that the ancillary B1(c) use has been removed and now class only class B8 storage is being sought. Having recently visited the area noted that the building remains in poor condition and is an eyesore within the locality. A lick of paint and some new doors would not improve the physical structure of the building. The images provided by one of the objectors are a concern. Some show cracks in the supporting wall, particularly the one shown on page 7 at the side of the Band Hall. Has a full structural assessment being required or undertaken, to establish if it is a suitable structure for such storage use and fit for purpose? Will any additional weight of goods stored in the property or vehicles parked outside the property, undermine the integrity of the building / site? This is a factor due to the elevated position and the site being in such close proximity to other dwellings. As there will be no site visit, can close up images of the building please be available to Members. The MEC consultants assessment requested by the applicant is noted, but it is still believed that if granted the site would cause a large amount of disruption to the local community. As the assessment was undertaken in a Covid19 lockdown, does it provide a true reflection of traffic flows, when people are encouraged to stay and work from home?

Furthermore, can it be clarified whether the buttresses and steps are to be removed and if they are, would the limited alterations to the entrance really enhance visibility splays and road safety, when other vehicles would still be able to park and obscure views? Attention should also be paid to the large drop to the west of the site close to the road.

Taking account of the above, should you be minded to recommend approval of this application, could it please be conditioned as follows?

No storage or sifting of skips outside the property.

No external storage within boundary of the site.

No work at weekends or Bank Holidays. Weekday working between 0800x 1800hrs.

Provision for two vehicles within the site boundary.

Only use of hand tools within the building.

Finally, these views are submitted without having sight of the response of the LHA and will comment on that, if required, when it is submitted.

Cllr M Burfoot

There are many issues to consider as regards this re-application, especially in respect of vehicular access and parking, in order to enable commercial vehicles, as well as employees' vehicles to be accommodated and to manoeuvre.

However, one of the main issues is the lack of any specific information about the actual use proposed for the building, with or without a coat of paint. If the use is storage, is this for building materials being delivered prior to being transported to a building site, or could it include any assembly or adaptation of materials. If however, the intention is to import waste materials from construction sites, prior to sending them to landfill, why and how are they being unloaded from a vehicle and transported into and then out of the building again and re-loaded ?

Finally, Cllr S Burfoot, as County Councillor would like to know if the Fire and Rescue Service (she is a member) has been consulted about the fire implications of this proposal, given the age and condition of the building and that the stored materials could be combustible.

6.0 REPRESENTATIONS RECEIVED

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

- There is inaccurate information on the application form in relation to the alterations to the access and existing parking provision.
- The proposed site plan annotates that the steps and bollards are to be removed but the elevation shows them to remain as existing so it is unclear what is proposed.
- When the Band Hall was built the level was raised by two metres and this infill has slumped with structural cracks visible.
- With vehicles manoeuvring at an elevated level the fence needs to be replaced by a substantial barrier.
- Conditions such as hours of working, noise restrictions, no parking on Jackson Road, limited use of skips, closed skips to reduce dust and maintenance of the building should be attached to any permission.
- The building is a fire hazard.
- Assurances are required that the building is just used for storage and not a workshop.
- The 2007 Structural Report states there is movement in the building and the rear boundary wall is no longer safe and requires re-building and the building requires maintenance.
- The Band Hall is in grave disrepair and could not be used for safe storage.
- Local roads are already congested with any increase dangerous to pedestrians.
- A Structural Report was commissioned by the owners of The Croft, 35 Wellington Street by the same person that completed the 2007 report that considered the rear

retaining wall to be in the same condition as 2007 with possibly a little more movement.

- The building is an eyesore.
- The storage use would create noise, environmental hazards and be detrimental to the character of this residential area.
- The use would impact onto the residential amenity of the small garden area of No.3 Jackson Road.
- The Band Hall is identified as one of the area's most significant negative features in the Matlock Bank Conservation Area Appraisal and does not make a positive contribution to the area.
- Notwithstanding the swept path analysis more vehicles reverse into or out of the site.
- The estimated 34 traffic movements per week is not correct as one van is parked on site permanently and produces 14 movements and this does not include an increase in workload.
- There is doubt that the use would be for storage only as it is currently a builder's yard.
- There is doubt that hours of use would be complied with as the site was accessed at 7:10am recently.
- The storage of building material would cause dust, noise and vibration, contrary to Policy EC1.
- The applicant should have a storage use nearer to their offices in Cromford.
- There would be an increased demand for on-street parking.
- Reversing out of the access is a danger to pedestrians and one van has crashed into a parked car.
- Vans and lorries often block the road and emergency vehicles have difficulty getting through.
- The applicant has used the site unlawfully for many years and therefore there is doubt that the use would be solely within the building as outside storage has taken place.
- The proposal is not sustainable development due to the proposed use and the building having a limited lifespan.
- The threat within the DAS of the building becoming more dilapidated if the use is refused is not a material planning consideration.
- The access is wholly inappropriate in terms of highway safety as on –street parking opposite makes the road single width and the swept path analysis shows vehicles within inches away from the fences and buttresses.
- Skips outside have been a regular occurrence throughout the unauthorised use so there is no confidence that this would cease with Enforcement becoming involved.
- If the building is sold with an unrestricted B8 use it could intensify the use.
- Conditions such as 2m fencing enclosing the car park to reduce visual intrusion and noise, no parking of heavy plant, no outside storage, fire safety assessment, inspection of the roof and repair to ensure the structural integrity of the retaining walls.
- Objectors have sought the advice of their own Consulting Engineer who carried out an assessment in 2007 of the wall. It is considered that the Peak Engineers report does not include the following recommendations considered necessary such as test pits dug behind the retaining wall, repair of cracking evidence and calculating the stability of the retaining wall adjacent to the lower public footpath to determine its ability to transmit the lateral loads with further movement in the walls possible.

Matlock Civic Association

The existing Band Hall is in very poor repair and it is a in and it is an incongruous building in the heart of a residential area. We objected to the previous application (my letter of 10 October 2021) and while it is now proposed for storage use only our reasons for objection remain unchanged.

If granted it will inevitably be a severe disruption to the neighbouring houses (indeed we understand these uses have already started without the benefit of planning consent). It is

therefore an inappropriate use in this location and the application should be refused on that basis and appropriate enforcement action taken.

The proposal is contrary to the following Local Plan policies:

S3 (a) Adverse impact on character and amenity of locality ,

S3 (c) Unsatisfactory car parking and access arrangements

PD1 – point 6 Detrimental to residential amenity

If consent were to be granted it will perpetuate the presence of this incongruous building when a sympathetic redevelopment is what is needed, enhancing the area.

7.0 OFFICER APPRAISAL

7.1 The following material planning issues are relevant to this application:

- Principle of development
- Impact on character and appearance of the Conservation Area
- Impact on residential amenity
- Highway safety

Principle of development

7.2 The Band Hall is located within Matlock settlement boundary and its authorised use is considered to be sui generis. Whilst it is considered the use is not a community facility the reasons behind this judgement and why the proposal does not require assessment against Policy HC15 is considered necessary for clarity. Policy HC15 seeks to protect and enhance the provision of community facilities and services. The policy requires any proposals that represent the loss of such an asset to demonstrate that the existing use is no longer needed to serve the community.

7.3 Firstly in relation to the change of use, the preamble to policy HC15 states that proposals that would result in the loss of important local services and facilities will not be granted planning permission until all possible options have been explored to maintain the existing 'community' use. The policy intention was that it sought to protect existing facilities and the provision of new community facilities to satisfy national guidance. The band hall was last in use by Matlock Town Band back in February 2012, over 9 years ago with the building used for storage since. The band hall was used privately for band practice and for no other purpose and as such was never in wider community use as detailed in Policy HC15. The building was solely in the ownership of the band and was used as space for the band to practice in as specifically limited in the Sui Generis use defined in the terms of the associated Planning approval (WED/478/248).

7.4 Whilst the application for five apartments (15/00206/FUL) was determined before adoption of the Local Plan in 2017, the provision of essential community amenities and services was relevant in 2015. Paragraph 70 of the 2012 version of the NPPF stated:

- *“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:… guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs…”*

7.5 Although the permission for the residential redevelopment of the site was never implemented, the decision that its loss of the building would not have an unacceptable impact for the local community was made at this time. The Band Hall was put up for sale

by the original owners. The applicant has been in ownership of the site since 2014, and the building has been used for storage since February 2012. Therefore, on this basis, the proposal does not require assessment against Policy HC15.

- 7.6 Policy EC1 relates to new and existing employment development where it seeks to support them in Market Towns and built up areas when it would not cause harm to the character, appearance and amenity of the area. The proposal would utilise an existing sui generis building for a storage and distribution use (use class B8). Whilst it is acknowledged that an unrestricted B8 use may not be appropriate in this predominantly residential area, based on the information submitted and the conditions recommended by Environment Health Officer any adverse impacts on the visual and residential amenity of the area is considered to be sufficiently mitigated by conditions covering restriction to the use that is stipulated within the application, restricting outside storage and skips, controlling hours of use, the types of vehicle that can access the site and use of power tools. The site is located within Matlock in reasonable proximity to the Town Centre and as such is considered a sustainable location. It is on this basis that the proposed change of use is considered acceptable in principle in accordance with Policy EC1.

Impact on character and appearance of the Conservation Area

- 7.7 Policy PD2 requires development proposals in Conservation Areas to demonstrate how the proposal has taken account of the local distinctive character. In terms of the alterations to the building, the agent has provided clarification in relation to the works required in association with the change of use. The submitted Statement states that “*the repair and re-painting of the building will improve its appearance and by putting the building into a long term practical use, the activity will prevent the building or the site falling into dis-repair*” and that there will be an “*improvement to the building by virtue of its continued maintenance and the proposed painting*”. It is considered that the proposed alterations to the exterior of the building (east elevation) are minimal, and subject to the appropriate detailing/finish of the new double doors etc., would not constitute harm to the building or to the character and appearance of this part of the Conservation Area in accordance with Policy PD2.

Impact on residential amenity

- 7.8 Policy PD1 of the Adopted Derbyshire Dales Local Plan relates to design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development that does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.9 Specific details of the use have been provided by the applicant and are found in paragraph 2.1. Residents are concerned with regard the associated noise of loading and unloading the building materials or small plant and the vehicles used in association with the use. Outside storage was also a concern. The Environmental Health Officer has reviewed the submitted information and considers that the recommended conditions would sufficiently mitigate any adverse impacts of noise and visual intrusion on the residential amenity of residents. Conditions can enhance the quality of development and enable development to proceed by mitigating the adverse effects. Suitability worded conditions are considered in this case to mitigate any adverse impacts and as such the proposal is considered to accord with Policy PD1.

