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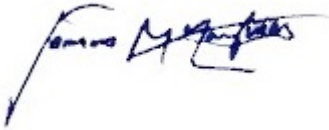
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04 October 2021

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday, 12 October 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 (**by coach**) on **Monday 11 October 2021**. 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

14 September 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. 21/00302/FUL (Site Visit and Presentation)	06 - 19
Mixed tourism development including the erection of 7 no. glamping pods and 4no. log cabins, with associated camping field, at Land South of Nottingham Road, Tansley DE4 5FR.	
5.2 APPLICATION NO. 21/00871/FUL (Site Visit and Presentation)	20 - 29
Change of use from former public conveniences to brewery with associated storage (B2 use class) at Public Conveniences, Artists'Corner, Dale Road, Matlock.	
5.3 APPLICATION NO. 21/00719/REM ~ (Site Visit and Presentation)	30 - 43
Approval of reserved matters for the erection of 12no. dwelling houses (outline planning consent 19/00455/OUT) at Land off Millers Green, Wirksworth.	
5.4 APPLICATION NO. 21/00500/FUL (Site Visit and Presentation)	44 - 52
Proposed extension to C-Bays building to accommodate relocated equipment (modifications to extension previously approved under planning permission 18/00919/FUL) at Darley Dale Smelter, Oldfield Lane, Warren Carr.	
5.5 APPLICATION NO. 21/00943/FUL (Presentation)	53 - 60
Erection of dwelling house (revisions to design approved under planning permissions 16/00941/OUT and 19/01050/REM) at Plot 3, Pump Close, Starkholmes, Matlock.	

5.6 APPLICATION NO. 21/01030/FUL (Presentation) 61 - 67

Erection of 2no. dwelling houses (revisions to designs approved under planning permissions 16/00941/OUT and 19/01050/REM) at Plots 5 and 6, Pump Close, Starkholmes, Matlock.

6. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS 68 - 77

7. APPEALS PROGRESS REPORT 78 - 99

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.

SITE VISITS

Members are asked to convene outside Reception, at the front entrance of the Town Hall, Matlock at **09.50am prompt on Monday 11 October 2021**, before leaving (**by coach**) at 10:00am to visit the following sites.

	Page No.
10:10am APPLICATION NO. 21/00302/FUL	06 - 19
Land South of Nottingham Road, Tansley.	
10:35am APPLICATION NO. 21/00871/FUL	20 - 29
Public Conveniences, Artists' Corner, Dale Road, Matlock.	
11:00am APPLICATION NO. 20/00719/REM	30 - 43
Land off Millers Green, Wirksworth.	
11:45am APPLICATION NO. 20/00500/FUL	44 - 52
Darley Dale Smelter, Oldfield Lane, Warren Carr.	

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.

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.

APPLICATION NUMBER		21/00302/FUL	
SITE ADDRESS:		Land South Of Nottingham Road Tansley DE4 5FR	
DESCRIPTION OF DEVELOPMENT		Mixed tourism development including the erection of 7 no. glamping pods and 4no. log cabins with associated camping field	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr and Mrs Wood
PARISH/TOWN	Tansley	AGENT	Mr R Pigott for Planning Design and Practice Ltd
WARD MEMBER(S)	Cllr S Flitter Cllr P Cruise Cllr D Hughes	DETERMINATION TARGET	4 th June 2021
REASON FOR DETERMINATION BY COMMITTEE	Major Application	REASON FOR SITE VISIT (IF APPLICABLE)	To assess landscape impact

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

RECOMMENDATION
Approval

1.0 THE SITE AND SURROUNDINGS

- 1.1 The 2.95 hectare application site is located to the east of Tansley with access off the A615 Nottingham Road. The site is currently used by the owners of Yew Tree Farm for equestrian use but was formerly a garden nursery and woodland. The site lies to the rear of a woodland area located immediately adjacent to the road frontage with the land sloping gradually to the south and the access road running parallel with the western boundary with mature trees lining this boundary. The northern part of the site is a series of paddock areas with post and rail fencing with a ménage adjacent to the red line boundary in the south western corner where there is a small wooden cabin building alongside the yard / turning area.
- 1.2 A track to the south east of the turning area provides access to the woodland on higher land in the south eastern part of the site. This early stage woodland was planted in 2000 and includes species of Birch, Alder, Oak, Field Maple, Hazel, Scot's Pine, Goat Willow, Rowan, Ash, Cherry and Hawthorn. Access around the woodland is via a circular track set in from the boundaries which leads to clearings in the south eastern, south western and north western corners. Access to Tansley footpath No.3 is 90m east on the opposite side of Nottingham Road. Yew Tree Farm lies to the west separated by a field and Cunnery Farm is adjacent to the south eastern boundary of the woodland at a higher land level.

2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the provision of seven wooden glamping pods on the field to the north of the existing ménage and cabin. The pods would be positioned in a semi-circle with a pedestrian access track from the main access road. Each pod would measure 7m x 3.2m of a height of 3.4m constructed in timber and would include an en-suite bathroom of a bedroom / living area with an external deck area to the front. The pods have curved roofs with a large circular window in the front elevation. A 0.18ha hectare area that would equate to 13 to 14 tent pitches (based on standard density) in the centre of the site to the east of the existing stable buildings is proposed and the Design and Access states that it is envisaged they would be served by a portable toilet and shower block.
- 2.2 Three of the log cabins would be located within existing clearings on the boundaries of the woodland and one adjacent to the northern boundary just to the west of the access to the woodland. The proposed log cabins would be one and a half storey measuring 8.2m x 9.9m with a holding up to 4 people constructed from timber logs upon metal decking with a metal sheet roof in a dark colour. Accommodation would comprise of a double en-suite bedroom on the first floor with access to the balcony and an open kitchen / dining / living area with bathroom including sauna on the ground floor. A hot tub is shown within the enclosed area on the front elevation.
- 2.3 The existing access to the former plant nursery would be utilised that runs along the western boundary with an existing hardstanding area for parking and turning adjacent to the existing buildings. A 3m track would be required to access the log cabins utilising the existing grassed pathways that are used for maintenance of the wood at present with guests and luggage transported from the parking area by buggies or small all-terrain vehicle (AVT). The existing larger clearing in the north western corner of the woodland would be retained for an informal seating / viewing area. The existing wooden cabin adjacent to the parking and turning area would be utilised for associated storage and a bin store would be erected to the rear of the existing timber open bay storage building to the west. The existing ménage and the equestrian buildings together with the existing poly tunnel buildings to the west of the site would be retained by the owners of Yew Tree Farm for their own use.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017):
 - S1 Sustainable Development Principles
 - S4 Development in the Countryside
 - PD1 Design and Place Making
 - PD3 Biodiversity and the Natural Environment
 - PD5 Landscape Character
 - PD6 Trees, Hedgerows and Woodlands
 - PD7 Climate Change
 - EC1 New and Existing Employment Development
 - EC8 Promoting Peak District Tourism and Culture
 - EC9 Holiday Chalets, Caravan and Campsite Developments
 - HC19 Accessibility and Transport
 - HC21 Car Parking Standards

2. National Planning Policy Framework 2021
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

17/00237/FUL – Change of use of land to caravan storage area, Refused

16/00005/OUT – Residential development of up to 10 dwellings, Refused –
Dismissed at appeal

05/00958/FUL – Change of use to retail nursery and erection of 3no. buildings,
Approved

05/00957/FUL – Erection of polytunnel for horticultural purposes, Approved

5.0 CONSULTATIONS

Tansley Parish Council

- 5.1 The proposed site lies outside the Settlement Framework for Tansley, and is not identified for any type of development in DDDC's Local Plan. Two previous planning applications one for storage of caravans and the other for residential development have been refused, the latter at Appeal, the Inspector wrote a comprehensive report stating why it should not be developed. 7.41 of DDDC Local plan states ' caravan camping and chalet development will need to be carefully controlled to ensure that they do not have an adverse impact upon the character and appearance of the landscape within which they are proposed'

Implementation of EC9 caravan and camp sites states 'careful control of additional chalets caravans and chalets' there is no proven need for additional sites within the area, there is enough supply, with Sandyford Farm , Packhorse Farm, Lickpenny Lane, Mooredge Farm and Pinegroves all being in walking distance of this new proposed site, additionally planning permission has been granted by NEDC for yet another site adjacent to Knabhall Lane, all of these sites are in unobtrusive locations well screened and on quiet country lanes, unfortunately the proposed site is far too visible in the wider landscape.

The proposed site lies directly adjacent to a Wildlife Site with PD3 stating Wildlife Sites will be protected – when entering the Derbyshire Dales the wildlife site and the proposed 'camp site' form part of a 'green entrance' to the area, this gateway to the Dales needs protecting. A camp site would not assimilate with the established landscape at this location and be contrary to EC9 (a, b, e.). There is a concern about the proposal to remove trees, trees

help promote biodiversity and help with flood risk, it is known that there is an underground watercourse going through the land.