Highway safety

- 7.10 The applicant has submitted speed survey data and swept path analysis with this application. The existing access measures 4.8m in width and is bound by two buttress walls.

The Transport Statement identifies a reduction in vehicle movements on site from the existing 34 movements per week to 18 movements per week. Based on the submitted data, the Highways Authority considers that the existing site access would have appropriate exit visibility in both directions and sufficient space available within the site, subject to the improvements proposed, to allow appropriate parking and turning associated with the likely vehicles visiting the site (car and 3.5T van) such that the proposal is not considered to have a detrimental impact on highway safety or the efficient movement of traffic on Jackson Road in accordance with Policy HC19.

- 7.11 The structural integrity of the retaining wall has been called into question and the applicant has submitted a Structural Survey in order to clarify this issue. A building control officer assessed the wall and concluded it was not a dangerous structure and recommended a Structural Survey. The report was reviewed and considered sound, with on-going monitoring undertaken by the applicant going forward. In relation to the retaining wall, the cracks were assessed against photos from 2013 with no significant change reported. The roof run-off previously discharged into the ground at the base of the retaining wall and may have attributed to the movement but this run-off is now routed to surface drains above the wall. This movement is considered to be historic and not progressive and annual monitoring is recommended by the engineer.

Conclusion

The principle of the change of use is considered acceptable. Any adverse impacts can be sufficiently mitigated by conditions covering sufficient detailing to ensure the alterations are in keeping with the character and setting of the Conservation Area.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

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

Reason:

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

2. This permission relates solely to the following plans: Drawing no's 3087-00 Rev A received on the 15th February 2021 and 3087-003 Rev B and 3087 Rev B received on the 16th June 2021.

Reason:

For the avoidance of doubt.

3. The use of the premises shall be restricted to the hours of 08:00 to 18:00 Mondays to Fridays and not at all on Saturdays or Sundays and Bank Holidays.

Reason:

In the interests of preserving the amenity of neighbouring residents in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan 2017.

4. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips (other than for routine maintenance for a reasonable length of time), crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

Reason:

In the interests of the appearance of the site and the amenities of the area in accordance with Policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan 2017.

5. No bench or floor mounted power tools shall be operated on the premises at any time.

Reason:

To preserve the amenities of the surrounding area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan 2017.

6. The existing access to Jackson Road shall be modified, laid out and constructed in accordance with the application drawing No. 3087-003 Rev B within 3 months of the date of this permission and shall be maintained in perpetuity free of any impediment to its designated use.

Reason:

In the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan 2017.

7. Within 3 months of the date of this permission space shall be provided within the application site in accordance with the application drawing no. 3087-003 Rev B for the parking and manoeuvring of visitors', service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason:

In the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan 2017.

8. Construction details (fully dimensioned vertical & horizontal sections at a scale of 1:5 and mouldings at a scale of 1:1), design and pattern of the double doors shall be submitted to, and approved in writing by, the Local Planning Authority prior to installation. The double doors 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 PD2 of the Adopted Derbyshire Dales Local Plan 2017.

9. The development hereby approved shall be painted in a colour which shall have been submitted to and approved in writing by the Local Planning Authority prior to application. The development shall be maintained in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development in accordance with PD2 of the Adopted Derbyshire Dales Local Plan 2017.

10. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), the premises shall be used for storage of building materials and equipment in association with the applicant's business as outlined in the applicant's email dated 17th March 2021 only and for no other purpose, including any other activity within the same B8 class of the schedule to that Order.

Reason:

Due to the restricted access for larger vehicles and location within a residential area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan 2017.

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 specific detail of the use and structural integrity of the retaining wall.

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 3087-001 received on the 15th February 2021

Drawing no's 3087-003 Rev B and 3087 Rev B received on the 16th June 2021.

MEC Technical Noted dated February 2021

Planning, Design and Access Statement February 2021

Peak Engineers Structural Inspection Report No. R2631-001

APPLICATION NUMBER		21/00345/FUL	
SITE ADDRESS:		10 Ednaston Court, Ednaston, Derbyshire, DE6 2DL	
DESCRIPTION OF DEVELOPMENT		Works to remodel garden including steps down from back door made from composite decking and adjacent raised decked area.	
CASE OFFICER	Mr J Baldwin	APPLICANT	
PARISH/TOWN	Brailsford	AGENT	Mr J Robson
WARD MEMBER(S)	Cllr Michele Morley	DETERMINATION TARGET	10/05/2021
REASON FOR DETERMINATION BY COMMITTEE	Due to local objection	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the impacts on the amenity of neighbouring occupants caused by the proposed development

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Impact upon heritage assets - Impact on the amenity of neighbouring occupants.

RECOMMENDATION
- Granted with conditions

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located off the western side of Yeldersley Lane to the north of the A52. The application property forms one of a number of converted agricultural buildings of red brickwork construction which once formed part of the Grade I listed Ednaston Manor estate. The properties which form Ednaston Court have not historically been treated as listed.

Vehicular access to the property is gained through the entrance to the court to the west however, there are existing pedestrian access steps to the rear garden of the property directly off Yeldersley Lane. Existing timber fencing forms the boundary to the existing rear garden.

The property has adjoining residential properties to either side and there is a small cluster of dwellings located on the opposite side of Yeldersley Lane.

2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the formation of new raised platforms linked with steps within the rear garden of the property as shown on the amended plans received by the Local Planning Authority on 10/05/2021. The proposed scheme involves a 1.25m (depth) x 2.15m (width) landing area outside of the existing rear doors to the property. The landing area would be raised 0.65m from the height of the existing concrete slab in rear garden with glass balustrades around the platform. The proposed steps would drop to the north onto a larger platform raised 0.2m from the height of the existing concrete slab. The proposed works would be constructed using composite decking boards.
- 2.2 The proposed plans also present the installation of imitation grass to the rear garden, a retractable roll out canopy over the decking area and the construction of a front porch to the property. The property does benefit from permitted development rights under the Town and Country Planning (General Permitted Development) Order 2015. These elements of the proposal do not require formal planning permission and do not therefore form part of the consideration of this application.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
S4: Development in the Countryside
PD1: Design and Place Making
PD2: Protecting the Historic Environment
HC10: Extensions to Dwellings
2. National Planning Policy Framework (2019)
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

0185/0024	Conversion to 8 dwellings and erection of garage block	Granted	23/04/1985
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5.0 CONSULTATION RESPONSES

5.1 None received.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 7 representations have been received in objection to the proposed development as originally submitted.

- The proposed development would result in a considerable loss of privacy to the occupants of 11 Ednaston Court.
- The proposed development would result in significant overlooking of 1 Thatched Cottage, Yeldersley Lane.
- The proposed development would not be sensitive or integrate well with the existing neighbouring properties.
- The proposal would be insensitive to the nearby Grade II Registered Park and Garden and listed Ednaston Hall contrary to policy PD2.
- The proposal would contravene building regulations in a number of ways.
- The rear garden of the property has been covered in a concrete slab with no provision for drainage.
- The proposed roll out canopy would not be in keeping with the barn conversions and may contravene covenants. It would be an unsightly addition to this elevation.
- The works would contravene a covenant which is in place on all properties within Ednaston Court.
- Approval of this application would devalue the properties on Ednaston Court.
- The retractable canopy would block sunlight from the garden of number 11.
- There is no guarantee that the proposed planting will grow higher than the fence and reduce overlooking. There is also no guarantee that the planting would be maintained. This also does not address the concerns for overlooking of properties across the road.

6.2 Following re-consultation based on the submission of amended plans, 7 representations have been received in objection to the amended scheme. A summary of the representations is outlined below:

- The plans would result in significant overlooking to neighbouring property 11 Ednaston Court.
- The amendments are not sufficient enough to reduce overlooking/loss of privacy to 11 Ednaston Court, 1 & 2 Yeldersley Lane Cottages or 1 Thatched Cottage.

- The impact on properties on the opposite side of the road may be reduced if a 2m high fence could be erected.
- The proposed roll out canopy is in breach of an existing covenant which prevents the alteration to an external elevation of the property.
- The addition of a porch would also breach the covenant which would also set a dangerous precedent across the development.
- Whilst the raised decking landing has been reduced in length and image of chairs has been removed it does not mean the area could not be used for this purpose.
- Access steps to the house cannot be denied but it must be for that purpose only. The proposed canopy cannot be an acceptable addition to a property of this character.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Impact upon heritage assets
 - Impact on the amenity of neighbouring occupants.
- 7.1 A number of concerns have been raised by local residents with regard to the installation a retractable canopy to the rear elevation of the property and a front porch extension. The property following its conversion to residential accommodation in 1985 under application ref code. 0185/0024 has retained its permitted development rights under the Town and Country Planning (General Permitted Development) Order 2015. The porch extension and canopy do not require formal planning permission and cannot therefore form part of the consideration of this application. Some representations also refer to restrictive covenants which may be in place at the property, however, this would be a legal matter which cannot form part of the consideration of this application.

Impact upon Heritage Assets

- 7.2 Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) seeks to ensure development proposals would preserve or enhance the character of both designated and non-designated heritage assets. In this case, the scale of the proposed developments and its location in relation to Ednaston Manor is such that there is not considered to be any impact on the special character, appearance or setting of the Grade I listed building or its surrounding Grade II listed Park and Garden.
- 7.3 It is however considered that whilst the properties which form Ednaston Court are not listed, given their historic association with the nearby Grade I listed Ednaston Manor they would be deemed to be non-designated heritage assets. As highlighted above, this application relates solely to the works to the garden of the property not the additions to the elevations of the property. In this case, whilst the proposal seeks to introduce raised platforms to the rear garden, these alterations would be screened from public view by the existing timber fence around the property. The introduction of composite decking to the rear of the property is not considered to result in any harm to the character and appearance of the property or the former agricultural range as a whole. It is therefore considered that the proposed development would comply with policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.

Impact on the amenity of neighbouring occupants

- 7.4 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development proposals to “achieve a satisfactory relationship to adjacent development which does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character or amenity. Given the nature of the proposed development it is considered that overlooking/loss of privacy is the primary issue in this case.