The Parish Council have great concerns related to the safety of road users at this location over several years and have liaised with the Police and DCC Highways as there are on-going concerns related to traffic speeds and the lack of safe footpaths, there is no footpath adjacent to the site, the footpath on the opposite side of the road is so narrow it only enables walking in single file, as you are aware there are no safe cycle routes in Tansley. The A615 is the main arterial route to the M1 and is heavily trafficked, the proposed site falls into the 40mph speed limit, there is no slip road to the site, the entrance fails to provide sufficient splays to achieve safe sightlines, to achieve safe sightlines third party land would be required, the access statement fails to provide information related to a safe access and exit from the proposed site, stating it is adequate. In the interest of safety access needs to be good and be compliant with DCC Regulations for Streets.

The Parish Council do not think that a camp site at the entrance to Tansley and the Gateway to the Derbyshire Dales is an appropriate location, it will impact adversely on the landscape character of the area, its location is not safe for cycle or pedestrians, visitors would be totally reliant on the motor car to access all facilities of the area, to include food as Tansley has no shop.

It is believed that there are sufficient camp sites in the parish, bearing in mind the new site planned adjacent to Knabhall. They believe that six camp/ caravan sites within such a small area would generate a considerable number of additional vehicles throughout the holiday season, in addition to the heavy traffic we already experience at peak times on the A615.

Environment Agency

- 5.2 The Environment Agency state that all development lies within flood zone 1. There are no other environmental constraints that they would like to formally comment on.

Derbyshire County Council (Highways)

- 5.3 The Highways Authority state that after considerable investigation the conclusion is now that, according to highway records, the highway boundary to the west of the site access is in line with the front of the boundary wall fronting Gregory's woodyard site, which was previously considered to have been set back further than the highway boundary. This would then mean that the verge to the west of the site access is within the control of the Highway Authority and can accommodate the necessary visibility splay from the access in the westerly direction (the planning inspectors comments in the previously referred to appeal that the achievable 75m visibility distance was considered satisfactory is also considered appropriate by the Highway Authority). The visibility splay of 2.4m x 75m is achievable within the extents of the public highway.

It is noted that the proposal includes an area for tents, although there are no details provided on the number of tents which could be accommodated within the site. However, the area dedicated for tents does appear relatively small and it would seem unlikely that the overall traffic movements generated by the site as a whole, even with a small number of tents, would be an increase over the potential traffic movements generated by the extant use. The proposed parking is considered satisfactory for the number of units proposed within the site and there is ample space for vehicles to manoeuvre clear of the public highway. A condition in relation to parking and manoeuvring provision is recommended.

Lead Local Flood Authority (LLFA)

- 5.4 No formal comments

Derbyshire Wildlife Trust

- 5.5 The Wildlife Trust has reviewed the Ecological Assessment prepared by Turnstone Ecology, February 2021. Overall, it is considered that there is sufficient information provided in the assessment to be reasonably confident that the proposed development would not have a significant impact on protected species or habitats of high conservation value. However, the proposed development would have an impact on the broadleaved plantation woodland and improved grassland and there would need to be suitable mitigation and enhancements in place in order to address these impacts. The ecological assessment has outlined some measures in this regard and provided these are implemented in full, a net loss of biodiversity should be avoidable. Conditions are recommended in terms of submission of a Construction Environmental Management Plan (CEMP), Landscape and Ecological Management Plan (LEMP), avoiding the bird breeding season and lighting.

Arboriculture and Landscape Officer (Derbyshire Dales)

- 5.6 There is no objection to the proposals in general terms and it is not considered that they would have an unacceptable impact upon the character and appearance of the local landscape. However, this depends upon the successful retention and protection during development and subsequent long term appropriate maintenance and management of the trees and woodland in the site. The proposed development relies to some extent on the wooded nature of the site for its appeal to potential customers and as such it seems likely that the owners would ensure that the woodland would be protected and managed to ensure its continuation and attractive appearance into the future. A condition requiring an Arboricultural Method Statement and Tree Protection Plan is recommended.

Environmental Health (Derbyshire Dales)

- 5.7 There are no objections regarding this application from an Environmental Health perspective.

Force Designing Out Crime Officer

- 5.8 Having looked over the detail and context of the application there is not considered to be any justifiable reasons to object to the principle of development from a crime or disorder perspective. The neighbour concerns over inappropriate behaviour by campers at the site are noted. If you are minded to approve the application a suitably worded conditions of use, management and boundaries would be appropriate to mitigate against the likelihood of conflicting uses escalating into disputes which are likely to require Police intervention.

Cllr S Flitter

- 5.9 There are concerns over access to and from this site, notwithstanding previous usage there are serious problems in this area with speeding traffic and it is felt that there are other opportunities available elsewhere in the locality in a recognised rural area away from but nearby the village. Tourist activity in this location could also be a distraction for other road users and compound traffic at the very close and heavily visited garden centre.

6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of six representations have been received. A summary of the representations is outlined below:
- a) Half or more of the area is woodland which is now well established and would be disturbed by the proposal.
 - b) A substantial fast flowing stream sinks in the eastern corner of the site and flows under the whole width of the site and any sewerage from the development would cause serious pollution of the water course.

- c) The access is at a dangerous point on the A615 and they own a field opposite this access which they find difficult to emerge safely from.
- d) The A615 is a very busy road and there is no clear line of sight on the Tansley side of the entrance due to the woodyard.
- e) Conflicts between tourism and the neighbouring farm may arise due to odour and livestock
- f) Amenities within the village are limited as is the bus service.
- g) There are no cycle routes to Tansley or Matlock.
- h) The application does not include whether the site would be used all year round.
- i) The provision of 1.8 local jobs is not significant and may only be in the summer months.
- j) The number of tents is not included together with any detail on drainage or shower and toilet facilities.
- k) The site is outside the settlement boundary and could be a precursor for substantial housing development.
- l) The proposal would change the ambiance of the green and open approach to Tansley.
- m) The proposal will be destructive of what the Inspector described as a significant landscape of upland pasture by causing ribbon development in Tansley.
- n) The tents, seven glamping pods and four log cabins could mean in excess of 70 -80 people all accessing the A615.
- o) This is the third application within the last 3 – 4 years on this site and all were refused on highways grounds.
- p) They live opposite the site but were not notified.
- q) The proposal would have a significant detrimental impact on the setting of Tansley village as it occupies a prominent elevated site.
- r) The gradient of the site means overlooking of neighbouring properties to the north would be significant.
- s) Noise and light pollution is a concern.

7.0 OFFICER APPRAISAL

- 7.1 Having regard to the policies of the development plan and national planning policy the main issues to assess are:
- Principle of the development, having regard to its location;
 - Impact of the development on the character and appearance of this part of the countryside,
 - Highway safety.

Principle of the development, having regard to its location

- 7.2 Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) supports applications for development in the countryside when it represents the sustainable growth of tourism and where the proposal would contribute to the ongoing operation of the existing business.
- 7.3 *Policy EC1* of the Adopted Derbyshire Dales Local Plan (2017) provides support for proposals for new or expansion of existing business development in sustainable locations that contribute toward the creation and retention of jobs and employment opportunities.
- 7.4 Policy EC8 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with 'promoting Peak District tourism and Culture' supports new tourist provision and initiatives in towns and villages, and in the countryside through the reuse of existing buildings or as

part of farm diversification, particularly where these would also benefit local communities and support the local economy.

- 7.5 Policy EC9 of the Adopted Derbyshire Dales Local Plan (2017) specifically relates to proposals for new holiday accommodation which considers the appropriateness of a site in terms of sustainability as well as other matters which will be explored later in the report. It states development will be permitted provided that the site is in a sustainable location within, or in close proximity to an existing settlement with good connections to the main highway network, and the public rights of way network and/or cycle ways, and is either served by public transport or within a safe attractive ten minute walk of regular public transport services.
- 7.6 The site is located within the countryside just east of the settlement boundary of Tansley which is a third tier settlement within the district with some facilities and services. The site would be within walking distance of a restaurant and 2 public houses in Tansley with footpaths from the site and there are bus stops on both sides of the road adjacent to the access with Yew Tree Farm with four services running in each direction to the centres of Matlock and Alfreton. The site has good access to existing public footpaths with Tansley FP3 route running to the south and FP7 to the west of the site. It is considered that the site meets with the requirements for tourism development in terms of it being sustainably located.

The impact of the development on the character and appearance of this part of the countryside

- 7.7 Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) seek to ensure that new development protects and where possible, enhances the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment.
- 7.8 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, development on the edge of settlements to enhance and/or restore landscape character, contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.9 Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017) seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape.
- 7.10 Policy EC9 of the Adopted Derbyshire Dales Local Plan (2017) further states that proposals for caravan and campsite developments will be permitted provided they would not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape and that any visual impact would be screened by existing landscape features from areas outside the site to which the public has access for the whole of the proposed operating season.
- 7.11 The Inspector in the 2016 appeal decision for outline permission for 10 houses described the site as intrinsically open and green space with a marked transition from village to countryside evident at this point on the southern side of the road and the appeal site makes a significant contribution in that regard. This proposal has a site boundary set further away from Nottingham Road (58 metres) than the appeal site which was 15m to 20m from the road boundary. Furthermore in the intervening period since this decision the area between the road and the application site has developed a substantial section of

trees that provides extensive screening from both the northern and eastern boundaries mitigating the impact of the proposed 3.4m high timber glamping pods in the northern most part of the site. Therefore, it is opined that the character of the land has changed in the five years since the appeal assessment. The nature of this proposal also differs significantly from the erection of 10 dwellings.