- 7.5 There were significant concerns raised with the proposed development as originally submitted with regard to the impact of the proposed development on the amenity of neighbouring occupants, particularly 11 Ednaston Court. Given these concerns and the level of public objection, amended plans were sought which moved the landing area outside the rear doors away from the boundary with 11 Ednaston Court and reduced the scale of landing area.
- 7.5 Following re-consultation on the amended scheme there remain concerns from local residents that the proposal would result in overlooking of both 11 Ednaston Court and properties on the opposite side of Yeldersley Lane to the east.
- 7.6 With regard to the small cluster of properties to the east it is acknowledged that the proposal would introduce a raised platform adjacent to the eastern boundary fence however, there is considered to be a sufficient distance between the properties such that any sense of overlooking or loss of privacy is likely to be minor and would not warrant the refusal of planning permission in this case.
- 7.7 The development is considered to have a greater impact on the amenity of the adjoining property 11 Ednaston Court. The amended plans have moved the landing platform away from the boundary however, the platform remains elevated in relation to the existing boundary fence and there is a difference in land levels between the two properties. It is acknowledged that this is likely to lead to some potential for additional overlooking/loss of privacy. The amended plans have however also reduced the footprint of the landing area to 2.15m (width) x 1.25m (depth) which is considered to limit how this space would be utilised. There is a requirement for a platform outside the rear doors to allow access, the reduced area is of a scale which it is unlikely to be used for sitting or standing on by the occupants for any significant period of time. This is likely to be done on the larger, and lower platform which is set away from the boundary. Consideration also has to be given to the existing levels of overlooking between the properties. The boundary fence does not currently prevent overlooking from inside the rear doors of 10 Ednaston Court or any platform which would allow access to the rear doors of the property.

Conclusion

- 7.8 It is considered that the proposed development would not result in any harm to the character and appearance of the existing property or the wider range of former agricultural buildings. Whilst the introduction of raised platforms, may cause some additional potential for overlooking/loss of privacy to neighbouring dwellings the level of harm is not considered to be sufficient to warrant the refusal of planning permission in this case. The proposal is therefore considered to achieve a satisfactory relationship with neighbouring properties.
- 7.9 Taking the above into consideration the application satisfies the relevant provision of the Adopted Derbyshire Dales Local Plan (2017). Accordingly the application is recommended for approval.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

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

Reason:

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

2. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority on the 10/05/2021 numbered A113 (Rev 2) and A115 (Rev 2)

Reason:

For the avoidance of doubt.

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 impact of the proposed development on the amenity of neighbouring occupants.

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

This decision notice relates to the following documents:

Site Location Plan (1:1250) received 15/03/2021

Site Plan (1:500) received 15/03/2021

A113 Rev 2 - Existing and Proposed External Works (1:50) received 10/05/2021

A114 Rev 1 - Existing and Proposed West Elevations (1:50) received 15/03/2021

A115 Rev 2 - Existing and Proposed East Elevations (1:50) received 10/05/2021

Ashbourne North

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/19/00154	Breach of Conditions 19 and 20 of Planning Permission 09/00496/FUL (Allowed on appeal)	The Mount 4 North Avenue Ashbourne Derbyshire	Pending Consideration
ENF/20/00003	Installation of solar panels to roof	13 Church Street Ashbourne Derbyshire DE6 1AE	DM Application Received
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/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
ENF/21/00021	Siting of storage container	Henmore Trading Estate Mayfield Road Ashbourne Derbyshire DE6 3AS	Notice Issued

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/20/00139	Dwelling not built in accordance with planning approval reference 18/00726/FUL	Former Sunny Bank Longford Lane Longford Derbyshire DE6 3DT	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/19/00067	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/20/00128	Erection of shed and boundary fence	3 Haven View Mill Lane Bradbourne Derbyshire DE6 1PA	Pending Consideration

ENF/21/00025	Unauthorised engineering works to facilitate a wider access and hardsurfaced track around field to a newly created hardstanding area, stationing of a mobile caravan, domestication of the agricultural land with the erection of a childrens climbing frame with slide and a sunken childrens trampoline, and the erection of a decking area. Further works include the creation of an enclosure with a field shelter to accomodate an Alpaca and a couple of sheep.	Land North West Side Of Manystones Lane Brassington Derbyshire	Notice Issued
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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
ENF/20/00159	Erection of signage and change of use of yard to rear of premises	Duke Of York Filling Station Mayfield Road Mayfield Ashbourne Derbyshire DE6 2BN	Pending Consideration
ENF/21/00044	Engineering works to extend existing bunding	Darley Moor Motor Cycle Road Racing Club The Darley Moor Sports Centre Darley Moor Ashbourne Derbyshire DE6 2ET	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	Notice Issued

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
ENF/19/00144	Without planning permission the unauthorised use of the site as a camping and caravan site	Land Opposite Square And Compass Main Road Darley Bridge Derbyshire DE4 2EQ	Pending Consideration
ENF/20/00154	Felling of Scot's Pine tree subject to Tree Preservation Order 119 (G3)	Land At St Elphins Park Dale Road South Darley Dale Derbyshire	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
ENF/20/00129	Formation of a car park in association with the fishing club	Land Between Dove Villa And Tollgate Cottage Doveridge Derbyshire	Pending Consideration

Hulland

ENF/15/00004	Unauthorised engineering works including substantive excavation on land at Common Farm.	Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP	Pending Consideration
ENF/15/00024	The unlawful use of the buildings outlined and hatched green on the 1:2500 and 1:1000 Scale attached plans, as a dwellinghouse (Use Class C3).	Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Notice Issued
ENF/18/00155	Replacement agricultural storage building not built in accordance with permission 15/00616/AGR, construction of car park and building being used as a dog training business	Moorside Farm Moor Lane Kirk Ireton Derbyshire DE6 3JZ	Pending Consideration
ENF/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/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

Matlock All Saints

ENF/18/00042	Unauthorised alteration of shop frontage	Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT	Notice Issued
ENF/19/00044	Erection of verrandah to top of shed	133 Smedley Street Matlock Derbyshire DE4 3JG	Notice Issued
ENF/19/00091	Alleged change of use of Band Hall to business/domestic storage facility	Hall Jackson Road Matlock Derbyshire	Notice Issued

Matlock St Giles

ENF/13/00084	Unauthorised erection of workshop	Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY	Notice Issued
ENF/17/00020	Unauthorised use of land for the storage and stationing of caravans.	Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ	Notice Issued
ENF/18/00178	The development is not in accordance with the approved plans.	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Pending Consideration
ENF/19/00008	Use of land for the parking of vehicles, unloading and storage of aggregates, unloading and storage of domestic and business waste and as a personal allotment with a greenhouse	Land To The Rear Of Sunnyside Farm Riber Road Riber Matlock Derbyshire DE4 5JU	Pending Consideration
ENF/19/00015	Formation of access onto a classified road (A615)	The Cottage Alfreton Road The Cliff Matlock Derbyshire DE4 5EZ	Notice Issued
ENF/19/00027	Tipping of materials additional to soil including rock, concrete and redundant farm machinery	Land At Junction Of Cunnery Lane And Alders Lane Tansley Derbyshire	Pending Consideration
ENF/19/00167	(a) Without planning permission, unauthorised engineering work, including retaining walls, to facilitate the formation of a compound area, the erection of enclosing walls and gate piers to this compound. (b) Without planning permission, utilising the compound for the storage of building materials, plant and equipment.	Land And Barn At The Corner Of Thatchers Lane And Alders Lane Tansley Derbyshire	Notice Issued
ENF/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	Notice Issued

ENF/20/00103	Breach of Condition 14 of planning permission 15/00861/FUL and formation of roadway and associated engineering works (raising of land and formation of swales)	Land South Of Bentley Bridge Chesterfield Road Matlock Derbyshire	Pending Consideration
ENF/20/00145	Installation of air conditioning unit to exterior of Grade II Listed Building	Tavern At Tansley Nottingham Road Tansley Derbyshire DE4 5FR	Pending Consideration
ENF/20/00147	Erection of treehouse	Littlemoor Farm Littlemoor Lane Riber Matlock Derbyshire DE4 5JS	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	Without planning permission the change of use of land 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	Pending Consideration
ENF/20/00018	Unauthorised change of use of garage block to independent dwelling	Coton Wood Lodge Muse Lane Boylestone Derbyshire DE6 5AB	Pending Consideration
ENF/20/00148	Unauthorised stationing of static and mobile caravans for the purposes of human habitation and the change of use of land for the storage of vehicles and machinery not associated with agriculture	Shaw Lane Farm Shaw Lane Marston Montgomery Derbyshire DE6 2FJ	Notice Issued

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
ENF/20/00120	Without planning permission, the unauthorised erection of a dwellinghouse, deliberately concealed inside an agricultural storage/stable building Without planning permission the erection of a single storey, lean to extension to the agricultural storage/stable building	North Park Farm Whitworth Road Darley Dale Derbyshire DE4 2HJ	Pending Consideration

Winster And South Darley

ENF/20/00016	Construction of storage buildings approved under application code ref. 19/00525/FUL using corugated steel sheets to the walls finished in an unauthorised off white colour	H J Enthoven And Sons Darley Dale Smelter Oldfield Lane Warren Carr Derbyshire DE4 2LP	Pending Consideration
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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/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/20/00077	Unauthorised building works, consisting of demolition of outbuilding and erection of two storey side extension to dwelling at 5 Churchill Avenue, Middleton by Wirksworth.	5 Churchill Avenue Middleton By Wirksworth Derbyshire DE4 4NG	Pending Consideration
ENF/20/00101	Erection of shed ☒	The Old Barn Rise End Middleton By Wirksworth Derbyshire DE4 4LS	Pending Consideration
ENF/20/00164	Without planning permission, the unauthorised change of use of the building and associated land from office use (Use Class B1) permitted under Part 3, Class R of Schedule 2 of the Town and Country Planning (General Permitted Development (England) Order (2015) (as amended) to a Dwellinghouse (Use Class C3).	Land At Manor Lodge Little Bolehill Bolehill Derbyshire DE4 4GR	Pending Consideration

Total Open Cases

93

Enforcement Investigations Closed



In the Month Prior to 17/06/2021

Carsington Water

ENF/21/00098	Green field being used as a pop up campsite having a new road/track for access.	Manystones Lane Brassington Derbyshire DE4 4HF	Duplicated Case	14/06/2021
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Norbury

ENF/21/00040	Down pipe runs into a 4" gulley but exits into a 3" perforated pipe thus leaving a gap to which the water can escape as well as the perforated pipe allowing water to go around both footings of the properties.	6 Rodsley Lane Yeaveley Derbyshire DE6 2DT	Complaint Unfounded	14/06/2021
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Stanton