- 7.12 A viewpoint analysis has been submitted which illustrates the lack of visibility of the site from the surrounding countryside. From visiting the site an appreciation of the rise in land levels to the south with the woodland on the higher land together with the extensive screening that has developed to screen the field proposed for the glamping pods and camping area can be achieved. The density, scale and timber materials proposed are considered to assimilate this tourist development into the landscape and would not have an adverse impact on the character of this semi-rural area. The three log cabins would be located within the woodland within existing clearings which would limit any impact on the existing trees and the land level rises steeply to the south with Cunnery Farm buildings at a higher land level and screened by trees. Utilising existing buildings such as the cabin for the office and the screening of the bin store behind an existing building also serves to reduce the visual impact of the development. The proposal is therefore not considered to have an adverse impact upon the character and appearance of the local landscape, in accordance with policies S4, PD1, PD5 and EC9.
- 7.13 Policy PD6 requires trees, hedgerows, orchards or woodland of value to be retained and integrated within development wherever possible. The woodland in the southern part of the site where the log cabins are proposed was planted in 2000 with the woodland managed by thinning works which have created stacked brash piles within the wood for habitat. A thorough tree survey of the wood has been undertaken and the Tree Officer is comfortable with any tree removals as the cabins have been plotted sensibly within the wood within existing clearings and to avoid higher value trees and their Root Protection Areas. Drainage and services for the log cabins would be routed around the existing tracks to avoid damage to trees. Conditions are recommended to ensure damage to trees is avoided during construction and to secure the ongoing maintenance of the woodland.
- 7.14 Policy EC9 also requires that holiday chalets, caravan and campsite development do not affect the amenity, tranquillity or public enjoyment of any adjacent area. The nearest property to the development would be Cunnery Farm to the south with the nearest log cabin proposed being approximately 56 metres to the north. The main aspect of the cabin would face north east and due to extensive intervening screening and the farm being on higher land, the impact on the amenity of this property is not considered to be significant. The extensive screening on the boundaries of the site and woodland to the north would mean the appearance of the site when appreciated from the surrounding area and footpaths would not change significantly. The amount of development is considered modest in relation to the land area and with a condition to ensure suitable management of the site any noise and activity should be sufficiently mitigated to avoid conflict with nearby properties and land users.

Highway safety

- 7.15 The site access onto Nottingham Road was deemed to have visibility of 75m in both directions by the Appeal Inspector in 2016. The Highways Authority have confirmed that their records indicate the highway boundary to the west of the site access is in line with the front of the boundary wall fronting Gregory's woodyard site, which was previously considered to have been set back further than the highway boundary. This therefore means that the verge to the west of the site access is within the control of the Highway

Authority and can accommodate the necessary visibility splay from the access in the westerly direction. On this basis exit visibility is considered acceptable as the visibility splay of 2.4m x 75m is achievable within the extent of the public highway with no obstructions occurring within the splays. The proposal therefore accords with Policy HC19 as it can be safely accessed.

Other matters

- 7.16 Derbyshire Wildlife Trust have reviewed the Ecological Assessment and considered that the proposal would not have a significant impact on protected species or habitats of high conservation value. However, the proposed development would have an impact on the broadleaved plantation woodland and improved grassland and there would need to be suitable mitigation and enhancements in place in order to address these impacts. The ecological assessment has outlined some measures in this regard and provided these are implemented in full, a net loss of biodiversity should be avoidable.
- 7.17 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 submitted 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.

Conclusion

- 7.18 To conclude, the proposal for tourist accommodation of the nature and scale proposed is considered acceptable as it could be accommodated within the landscape without any significant adverse impact due to the land levels and screening and through utilising the existing access and the cabin building. The site is considered to meet the requirements for tourism development in terms of it being sustainably located. Adequate access, parking and turning can be provided.

8. RECOMMENDATION

That planning permission be granted with the following conditions;

1. Condition ST02A Time Limit on Full

Reason:

Reason ST02A

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

Reason:

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

3. The glamping development hereby approved shall remain within the ownership and management of the occupiers of Yew Tree Farm, Thatchers Lane, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To seek to ensure the appropriate management of the site in the interest of safeguarding the amenity of local residents to comply with Policies S1, S4, PD1 and EC9 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To safeguard the amenity of local residents to comply with Policies S1, S4, PD1 and EC9 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

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

6. Notwithstanding the details on the approved drawings, prior to the glamping pods and log cabins being provided on the site, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
 - a) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed building and other works
 - b) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - c) means of enclosure;
 - d) hard surfacing materials.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S3, S4, PD1, PD5, PD6 and EC9 of the Adopted Derbyshire Dales Local Plan (2017).

7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected

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

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S3, S4, PD1, PD5, PD6 and EC9 of the Adopted Derbyshire Dales Local Plan (2017).