ENF/21/00063	Are there any planning conditions limiting the hours of use at Forticrete, Warren Carr.	Forticrete Limited Masoncrete Factory Oldfield Lane Warren Carr Derbyshire DE4 2LN	Complaint Unfounded	01/06/2021
ENF/21/00073	Large window being created on the left side of the house close to neighbouring property which is currently unoccupied.	12 Thorncliffe Avenue Darley Dale Derbyshire DE4 2HU	Complaint Unfounded	21/05/2021
ENF/21/00085	Commercial enterprise based at the barn on North Park Farm called Wook Box. A Concealed house built within the barn and domestic extension attached without planning permission	North Park Farm Whitworth Road Darley Dale Derbyshire DE4 2HJ	Duplicated Case	17/05/2021

Total Closed Cases 5

NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 29th June 2021

PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
18/00662/LBALT	Brook Cottage, Pethills Lane, Kniveton	WR	Appeal being processed
ENF/20/00006	Land east of Grove Lane, Somersal Herbert	IH	Appeal being processed
20/01011/OUT	Reevsmoor, Hoargate Lane, Hollington	WR	Appeal being processed
20/01137/FUL	Barn at Oak Tree Farm, Nether Lane, Biggin, Ashbourne	WR	Appeal being processed
21/00189/PDA	The Barn, Upper Lane, Biggin	WR	Appeal being processed
21/00180/FUL	The Beehive, Well Banks, Kirk Ireton	WR	Appeal being processed
20/00617/FUL	Land east of Les Ardennes, Hulland Ward	WR	Appeal being processed
19/01213/FUL	Four Lane Ends, Gibfield Lane, Hulland Ward	WR	Appeal being processed
21/00149/PDA	Crystal Springs Farm, Cuscas Lane, Brailsford	WR	Appeal being processed
21/00134/VCOND	Dunwood, 37 Buxton Road, Sandybrook, Ashbourne	WR	Appeal being processed
Central			
ENF/20/00120	North Park Farm, Whitworth Road Darley Dale	IH	Appeal being processed

20/00581/FUL	5 Asker Lane, Matlock	IH	Appeal being processed
20/00974/FUL	Field adjacent to Oldfield Lane, Warren Carr, Matlock	WR	Appeal being processed
ENF/19/00144	Square and Compass, Main Road, Darley Bridge	WR	Appeal being processed
20/00535/FUL	Rock Cottage, 69 Derby Road, Cromford	WR	Appeal being processed
ENF/20/00164	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed

20/01247/CLEUD	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed
20/00840/FUL	Cuckoostone Grange, Cuckoostone Lane, Matlock Moor, Matlock	WR	Appeal being processed
20/01141/FUL	26 Gorse Bank, Wirksworth	HOUSE	Appeal being processed
21/00185/FUL	9 Snitterton Road, Matlock	WR	Appeal being processed
21/00030/FUL	St Elphins Cottage, Blind Lane, Hackney, Matlock	WR	Appeal being processed

WR - Written Representations

IH - Informal Hearing

PI - Public Inquiry

LI - Local Inquiry

HH - Householder

OFFICER RECOMMENDATION:

That the report be noted.



Appeal Decision

Site Visit made on 4 May 2021

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th June 2021

Appeal Ref: APP/P1045/W/21/3268403

87 Meadow Hurst, Belper Road, Ashbourne, DE6 1LL

- 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 Robert Wallwork against the decision of Derbyshire Dales District Council.
 - The application Ref 20/00972/FUL, dated 28 September 2020, was refused by notice dated 1 December 2020.
 - The development proposed is for a new build house in existing domestic plot.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposal on:
 - The character and appearance of the surrounding area; and,
 - The living conditions of the neighbouring occupiers at No 85 Belper Road with regard to outlook and privacy.

Reasons

Character and Appearance

3. The appeal site is a large plot off Belper Road, the A517, which is primarily characterised by its verdant nature and position at the edge of the settlement. The dwellings along this part of the road are not uniform in appearance but are predominantly set back within their plots which vary in size and width. The appeal site slopes away from the road and contains a detached dwelling which has a modern extension and is set back from, and lower than, the road.
4. The proposed dwelling would be located between the host dwelling and No 85 Belper Road, which is served by a spur off the A517. Whilst the proposed plot would be somewhat narrower than those on the A517, I find that it would be of a similar width, and comparable with, the plots of the dwellings, Nos 73-85, along the spur. Moreover, the proposed dwelling, although smaller than the host dwelling, would be of a size and scale similar to No 85. I therefore find that it would form a transition between the two groups of development and, in this way, would not be harmful in views from the A517.
5. However, views along the spur towards the appeal site are largely across front gardens and provide a sense of openness. While the host dwelling and modern extension are visible, they are set back and are not overly prominent in views.

Therefore, while I am mindful of the appeal decision¹ which relates to the modern extension, it does not materially affect my decision. In contrast the proposed dwelling, would be in a prominent, elevated position close to the end of the road and clearly visible between the dwelling and garage at No 85. In this way it would form an incongruous and intrusive feature which would appear to loom over the end of the road and would be harmful to its open nature.

6. The appellant has brought to my attention ways in which the proposed dwelling has been designed in order to minimise its overall height and scale. Whilst I note these, including that it is not a full two storey dwelling, they are not sufficient to prevent the above harm, given its prominent and elevated position above the end of the spur. Likewise, while the proposal has taken cues from the host dwelling with regard to its appearance and parking layout, this does not outweigh the harm identified above.
7. I therefore find that, by way of its prominent and intrusive siting, scale and size, the proposed dwelling would be an incongruous feature within the spur off Belper Road. It would therefore conflict with Policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (LP) which require, amongst other things, that development is of a high quality and is sympathetic to its surroundings. It would also conflict with Paragraph 127 of the National Planning Policy Framework (the Framework) which requires development to be visually attractive and sympathetic to local character.

Living Conditions

8. The front garden of No 85 Belper Road is set back from both the A517 and spur sections of Belper Road. This gives it a sense of privacy and, from my observations on site, it appears that it is a useable and attractive amenity space for the occupiers of No 85. Whilst the dwelling at No 87 is visible over the shared boundary, this is at some distance and it does not harm the openness of the front garden. However, the proposed dwelling would be in a raised position above, and very close to the boundary of, the front garden of No 85. It would therefore be a dominant and overbearing feature in the outlook from the garden of No 85 which would harmfully change the living conditions of the occupiers.
9. The upper floor window serving the dining room area would be a large window close to the shared boundary with No 85 and its front garden. Given its close proximity and size it would be a dominant feature in views from the garden and it is likely that the obscure glazing would not prevent movement on the other side being visible. As such I find the occupiers of No 85 would experience a perception of overlooking from the window when using their front garden which would be detrimental to the quality of this amenity space and their living conditions. Whilst I note that the appellant has suggested the obscure glazing be controlled by condition, this would not be sufficient to mitigate the perception of overlooking.
10. However, I find that the rear windows serving the upper floor would not result in a significant or unacceptable increase in overlooking to the rear garden of No 85 as overlooking is already possible as a result of the changes in land levels.

¹ APP/P1045/D/18/3194507

Moreover, the rooflights would also not cause any unacceptable overlooking given their height and orientation.

11. Nevertheless, the overbearing impact and perception of overlooking from the proposed dwelling on the front garden of No 85 would be unacceptable and would harm the living conditions of the occupiers. The proposal is therefore contrary to Policies S3 and PD1 of the LP which require development to, amongst other things, prevent unacceptable harm to amenity such as through overlooking or overbearing impacts. The development would also conflict with Paragraph 127(f) of the Framework which requires development to create places that provide a high standard of amenity of existing users.

Other Matters

12. The appellant is concerned that the Council, in its statement of case, introduced a new matter by referring to an "important physical break". However, in my judgement they have not introduced a new argument but have instead expanded upon the character and appearance reason for refusal. I find this also does not conflict with the overall principle of residential development in this location, which deals with the principle of the location. Whilst I note the appellant's concerns regarding the inconsistency in the Council's decisions, in my judgement, the scope of the extension of No 87 was significantly different to the proposed new dwelling before me.
13. The appellant has pointed out that the proposed dwelling would have high energy efficiency, surpassing building regulation requirements. However, no substantive evidence has been submitted to demonstrate this. I therefore find that while the dwelling may be energy efficient, this is unlikely to be to such an exceptional degree as to outweigh the harm identified above.

Conclusion

14. Whilst the proposal would result in a new dwelling, the contribution that it would make towards the delivery of housing in this sustainable location would be limited and does not outweigh the identified harm and the conflict with the development plan.
15. No other matters raised, either individually or cumulatively, outweigh the conflict with the development plan. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR



Appeal Decision

Site visit made on 2 June 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2021

Appeal Ref: APP/P1045/D/21/3269649

158 Derby Road, Cromford DE4 3RN

- 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 D Sheldon against the decision of Derbyshire Dales District Council.
 - The application Ref 20/01275/FUL, dated 24 November 2020, was refused by notice dated 19 February 2021.
 - The development proposed is replace 1.6m panel fence with 1.9m close boarded timber fence.
-

Decision

1. The appeal is allowed and planning permission is granted for replace 1.6m panel fence with 1.9m close boarded timber fence at 158 Derby Road, Cromford DE4 3RN in accordance with the terms of the application Ref 20/01275/FUL, dated 24 November 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block and Location Plans; Fencing Detail Plan.
 - 3) The development hereby approved shall be painted a dark brown colour within one month of being erected and shall be retained and maintained as such.

Procedural Matters

2. When on my site visit. I observed that further past the part of no. 158 which faces Derby Road, some fencing had already been erected which does not appear to be shown on the submitted plans. Notwithstanding this fencing being in place, I have considered the appeal based on the plans originally submitted to and considered by the Council, which form the basis of the scheme that is before me.
3. In accordance with the statutory duty set out in section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Cromford Conservation Area (CA).

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the CA with reference to the setting of the Derwent Valley Mills World Heritage Site (WHS).

Reasons

5. The appeal site is located on the junction between Intake Lane and Derby Road. While on my visit I observed that the existing boundary treatment where the proposal would be located comprises the combination of a small stone wall with fencing on top of it with many semi-mature trees and some taller mature trees behind them. In many places this existing fencing was in a dilapidated state with some pieces missing. I also observed that the neighbouring property had brown coloured timber fencing on top of its boundary wall facing Derby Road which appeared to be similar to the proposal.
6. Given the appeal site's location I consider it to be visually prominent within the street scene. Even so, given the proposal's size, colour, location, and design as well as the fact that several properties fronting Derby Road have similar boundary treatments it would not necessarily look out of place. Consequently, while I note that timber fencing is not a traditional boundary treatment it would not harmfully detract from the character, appearance, setting or significance of the wider CA thereby having a neutral impact. For similar reasons, it would also not harmfully detract the setting or cultural value of the WHS thereby also having a neutral impact on it. As a result, I find that the proposal would preserve the character of the CA and the cultural value of the WHS in accordance with the aims of the National Planning Policy Framework (the Framework).
7. I also note that the proposal would be higher than the fencing it would replace. However, it would not be so high as to dwarf the other boundary treatments nearby or to look incongruous within the street scene particularly given the presence of the semi-mature and mature trees behind it. The Council have also suggested that instead of the replacement fencing, that the existing boundary wall should be increased in height and that dense evergreen planting should be placed behind it. However, any increase in the height of the boundary wall would not be in keeping with the other similar boundary treatments on this part of Derby Road.
8. I therefore conclude that the proposal would be consistent with the preservation of the character of the CA and the cultural value of the WHS. Accordingly, it would meet the requirements of policies PD1, PD2 and HC10 of the adopted Derbyshire Dales Local Plan.

Other Matters

9. Interested parties have raised concerns that the proposal would be too high and would therefore cause visibility problems for vehicles using the road junction. However, the Highway Authority have not objected to the proposal and I have no substantive evidence before me to suggest that it would cause any issues in relation to highway safety.
10. An interested party has also expressed concern that a new vehicular access has been formed in the boundary wall of the appeal site, new surfacing has been laid and that trees and hedges have been pruned and/or removed from the

boundary without planning permission. However, this is not a matter for me to consider as part of this s78 appeal as enforcement issues are something that should be dealt with by the local planning authority in the first instance.

11. None of the other matters raised alter or outweigh my conclusions on the main issue above.

Conditions

12. In addition to the standard implementation condition, I have imposed a necessary condition to define the plans with which the scheme should accord in the interest of precision. I have also imposed a condition requiring the colour of the proposed fencing to be brown in the interests of the character and appearance of the area.

Conclusion

13. For the reasons set out above I conclude that the appeal should be allowed.

C Coyne

INSPECTOR



Appeal Decision

Site visit made on 25 March 2021

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Appeal Ref: APP/P1045/Q/20/3256289

Foxgloves, Chesterfield Road, Rowsley, Derbyshire DE4 2NN

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 against a refusal to modify a planning obligation.
 - The appeal is made by Mr Eric Bautsch against the decision of Derbyshire Dales District Council.
 - The development to which the planning obligation relates is for the erection of an agricultural workers dwelling approved under planning application reference 00/07/0516.
 - The planning obligation, dated 15 March 2001, was made between Mr Stephen Buckingham and Mrs Shirley Buckingham and The Royal Bank of Scotland PLC and Blemain Finance Limited.
 - The application Ref 20/00023/S106M, dated 27 December 2019, was refused by notice dated 25 June 2020.
 - The application sought to have the planning obligation modified as follows: to remove bullet 3 on page 4 of the agreement (which relates to an agricultural tie).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the obligation still serves a useful purpose and would continue to do so with, or without, the proposed modification.

Reasons

3. At my site visit I could see that the dwelling subject to the agricultural tie in dispute was substantially complete and occupied. The evidence before me suggests that the dwelling was originally granted consent because of its links to supporting agriculture and rural enterprise.
4. The Council's current development plan postdates the obligation. I therefore appreciate that the content of the Council's development plan may have been subject to change since it was signed. However, I have not been provided the historic content of the previous development plan to make an informed judgement as to the potential extent of that.
5. That said, Policy S4 of the adopted Derbyshire Dales Local Plan December 2017 (DDLPL) still requires that new development outside of settlement areas protects the intrinsic landscape and setting of the Peak District National Park. Criterion (i), point number six, of the policy seeks that new residential development meets the essential requirements of agriculture or other rural based enterprise in accordance with Policy HC13.

6. Policy HC13 of the DDLP relates to the provision of dwellings to meet the needs of agricultural and rural based workers. Its criteria include demonstrating an established functional need, and that the need relates to a full-time worker or one who is primarily employed in agriculture or other rural based enterprise which needs to be located in the area.
7. In all cases Policy HC13 also sets out that the Council will: seek to prevent the sale of the dwelling separately from the site itself or any part of it without prior approval; limit occupation of the dwelling to a person solely based in a rural based activity or; to a person solely, mainly or last employed in agriculture within the locality, or to a widow or widower of such persons and to any dependants. The current aims of the development plan in force are therefore comparable to what the agreement subject to appeal presently achieves.
8. There is some reliance on planning conditions stated by the existing development plan policies, but the disputed clause within the obligation contains specific wording relating to retirement and links to the locality that condition 3 of planning permission 00/07/0516 does not fully address. There are also related land management issues which the obligation deals with, when read as a whole, with the clause applied. Moreover, when applying current national guidance there is nothing to prevent an obligation being entered into by parties to manage rural development in line with locally defined requirements.
9. Overall, there is nothing provided within the evidence which gives me sufficient assurances that the sole reliance on the condition within the original planning permission would be appropriate. The s106 enables the Council to properly enforce the use of the dwelling for its intended purpose which is linked to supporting agriculture and rural enterprise within the district.
10. Accordingly, having considered all of the appellant's points, I conclude that the planning obligation still serves a useful purpose. The modification would limit enforceability of the original aims of the agreement. Thus, it should continue to have effect without modification.

Conclusion

11. For the reasons given above the appeal does not succeed.

M Shrigley

INSPECTOR



Appeal Decision

Site Visit made on 18 May 2021

by **William Cooper BA (Hons) MA CMLI**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021

Appeal Ref: APP/P1045/Y/21/3269505

Mill Barn, Foxholes Lane, Ashbourne DE6 1JP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Fiona Anthony against the decision of Derbyshire Dales District Council.
 - The application Ref: 20/01188/LBALT, dated 17 November 2020, was refused by notice dated 22 January 2021.
 - The works proposed are installation of one velux roof window (to be the same as existing ones to property).
-

Decision

1. The appeal is allowed and listed building consent is granted for installation of one velux roof window (to be the same as existing ones to property) at Mill Barn, Foxholes Lane, Ashbourne DE6 1JP in accordance with the terms of the application, Ref: 20/01188/LBALT, dated 17 November 2020, and the plans submitted with it subject to the following conditions:
 - 1) The works hereby consented shall begin not later than 3 years from the date of this decision.
 - 2) The works hereby consented relate solely to the plans, drawings, notes and written details submitted with the application.
 - 3) The roof window hereby consented shall match the roof windows in the host roof slope in terms of dimensions, flushness with the roof slope, alignment with ridge height and eaves, frame colouring and style including absence of central glazing bar.

Preliminary Matter

2. As the proposal relates to a listed building, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

3. The main issue is the effect of the proposed works on the special architectural and historic interest of the Grade II curtilage listed building and the setting of the Grade II listed building, 'Pethills Farmhouse' (Ref: 11109415).

Reasons

4. The appeal building is part of a group of buildings located within the foreground of the listed farmhouse. Due to its physical proximity and former functional

relationship to the farmhouse, the building may be considered as a curtilage listed building in accordance with Section 5(2) of the Act.

5. The listed farmhouse is a pitched roof building of T-plan footprint with a lower wing at the rear. The walls of the farmhouse are of coursed rubble limestone with gritstone dressings. The farmhouse is set higher up sloping terrain than the appeal barn. The appeal building is set obliquely, relative to the alignment of the farmhouse's main elevations and the axis between the farmhouse and farmstead entrance. Together with the three-storey limestone mass of the farmhouse, the above factors contribute to the latter's architectural authority and primacy within the farmstead.
6. The main body of the appeal building comprises red brick walls and a pitched roof with clay tiles. The barn has been converted into a residence and adjoins another residential barn conversion of limestone construction.
7. Given the above, the farmstead has a core historic farming character, with an evolved zone of more residential character towards the stream. The wheel on the south-western elevation of the barn articulates the mill dimension of its history.
8. As such, the listed farmhouse and curtilage listed buildings have evidential and historical value in exemplifying a farmstead with a substantial nineteenth century Derbyshire farmhouse and barns, that has evolved with twentieth and twenty first century adaptation.
9. Given the above, I consider the special interest of the curtilage listed building, insofar as it relates to this appeal, is primarily associated with the legibility of its historic barn architecture and historically layered evolution. Furthermore, the special interest of the listed farmhouse building, insofar as it relates to this appeal, is primarily associated with the legibility of its nineteenth century Derbyshire farmhouse architecture and the historically layered evolution of its farmstead. The subordinate and sympathetic appearance of the appeal building in relation to the farmhouse contributes positively to appreciation of the latter's significance.
10. The main body of the appeal building has three velux windows within its rear roof slope facing towards the stream, and four velux windows in its front roof slope facing towards the listed farmhouse. These windows are without glazing bars and have dark grey exterior frames. This helps them to blend in visually with the roofscape of traditional, dark coloured roof tiles.
11. The proposal would entail addition of a fifth velux window to approximately the centre of the front roof slope of the main body of the appeal building, to increase natural light and ventilation in one of the bedrooms. The rear roof slope of the main body would remain unchanged, with three velux windows.
12. The proposal would entail removal of part of the roof fabric to accommodate the window. It would also increase the proportion of fenestration in the roof.
13. I agree that the extent and style of door and window openings in converted barns should be appropriately restrained and sympathetic, including having regard to character and function, in order to conserve heritage assets.
14. In this case the amount of fabric removed would be small and the roof window would allow additional light into a bedroom that, from what I saw during my

- site visit, albeit a snapshot in time, appears relatively dark even on a sunny day, given the low level of the window within the room. Consequently, the proposal would result in a sense of light, ventilation and fenestration broadly comparable with various other rooms in the upper part of the appeal building. Accordingly, the proposed roof window would read as consistent with the evolved domestic character of the interior of the curtilage listed building.
15. Moreover, through matching the materials, style and vertical alignment of the other four roof windows, the proposal would blend in with the exterior flow of windows in the host roof slope. Also, the central positioning of the window in the roof slope would draw the eye to the location of the existing window in the wall below. Overall, the combined architectural authority of the barn's main traditional window and door openings and brick and tile components in the elevation facing towards the farmhouse, would endure.
 16. Furthermore, the lack of windows in the westernmost projections of the farmhouse, the obliqueness of view from the latter building's southern windows in relation to the appeal barn's north-eastern roof slope and the varied architectural presence of other buildings' mass and profiles on the farmstead would, together, limit the intervisibility between the interior of the farmhouse and the proposed roof window.
 17. Given the above, I find that the presence and authority of the nineteenth century architecture of the farmhouse would endure. The proposed works would fit in acceptably with the curtilage listed buildings and the evolved farmstead setting of the listed farmhouse, resulting in a neutral effect on the latter.
 18. Therefore, having taken account of the character of the building, the roofline and significant fabric, as recommended in Making Changes to Heritage Assets Historic England Advice Note 2, I conclude that the proposal would preserve the special interest of the Grade II curtilage listed buildings and the setting of the Grade II listed building, causing no harm to the significance of heritage assets. This would satisfy the requirements of the Act and the Framework.