8. Before the site is first brought into its approved use, the parking and manoeuvring facilities shall be provided as detailed on the approved Drawing No. 2922-003B and shall thereafter be retained as such for the life of the development.

Reason:

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

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

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts.

10. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements to cover reptiles, badgers, bats and hedgehogs).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have

unacceptable impacts; and in order to secure an overall biodiversity gain in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

11. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The LEMP should combine both the ecology and landscape disciplines and include the following:
- a) Description and evaluation of features to be managed including the woodland.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the LEMP are not being met.
 - i) Locations of 1 bat box, 5 small bird boxes and 1 box for kestrel or barn owl (include specifications/installation guidance/numbers)
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: In order to safeguard and enhance habitat on or adjacent to the site in order to secure an overall biodiversity gain in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

12. Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts.

13. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837 (2012), including a tree protection plan(s) and a site specific arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the Tree Protection Plan and Arboricultural Method Statement, include:
- i. A Tree Removal Plan identifying exactly which trees require removal. Tree removals to facilitate the proposals should be as limited in number as practicable.
 - ii. Details of track / path specification for any which would be located within the root protection areas of retained trees.
 - iii. Details of design specifications for any foundations of proposed buildings which would be located within the root protection areas of retained trees.

- iv. Details of appropriate temporary protection of the retained trees rooting areas (RPAs), stems and crowns throughout the construction period.
- v. Details of any necessary facilitation pruning.
- vi. Details of the routes of services, utilities, foul water and drainage. These should be outside of the root protection areas of retained trees wherever practicable. If they must be routed through the root protection areas of retained trees then appropriate installation methods to minimise root damage must be specified and approved.
- vii. Details of a programme of site monitoring by the project arboriculturist. This should include a pre-commencement meeting between the arboricultural consultant and the contractor, the provision for ongoing arboricultural oversight, and arrangements under which the outcome of these will be notified to the LPA.

Reason: In the interests of safeguarding existing habitat and the visual amenities of the area, recognising that initial preparatory works could bring about unacceptable impacts in accordance with Policies PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
3. This decision notice relates to the following documents:
 Drawing no's 2922-001A, 2922-003B, 2922-004, 2922-005, 2922-006, 2922-007
 Planning, Design and Access Statement
 Ecological Assessment by Turnstone Ecology dated Feb 2021
 Arboricultural Impact Assessment and Appendix C dated Feb 2021
 Viewpoint Analysis
4. Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:
 1. Connection to the public sewer
 2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
 3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: <https://www.gov.uk/permits-you-need-for-septic-tanks> and <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

APPLICATION NUMBER		21/00871/FUL	
SITE ADDRESS:		Public Conveniences, Artists Corner, Dale Road, Matlock	
DESCRIPTION OF DEVELOPMENT		Change of use from former public conveniences to brewery with associated storage (B2 use class)	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr. S. Knight (Hollow Tree Brewing Co.)
PARISH	Matlock Bath	AGENT	N/A
WARD MEMBERS	Cllr. D. Murphy Cllr. G. Purdy	DETERMINATION TARGET	23 rd September 2021
REASON FOR DETERMINATION BY COMMITTEE	The application site is owned by the District Council	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the concerns of local residents with regard to potential loss of amenity

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

RECOMMENDATION
Approval

1. THE SITE AND SURROUNDINGS

- 1.1 The site is a hexagonal brick building with a tiled pitched roof that was built and served as public conveniences until relatively recently. It is now closed for that use. It was built in 1987 (replacing an older toilet block on the same site) and lies within the Matlock Dale Conservation Area. To the east is the large public carpark and to the west a play area. The building is prominently sited adjacent to the A6. The settlement boundary for the town is on the opposite side of the A6 where dwellings face across the road towards the building.



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought to change the use of the former public conveniences into a brewery with associated storage. No works are proposed to the exterior of the building and the room spaces are to essentially remain the same, with the exception of stripping out of non-structural walls, cubicles, toilets, sinks, etc. The disabled persons toilet is proposed to be retained as a staff facility. The finished internal layout is to be determined with the District Council as freeholders of the premises.
- 2.2 The applicant has submitted specifications of the brewing equipment. It is advised that the following equipment would be installed:
- mash tun and kettle (70l capacity);
 - sparge tank (45l capacity);
 - fermenters (initially three of 60l capacities); and
 - bottle filler (25l capacity).
- 2.3 The brewery is currently run by the applicant and his wife and started up in the summer of 2019 in a converted room in their house in Whatstandwell; they are seeking a larger space

to take the business to the next step. They are looking to stay in the area and advise that the Derbyshire Dales is a key component of the brewery's ethos and brand. The location at Artists Corner fits in terms of location and beautiful landscape.

- 2.4 The applicant advises that they would seek to ensure the building is to health and safety standards for a brewery and that they currently hold a 5 star rating with Environmental Health. The building would be kept clean and structurally sound and the exterior would be kept clean/well kept with the aim of revitalising the area. The applicant advises that, as brewers, it is important that the building is well presented as a key component of promoting the brand.
- 2.5 The proposals are not to alter the external appearance of the building except for the additional of two signs to two walls of the hexagonal building. No measurement or location details have been submitted of these but the applicant has advised that they would be made out of timber with painted text and logo. CCTV is also proposed.
- 2.6 With regard to operations, the volume that a nano-brewery can produce in a single batch is less than 3 barrells (108 gallons), although current capacity is significantly lower than this at 13 gallons. It is proposed that the capacity would continue, as currently, but with the potential to increase brewing frequency. The applicant advises that the current operation is within a residential area and has created no issues with the neighbours. The odour from malt mashing is advised as being minimal and would only be noticed directly outside the window of the brewery. The existing vents on the building would also assist at dispersing the malt aroma and, other than during a weekly brewing session, no smells are produced during the fermenting and bottling periods. The applicant advises that no noise can be heard from outside of the room.
- 2.7 The applicant advises that everything would be brought to and from the brewery by car by the applicant and his wife. It would require reversing up to the building for loading/unloading materials no more than once a week, and the car could then be parked within the car park. At other times, the applicant would visit using the train from Whatstandwell to Matlock or Matlock Bath and walking to the premises. The number of occasions on which the premises would be attended is advised to be two or three per week. The applicant has advised that this would be between 10.00 and 17.00 on Monday-Saturday and only on a Sunday in the event of an emergency.
- 2.8 The applicant has submitted a Flood Risk Assessment. This advises that The Environment Agency's data indicates that the site lies in Flood Zone 2. The building is not expected to flood in the 100 year fluvial event with 20% climate change allowance, but is expected to flood up to 160mm deep in the 1000 year flood event. However, it is advised that the residual flood risks to the building, and the users/occupiers, can be managed and minimised. Use of a Flood Warning and Evacuation Plan, for extreme flood events, will ensure that the flood risk to people can be avoided. There will be no increase in surface water runoff from the site as a result of the proposed change of use and there will be no increase in flood risk elsewhere. On this basis, it is advised that the proposed change of use of the existing building, from "water compatible" to "less vulnerable" use, is considered to be appropriate for the building in such a location.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1 Sustainable Development Principles
 - S4 Development in the Countryside
 - S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
 - PD1 Design and Place Making
 - PD2 Protecting the Historic Environment

PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC19	Accessibility and Transport
HC21	Car Parking Standards
EC1	New Employment Development
EC5	Regenerating an Industrial Legacy

3.2 Matlock Dale Conservation Area Appraisal

3.3 Derbyshire Dales District Council Climate Change Supplementary Planning Document

3.4 National Planning Policy Framework

3.5 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

4.1 None

5. CONSULTATION RESPONSES

Parish Council

- 5.1 - no objection to this application provided there will be no smell from the building or noise in view of its proximity to residents
- would not wish to see any disruption or changes to the parking permits held by local residents in the parking bays outside of the building in the car park.

Local Highway Authority (Derbyshire County Council)

- 5.2 - no objections in view of proximity of publicly available car parking, and existing on-street restrictions.

Environmental Health (Commercial Team - Derbyshire Dales District Council)

- 5.3 - no objection in principle to the proposal on food safety/hygiene and health and safety grounds
- the premises and operation would have to comply with the Food Safety Act 1990 (as amended) and meet the specific food safety standards and requirements stated in EC Regulation 852/2004 and other associated legislation
 - the premises would require suitable and sufficient extract ventilation
 - the premises must have adequate washing facilities for utensils, any food operation and for staff hand washing - the minimum facilities would include two side by side sinks for utensils and a separate basin for hand washing
 - appropriate space would be required for the storage of food ingredients
 - the premises would need adequate arrangements to combat pests
 - the operation of the business would need to comply with the requirements of the Health and Safety at Work etc. Act 1974 and Regulations made thereunder.

Environmental Health (Domestic Team - Derbyshire Dales District Council)

- 5.4 - no objections in principal but seek clarification on the following
- bin storage is not detailed so clarification on this should be sought, particularly any external storage
 - was suggested in comments from the Food Team that there may be a need for ventilation and should mechanical ventilation be installed this should be agreed with the Local Planning Authority to avoid problems of noise and possibly odour

- deliveries should be restricted and there should be no deliveries or despatches on Sundays and Bank Holidays - normal working hours should be 8am-6pm Monday to Saturday.