Conclusion and Conditions

19. For the reasons given above I conclude that, subject to conditions, the appeal should be allowed. The attached conditions are reasonable and necessary in the circumstances of this case, in accordance with the tests set out in paragraph 56 of the Framework.
20. In addition to the standard time limit condition, a condition requiring the works to be carried out in accordance with the submitted details is necessary to ensure that they are implemented as approved. A condition covering window style and positioning is necessary to ensure that its appearance is harmonious with its context.

William Cooper

INSPECTOR



Appeal Decision

Site Visit made on 16 March 2021 by Gareth Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/P1045/D/20/3264332

Milnhay, Broadway, Kirk Ireton, Derbyshire DE6 3LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr David Curtis against the decision of Derbyshire Dales District Council.
 - The application Ref 20/00317/DCOND is dated 27 July 2020 sought approved for details pursuant to condition No. 4 of planning permission Ref: 20/00317/FUL, granted on 8 June 2020.
 - The application was refused by noticed dated 23 November 2020.
 - The development proposed is single storey rear extension, removal of rooflight, modifications to openings and insertion of new windows and rooflights.
 - The details for which approval is sought are: Prior to installation full constructional details of all new windows and doors (inc materials, treatment and/or colour) shall be submitted to and approved in writing by the Local Planning Authority. The window and door frames shall then be installed in accordance with the approved details and so retained.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposed materials upon the character and appearance of the dwelling and linked to that, the extent to which the proposal would preserve or enhance the character or appearance of the Kirk Ireton Conservation Area (CA).

Reasons for the Recommendation

4. The CA covers most of Kirk Ireton with many of the dwellings constructed from sandstone with Staffordshire blue clay tiles. The windows and doors are typically constructed from dark brown materials, although there are a number of dwellings with lighter coloured windows and doors. The consistent use of materials and in the appearance of the dwellings themselves are characteristics that positively contribute to the character and appearance of the CA.
5. Planning permission was granted for an extension to Milnhay which included the insertion of a number of new windows and doors. Condition No.4 required

the construction details for the windows and doors to be submitted prior to their installation. The information submitted to discharge the condition sought to construct the windows from UPVC and to be coloured agate grey. Milnhay is a relatively modern dwelling that is part of a courtyard development. The buildings have been constructed using the predominant materials in the CA and the windows and doors across the courtyard development are dark brown. Some appear to be made from UPVC and others timber, but they are all a very similar colour. Whilst the dwellings were not originally agricultural buildings, they have been designed with that aesthetic in mind. The consistent use of materials as well as the appearance of the dwellings across the courtyard creates a strong sense of coherence in the group which positively contributes to character and appearance of the CA.

6. Both the Conversion of Farm Buildings Supplementary Planning Document (SPD) (adopted 2019) and the Kirk Ireton Conservation Area Appraisal (adopted 2014) note that there are several different colours of windows that could be acceptable. Nevertheless, Milnhay is part of a courtyard development and the consistent use of materials across this development positively contributes to the character and appearance of this group of dwellings and the wider CA. I appreciate that the appellants wish to use a 'heritage' grey. Whilst that may be acceptable in some circumstances it would fail to have regard to the coherent design of the development as a whole. The introduction of this incongruous colour choice on one dwelling but not the rest of the development would detract from this consistent design approach that can be seen across the courtyard.
7. The rounded corners of the proposed windows would only be visible from up close and would not be particularly visible when appreciating the groups of dwellings as a whole. Given the small-scale variation between the square corners and rounded corner windows, they would preserve the character or appearance of the group of dwellings and the CA.
8. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Given the scale of the proposed development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. From the information before me, there are no public benefits associated with the proposal.
9. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would not preserve or enhance the character or appearance of the CA. This would fail to satisfy the requirements of the Act, paragraph 192 of the Framework. Furthermore, the proposal would also be contrary to Policy PD1 and PD2 of the Derbyshire Dales Local Plan (adopted 2017) which requires development to contribute positively to the areas character and history through the use of appropriate materials.

Other Matters

10. Whilst I note that replacing windows and doors can sometimes be completed using permitted development rights, based on the information submitted it is not clear if the dwelling benefits from permitted development rights. It is not the purpose of a section 78 appeal to consider whether development would be permitted development. The appellant could have submitted an appeal against the original planning permission for the condition to be removed in its entirety but did not. As a result, I can only consider the proposal before me. It is common practice for the Council to attach conditions requiring materials to be approved for new windows and doors to ensure the external materials are acceptable, especially when said development is in a CA.
11. The appellant has identified a number of buildings within the CA that do not have dark brown windows or doors. In those instances, those dwellings were not typically part of a courtyard development, like Milnhay, where the consistent design approach is an attractive quality of those dwellings which itself positively contributes to the character and appearance of the CA. Consequently, the variety elsewhere does not alter my conclusions in this instance.

Conclusion and Recommendation

12. The proposed development would cause harm to the character and appearance of the dwelling, as well as the wider courtyard development. Furthermore, the proposal would fail to preserve the character or appearance of the CA and as a result would be contrary to the development plan taken as a whole. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be dismissed.

Gareth Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Chris Preston

INSPECTOR



Appeal Decision

Site visit made on 4 May 2021

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 May 2021

Appeal Ref: APP/P1045/D/21/3270524

40 Prospect Drive, Matlock DE4 3TA

- 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 D Maskrey against the decision of Derbyshire Dales District Council.
 - The application Ref 20/01227/FUL, dated 1 October 2020, was refused by notice dated 25 January 2021.
 - The development proposed is a single storey and double storey extension to the front of the property.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal property is a two-storey, semi-detached dwelling with a canopy above the front door. Houses on this side of the street follow a reasonably consistent building line and there are few alterations to front elevations. The most notable alterations include a two-storey front projection at 20 Prospect Drive and a full width single-storey extension at 34 Prospect Drive.
4. The proposal seeks to erect a part single storey and part two-storey front extension. However, the reason for refusal of the application relates to the two-storey element of the proposal. Furthermore, no harm has been identified in respect of the single storey element. Given the other single storey projections in the area, I consider that this aspect does not raise any significant planning concerns.
5. Due to the height of the two-storey section, the proposal would add significant bulk and mass to the front elevation which is highly visible from the street. Whilst there is a minimal set-back of the host property from others, the extension would appear incongruous with the prevailing character of the street scene given there are generally few alterations to front elevations aside from canopies over front doors. Accordingly, the proposal would have a harmful impact on the character and appearance of the local area.

6. I have been provided with images of other developments elsewhere in the street, which I understand were used in the design process of the proposal before me. However, from my observations on the site visit the extension of No.20 is comprised of a two-storey element, while No.34 is the full width of that dwelling but to single-storey height. Moreover, there are larger gaps between the pairs of properties in this part of the street and as such it has a more spacious feel than the vicinity of the appeal site where the road ends and houses are closer together. Therefore, I consider that neither of these examples are comparable to the proposal before me, nor does their existence justify allowing the harm I have identified.
7. To conclude, the proposal would harm the character and appearance of the local area contrary to Policies PD1 and HC10 of the Derbyshire Dales Local Plan (2017) which among other matters seek to ensure 'design quality' is reflected in the development through a clear understanding of site context and that the height, scale, form and design of the extension is in keeping with the scale and character of the original dwelling and the site's wider setting and location.

Other Matters

8. The appellant has provided details of a potential fallback position whereby it is indicated an additional storey could be added to the property using permitted development rights. It is suggested this would be more harmful than the proposal in terms of its impact on the character and appearance of the area. I have been provided with a plan to demonstrate this in the context of the immediate row of houses. However, this permitted development proposal is subject to a prior approval process for which it is unclear whether such a proposal would be granted. Furthermore, such a development would be likely to provide an alternative type of accommodation to that desired by the Appellant. Taking these factors into account, I can only give this limited positive weight in my decision.
9. In addition to the above, I have also taken into account the support from the ward Councillor and that discussion took place with the occupiers of neighbouring properties. However, I consider that the potential fallback position and the support for the proposal does not outweigh the harm I have found.

Conclusion

10. I have found that the proposal would harm the character and appearance of the area. As such it would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR



Appeal Decision

Site Visit made on 4 May 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2021

Appeal Ref: APP/P1045/D/20/3265931

Meadow View Cottage, Cross-O-The-Hands, Turnditch DE56 2LT

- 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 Mrs Leanne Walker against the decision of Derbyshire Dales District Council.
 - The application Ref 19/01240/FUL, dated 3 October 2019, was refused by notice dated 8 October 2020.
 - The development proposed was originally described as 'double storey extension to kitchen and bedroom (en-suite on top of the kitchen extension), dormer to existing bedroom over garage'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have included the description given on the planning application forms within my banner heading. However, my assessment is based on the plans that were before the Council when it made its decision which also include the removal of the existing orangery and the proposed erection of a single storey extension.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Meadow View Cottage is a former barn which has been converted to a dwelling. It forms part of a group of attached dwellings arranged around a central forecourt. These buildings have shared traditional characteristics including simple gable-ended pitched roof forms, window fenestration of generally modest proportions and facing materials mainly consisting of slate and brickwork. These features allude to the agrarian origins of the buildings and positively reflect the prevailing rural character and appearance of their surroundings.
5. The proposed dormer window would dominate the north facing roof slope over the existing garage projection. The elongated windows within the dormer would be out of keeping with the proportions of existing window fenestration to the upper floors of the dwelling. The side elevation of the dormer would be visible from the adjacent road and would appear as a bulky, timber clad, flat roofed addition. This would be significantly at odds with the prevailing traditional slate pitched roof forms of the host dwelling and those of the other buildings within this group of properties.

6. The flat roofed design, mix of contemporary facing materials and the window proportions on the proposed single storey extension would also jar with the traditional detailing of the host dwelling. I acknowledge that this particular element would not be highly perceptible from outside the appeal site. However, I do not consider that the lack of public visibility obviates the needs to achieve good design. Indeed, paragraph 124 of the National Planning Policy Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
7. The proposed roof lights would not enhance the traditional character of the roofscape facing the road. However, I acknowledge that there are other similar windows which have been provided to principle roof slopes within the wider group of buildings. In that context, this particular part of the proposals would not appear entirely out of keeping with neighbouring properties. Even so, this does not overcome my concerns in respect of the other elements of the proposals.
8. My attention has been drawn to extensions and alterations that have been made to other dwellings of traditional character in the area. The dormer at Beech Hill Farm House, incorporates pitched roof forms, occupies a smaller proportion of its respective roof and unlike the dormer in the appeal proposal is not in a prominent location close to the road. With regards to the extension at Meadow End Cottage, I am not aware of the planning history of that particular dwelling or the material considerations that lead to that particular extension being erected. In any case, these examples do not persuade me that the design of the proposals would positively respond to the traditional characteristics of the host dwelling.
9. I conclude that the development would result in significant harm to the character and appearance of the area and the host dwelling. In that regard, the development would conflict with the aims of Policies PD1 (Design and Place Making) and HC10 (Extensions to Dwellings) of the Adopted Derbyshire Dales Local Plan (2017) (LP) which amongst other things require that proposals are of high-quality design, sensitive to their context and that extensions are in keeping with the scale and character of the original dwelling.
10. The Council's decision refers to Policy HC8 (Conversion and Re-Use of Buildings for Residential Accommodation) of the LP. The conversion of the host building to residential use is historic. Whilst this policy has therefore not on its own been determinative, it requires converted buildings to not have a detrimental impact upon the character and appearance of the group of buildings and their surroundings. Therefore, this policy has also been material to my conclusion.
11. The Council's decision also refers to a Supplementary Planning Document on The Conversion of Farm Buildings Design Guidance (2019). I have not been provided with a copy of this document. Even so, this does not alter my conclusion that the proposals conflict with the policies of the development plan.

Other Matters

12. The appellant suggests that they would be amenable to reviewing and altering the plans where required including adjusting materials, style and scale. However, I must assess the proposal on the basis of the submitted drawings. Dismissing the appeal would not prohibit the appellant from discussing an alternative proposal with the Council.

Conclusion

13. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

M Russell

INSPECTOR



Appeal Decision

Site Visit made on 13 April 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 May 2021

Appeal Ref: APP/P1045/W/20/3259383 Elmcroft, Derby Road, Cromford, DE4 3RP

- 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 David Potter against the decision of Derbyshire Dales District Council.
 - The application Ref 20/00610/FUL, dated 1 July 2020, was refused by notice dated 27 August 2020.
 - The development proposed is new house with associated works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the setting of Rock House (a Grade II Listed Building), the character and appearance of the Derwent Valley Mills World Heritage Site, and whether it would preserve or enhance the character or appearance of the Cromford Conservation Area; and (ii) the implications for the retention and health of protected trees, on the site.

Reasons

Significance of Heritage Assets

3. The appeal site falls within the settlement boundary of Cromford. It is located within the Cromford Conservation Area (CA) and Derwent Valley Mills World Heritage Site (WHS). The site itself, comprises of an area of land forming part of the grounds to Rock House which is a Grade II Listed Building (LB).
4. The CA covers the settlement, former cotton mills and the Arkwright estate. It also extends over the eastern and northern banks of the River Derwent and other historic parkland and Willersley Castle. It was first designated within 1971 and has been extended over time. The Cromford Conservation Area Appraisal identifies Rock House being situated on higher ground overlooking Derwent Valley to the south east and is set in attractive gardens and parkland. The grounds have been developed with detached housing of which have adversely affected the character of the area.
5. Nevertheless, the immediate CA surroundings to the appeal site are characterised by a mix of modern 20th century residential dwellings, varying in size but overall have similar architectural features and appearance. The dwellings are spread across the grounds of Rock House and are separated by spacious areas of open lawns with planting and mature protected trees.

- Immediately adjoining the appeal site is a 1970's substantial detached bungalow.
6. The appeal sites location is particularly important within the context of the CA and the setting of the historic grounds of Rock House. It forms part of the established character of the open and spaciousness verdant surroundings, incorporating lawns and parkland, which positively contributes to the overall character and appearance of the CA and its setting.
 7. Rock House and associated Grade II LB's built Circa 1780 are of high historical significance, as the former home of the affluent inventor in the industrial revolution, Sir Richard Arkwright. It is a grand three storey building constructed of brick and ashlar, with other historic buildings within the grounds. Changes to the building from the 19th century indicate that the appearance is of a Victorian building than a Georgian one. In the 1930's it was converted to flats and is currently divided into 9.
 8. The grounds to Rock House and parkland appear as a designed setting which was formed to enhance the presence and visual interest of the house in its context. The appeal site, in terms of its location, character and appearance is clearly associated grounds to the LB. For these reasons, the appeal site makes a positive contribution to the setting of Rock House within which the architectural, visual and historical significance of the LB can be appreciated.
 9. The appeal site also falls within the WHS, inscribed in 2001, being of outstanding universal value and includes the majority of the CA. The whole of Derwent valley falls within the buffer zone, which is primarily the landscape setting of the valley, this is required by UNESCO to safeguard the setting of the site. It is a heritage asset of the highest significance as set out in Paragraph 184 and 194 of the National Planning Policy Framework (the Framework) and Planning Practice Guidance.¹ Any harm to, or loss of, the significance of the heritage asset, from its alteration or destruction, or from development within its setting, should require clear and convincing justification.
 10. The proposal involves the erection of an undercroft house. It would comprise of a buried/sunken property accessed from two 'Victorian' style glasshouses on the surface 'Glasshouse A' (A) and 'Glasshouse B' (B). Below ground accommodation would mainly consist of bedroom areas and a tv room with above ground consisting of kitchen and dining in building 'A' and a lounge area in 'B'. The glasshouses would be constructed of aluminium mid grey frames, with clear glass and solar glazing, stall walls would be in brickwork with tarmac and stone paving for external ground surfaces.
 11. The scheme also incorporates an area of land, adjoining the appeal site and within the appellants' ownership to be made available as parkland to a resident's group 'Rock House Grounds Committee' or 'local resident' through undertaking a legal agreement. This is outlined in blue on the accompanying site plans.
 12. The appellant maintains that the appeal site, land to the east of the drive is not evidentially part of the curtilage garden of Rock House, or other properties. The evidence before me is not conclusive as to the previous use of the appeal site, including that of a tennis court or croquet lawn or rose garden. However, in my

¹ Paragraph: 026 Reference ID: 18a-026-20190723; Revision Date 23 07 2019

- opinion historically it would have been likely associated with Rock House, its grounds and wider parkland.
13. It appears from the evidence that the inspiration for the design of the proposed dwelling was taken from associated original Rock House Victorian glasshouses, located some distance away on Derby Road, opposite to the lodge and were shown on early OS Maps. Nonetheless, it appears historically these buildings would have been for service use and away from Rock House, its curtilage and grounds.
 14. I acknowledge that there would be some screening around the appeal site. However, the design and style would appear rather at odds with the existing residential development and the traditional architecture of Rock House. Despite the use of innovative technology within the proposed materials and construction, the glazed structures would appear incongruous and of a stark appearance on an area which is currently free from any built form. That, positively contributes to the spacious open character of the CA and setting of the LB.
 15. Moreover, the land would be further eroded by the adjustment to the levelling of the land and associated domestic paraphernalia. The appeal site is clearly visible from higher vantage points along the surrounding area including the A6, and immediately along the access road of the grounds. The proposal would therefore be visually intrusive and detrimental to the character, appearance and setting of these historic grounds.
 16. The appellants' contention is that due to the direction of Rock House, internal views from its principal rooms are restricted by the built form and trees, whilst the structures of 'A' and 'B' would be above ground glass structures, beyond Elmcroft and out of view. The proposals would not affect the fabric of LB, but the assertion is somewhat unfounded that if the appeal site cannot be seen from looking out of principle room windows, there would be no harm identified to the important significance of the heritage asset and its setting. I am therefore not persuaded by this argument.
 17. In arriving at this conclusion, I have taken into account the previous appeal decision². In paragraphs 8, 9 of that decision, the Inspector found that the proposals would not be in keeping with the character and appearance of the CA, WHS and cause visual harm to designated heritage assts. The Inspector concluded that the development would harm the setting of the LB, WHS and fail to preserve or enhance the character of the CA. As such, I have no reason to disagree with their findings, particularly as the case before me has similarities.
 18. Taking the above points together, and mindful of the duties arising from sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I conclude that the proposed development would fail to preserve or enhance the character or appearance of the CA, it would harm the setting of the LB and the WHS. It would be contrary to Policies S1, S3, PD1 and PD2 of the Derbyshire Dales Local Plan, 2017 (LP). Taken together these policies require developments to make a positive contribution towards sustainable development, having regard to settlement boundaries; permission will be granted where it is compatible with character, appearance and amenity

² APP/P1045/W/19/3225891

of the part of the settlement and protects the historic environment; including protection for designated heritage assets and their settings, WHS and its buffer, conservation areas and LB's.

19. Whilst the harm to the heritage assets would be less than substantial, I must nonetheless give this considerable importance and weight in the context of a duty to favour preservation or enhancement.
20. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. From the evidence before me, there is limited public benefit to the proposed development, although there would be a contribution to the Council's housing land supply, this would be limited due to the quantum of development proposed.
21. There would be a small social benefit in providing the house and economic advantages would also arise from the construction and occupation of the new house, however this does not outweigh the harm found to the significance and the weight to be given to the conservation of these heritage assets.
22. The proposal would also be contrary to Section 16 of the Framework as it would not conserve the heritage assets in a manner appropriate to its significance, or positively contribute to local character or distinctiveness.

Trees

23. The trees located within the appeal site are covered by a Derbyshire County Council, Tree Preservation Order No.123 (TPO). The appellant submitted an arboricultural report³ which includes a tree survey schedule. This identifies that those trees closest to the proposal, Group 1 (G1) – Lime, Horse Chestnut, Red Oak, fall into retention category B with Tree 2 (T2)– Holly, being within category C. The retention category is in accordance with the British Standard 5837:2012 '*Trees in Relation to Design, Demolition and Construction Recommendations*'. Therefore, category B trees are of moderate quality and value, including public visual amenity value and should be considered for retention. Whilst category C trees should not be allowed to impose a constraint on development.
24. The proposed development would not involve the removal of any of the trees on the site. Nonetheless, the canopy spread of G1 and T2 would be in close proximity and T2 would overlap the structure of 'B'. Given the materials of construction for the glasshouse incorporating an aluminium frame with clear glazing, it would be likely that there would be a threat of potential branch drop, impact or contact on to the structure causing damage. This would likely lead to pressures of excessive pruning of these trees by future occupiers wishing to remove this threat to the dwelling, leaving the trees vulnerable, causing harm to their health, safety and long-term wellbeing.
25. Furthermore, the large mature trees located forming G1 are located to the south of the proposed glasshouse structures. It would be likely that this group of large mature trees would cast shade across the glazed living areas for the majority of daylight hours. This would be exacerbated within the lounge area

³ Arboricultural Survey Report & Method Statement, John Booth Arboricultural Consultants Ltd, dated April 2020

due to the materials, layout and position of 'B', which potential would also impact on any future occupiers' outlook from this structure. In the absence of any evidence to the contrary, I consider that the shading from this group of trees would be excessive and not be an acceptable situation for any future occupiers. Moreover, this would lead to increased pressures on protected trees to be lopped, topped or even removed, of which would have an unacceptable effect on the amenity value of the protected trees.

26. I acknowledge the appellants' intention to develop a future management plan and implement specialist recommendations including replacement trees which would become necessary in time. However, I have no substantive evidence to consider this is a realistic prospect, or that it could overcome the harm I have identified above in relation to those protected trees.
27. For the reasons given above, I conclude that the proposed development would have significant implications for the retention and health of protected trees, on the site. It would be contrary to Policy PD6 of the LP. This policy requires trees of value to be retained and integrated within development; permission will be refused for development resulting in the loss or deterioration of aged or veteran trees, unless the need for, and benefits of the development clearly outweigh the loss.
28. It would also be contrary to the guidance as set out in paragraph 175 of the Framework, relating to conserving and enhancing the natural environment, where development should be refused that results in the loss or deterioration of irreplaceable habitats.

Other Matters

29. Local residents have raised other concerns relating to highway safety, water and sewage management, infrastructure and impact of glass panels. However, these were not reasons for refusal on the Council's decision notice and I have no substantive evidence to support these concerns.
30. The appeal is supported by a draft legal agreement (unilateral undertaking) pursuant to Section 106 of the Town & Country Planning Act 1990. If executed this could commit the appellant to transfer the remaining land '*Parkland available for residents' group*' to the resident's association or a local resident. However, the lack of an obligation did not form a reason for refusal and the Council have raised concerns over the implementation of such a proposal, given that there is local objection from residents. Consequently, this matter is determinative, therefore it is not necessary for me to consider it any further.
31. Furthermore, as the obligation would be related to the Rock House Grounds Residents Association and to only local residents who own land in the vicinity (within 150m) of the blue land, its benefits would be restricted to those. Moreover, in the absence of any substantive evidence as to what the management plan would entail, it appears to me that the responsibility and upkeep of the blue land would fall to the said agreed party and it would only allow members of the association or local resident to use it as open space. As such I find that no wider public benefit would accrue as a result of the draft obligation.
32. Although, I appreciate that the appellant has sought to engage local residents on a way forward to pursue his desire to build a new house on the land. This

matter does not outweigh the concerns and harm I have found to the significance and setting of those heritage assets and the impact on protected trees. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

33. For the reasons given above I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR



Appeal Decision

Site Visit made on 27 April 2021

by **K A Taylor MSC URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 May 2021

Appeal Ref: APP/P1045/W/20/3264715

Land at The Old Barn Rise End, Middleton by Wirksworth, DE4 4LS

- 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 Ms Cheryl Harris against the decision of Derbyshire Dales District Council.
 - The application Ref 20/00348/FUL, dated 9 April 2020, was refused by notice dated 17 June 2020.
 - The development proposed is erection of a detached dwelling and reconfiguration of access.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Ms Cheryl Harris against Derbyshire Dales District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The appellant has advised that the Council's decision notice refers to drawing no. G03-09B, G05-09C and this is incorrect. The Council have clarified that there are typographical errors, and this should be drawing no. G03-09C. I have therefore dealt with the appeal on this basis.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Middleton Conservation Area.

Reasons

5. The appeal site forms part of the curtilage and access to The Old Barn. It lies within the settlement of Middleton-by-Wirksworth and is within the Conservation Area of Middleton (CA).
6. The Conservation Area Appraisal¹ (CAA), sets out the key characteristics of the CA including that development is dense, built largely along the roadside, dominated by a mixture of carboniferous limestone and rendered cottages with blue clay tiled roofs. The high upland location provides panoramic views over a wider area, villages are tied to the upland landscape and geology through the predominant use of rubble limestone boundary walls.

¹ Middleton-by-Wirksworth, Conservation Area Appraisal, 2009

7. The CAA identifies the appeal site falling within the hamlet of Rise End. The settlement was established in the 18th century and is dominated by three-storey town houses and a number of two-storey 18th century cottages, which were added to and adapted during the 19th century.
8. The site lies between existing dwellings, No.40, a large detached property with a side gable directly facing the roadway, and the 'Old Barn', located towards the east of the main road and is a historic, former, agricultural building converted to residential use. There are a mix of other residential properties to the opposite side of the road, either directly facing the main highway or just set back, despite some variation in architectural form, overall, they appreciably contribute to the character and appearance of the settlement and the CA.
9. The proposed building would form a three-bedroom dwellinghouse and would be of a rectangular structure with a dual pitched roof, having minimum fenestration. Although, the overall form/shape has assimilation with the CA and association with the 'Old Barn', reflecting its historic agricultural nature, its overall design incorporates features that would appear at odds with the simple local vernacular form.
10. I appreciate that the proposals were amended to some degree following the Council's design comments. However, the introduction of the lean-to porch to the west elevation would appear as a heavy, bulky domesticated feature, at odds and exacerbated by the lack and type of fenestration to this elevation. The casement windows would be of a cottage style rather than being of an agricultural character, proportion, pattern and detailing. Furthermore, despite the materials of random limestone rubble facings, the east and west elevations would be finished with a stone-grey coloured render, which would be at odds with the prevailing context of the 'Old Barn', the overall size and shape of the proposed building and properties within the immediate setting of the appeal site.
11. Whilst not all the dwellings within the immediate area were originally agricultural buildings, many have been designed with that aesthetics in mind. Given the location of the appeal site and its context, location within the CA, the overall design should reflect that of the 'Old Barn' and not as a hybrid dwellinghouse / barn. Thus, it would result in a proposed dwelling with no overall identity by combining different elements of design into the simple, rectangular shaped building. As such, the overall design would be unacceptable, resulting in an incongruous dwelling within the CA, it would therefore cause harm and fail to preserve or enhance the character or appearance of the immediate and wider setting of the CA.
12. Moreover, the proposals would also result in significant engineering works to accommodate the dwelling within the site due to the topography of the area and existing changes in land levels. The proposed dwelling does not appear to have been designed to respond to the site's ground and changing levels and there is limited evidence on this matter. Therefore, I am not satisfied on how the car parking, access into the property itself, and gradients would work with these significant changes in levels.
13. I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons given, I conclude that the proposed development would harm the

character and appearance of the CA and fail to preserve it. Whilst the harm would be less than substantial, I must nonetheless give this considerable importance and weight in the context of a duty to favour preservation or enhancement.

14. Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. From the evidence before me, there is limited public benefit to the proposed development, although there would be a contribution to the Council's housing land supply, this would be limited due to the quantum of development proposed.
15. There would be a small social benefit in providing the house and economic advantages would also arise from the construction and occupation of the new house, however this does not outweigh the harm found to the significance and the weight to be given to the conservation of the heritage asset.
16. Therefore, for the reasons given above, I find that the proposed development would be contrary to Policies, S1, S3, PD1 and PD2 of the Derbyshire Dales Local Plan, 2017. Taken together these policies require development to be of a high quality design, conserve and where possible enhance the Peak District Character, including the setting of settlements; be of a compatible scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement; contribute positively to character of the built and historic environment; and conserve heritage assets in a manner appropriate to their significance and take into account the desirability of sustaining or enhancing their significance.
17. I also find, the proposal would be contrary to the design objectives in the Framework, particularly Section 12, paragraph 127, which seeks to ensure new development is visually attractive, maintains a strong sense of place and adds to the overall quality of the area. It would also be in conflict with Section 16 of the Framework as it would not conserve the heritage asset in a manner appropriate to its significance, or positively contribute to local character or distinctiveness.

Other Matters

18. Local residents have raised other concerns relating to highway safety, water and sewage location and privacy/overlooking. However, these were not reasons for refusal on the Council's decision notice and I have no substantive evidence to support these concerns. I acknowledge the appellant's desire for a new home for a family member on a low income. However, these matters do not outweigh the concerns I have raised above.
19. The appellant has provided copies of correspondence with the Council relating to the application and pre-planning advice. I note the appellant's comments and frustration with no/limited response from the Council, but I have given this limited weight. It appears to me that the Council have explained their pre-planning advice scheme, and informal advice was given, albeit delayed. Furthermore, it appears to me that this was in accordance with the planning

practice guidance² (PPG), and pre-application advice provided cannot pre-empt the democratic decision-making process or a particular outcome, in the event that formal planning application is made. In any event, I have dealt with the appeal on the proposals I have before me.

20. I have had regard to the other properties that have been drawn to my attention by the appellant at Jacksons Ley and within Middleton village. Whilst I accept there is variation of style between those dwellings, I have limited evidence on the circumstances of each of these, and those differ from this appeal proposal in respect of design, building form/shape, fenestration, position and location. These matters do not diminish the concerns I have identified in relation to the proposal in the context of the appeal site nor the harm I have identified in respect of the main issue. In any case, I must consider the appeal on its own merits.

Conclusion

21. The proposed development would fail to preserve the character or appearance of the CA and as a result would be contrary to the development plan taken as a whole. There are no material considerations that indicate that the application should be determined other than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR

² Paragraph: 001 Reference ID: 20-001-20190315, Revision date: 15 03 2019; Paragraph: 003 Reference ID: 20-003-20140306, Revision date: 06 03 2014; 004 Reference ID: 20-004-20180222; Revision date: 22 02 2018

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.