Conservation and Design Officer (Derbyshire Dales District Council)

- 5.5 - no objection
- based on the intention to not make any external, physical, changes or alterations to the building fabric, character and detailing it is considered that there will no perceived heritage harm to this part of the Matlock Dale Conservation Area.

Natural England

- 5.6 - has published standing advice which can be used to assess impacts on protected species but may wish to consult own ecology services for advice

Councillor G. Purdy

- 5.7 - no objection but would insist that good security measures are put in place, due to the product stored inside, and including CCTV.

6. REPRESENTATIONS RECEIVED

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

- would cause extra traffic noise to the area
- noise and smell coming from the property.
- vehicular movement, particularly larger vehicles, would be dangerous considering the amount of public walking through the area and it would be literally a few metres from a designated children's play area - is it wise to have a brewery next to a child's play area?
- concerned regarding damage or theft due to the high value product being housed
- within a residential car park area also with people moving around including those who are elderly and less mobile
- don't feel it would be in keeping with what is a conservation area and an area of national importance
- planning application form is incorrect on point 11 as the site is in a flood risk zone 2 and requires flood reports and maybe exception and sequential tests - please ensure consultation of flood teams and EA for this change of use
- what will the brewery entail? Will they be applying for a licence to sell alcohol? Is it just for brewing alcohol?

7. OFFICER APPRAISAL

Principle of the Development

- 7.1 Policy S1 of the Adopted Local Plan (2017) advises that all developments should make a positive contribution to the achievement of sustainable development, by improving the economic, environmental and social conditions of an area wherever possible. This includes meeting most development needs within or adjacent to existing communities having regard to the defined settlement hierarchy; Matlock is a Tier 1 settlement and the building is very close to the settlement boundary. The policy also advises that such proposals should make efficient use of land and buildings, support the local economy and conserve and, where possible, enhance the natural and historic environment. These aims are also reflected upon more specifically in policies PD1, PD2, EC1 and EC5 of the Adopted Local Plan (2017).

- 7.2 As the site is outside of a settlement boundary, it is deemed to be in the open countryside. Policy S4 advises that planning permission will be granted where it comprises conversion 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 area.
- 7.3 In considering the above, whilst the building is within the open countryside and, but for the A6, it would otherwise immediately abut the settlement boundary for Matlock and, in that regard, it is considered a relatively sustainable location. The premises is also on a bus route and within reasonable walking distance of the railway stations of Matlock and Matlock Bath. The proposal is to reuse a building and this is also within the remit of seeking to be environmentally sustainable. Another matter for consideration, in the aim of achieving environmentally sustainable development, is seeking to mitigate against climate change, as set out in Policies S1 and PD7 of the Adopted Local Plan (2017) and the District Council's Climate Change supplementary planning document. However, it is considered that the scale of development is modest and is a sustainable re-use of a building in a sustainable location and this in itself addresses the aims of the policy and guidance.
- 7.4 In terms of the economic role of sustainable development, the employment use of the premises, whilst only facilitating a change from home working, nevertheless would serve to promote the business. The business would also be relocating from a neighbouring local authority (Amber Valley). The other component of sustainable development is the social role, which includes the need to safeguard amenity, as referred to in policies S1 and PD1. Nevertheless, it is considered that the change of use of the building is acceptable, in policy principle, subject to the more detailed considerations below.

Impact on the Character and Appearance of the Conservation Area

- 7.5 The submitted Design and Access Statement states that this proposed change of use "*would not alter the structure of the building externally, except for adding two signs to two of the six external walls*". No details have been submitted of these, but they may be within the realms of deemed consent or require a separate application for express advertisement consent. Based on the intention to not make any external, physical, changes or alterations to the building fabric, character and detailing, it is considered that there will no perceived heritage harm to this part of the Matlock Dale Conservation Area.
- 7.6 With regards to points raised with regard to security, the applicant advises that the windows would be secured and there would be a need for some likely external alteration with CCTV proposed to be provided. It is considered that the applicant is likely to provide such and this can be undertaken as permitted development. Given the above, it is considered that the character and appearance of the building can be safeguarded

Highway Safety

- 7.7 Concerns have been raised with the additional traffic associated with the use of the building. However, the applicant advises that, other than using the car for dropping off or picking up any ingredients/products, the car would be parked in the public car park. In addition, the applicant advises that, when not delivering or collecting, he intends to utilise the train from Whatstandwell to Matlock Bath. No large vehicles, such as HGVs, vans, etc, would be needed, so the noise they create and potential risk they could create for the public, which has been raised as a concern, would not occur.
- 7.8 Given the scale of operation, it is considered that the use of the premises would not lead to a noticeable increase in vehicle movements in the area, particularly given the use of the A6 and public car park. The amount of comings and goings for delivery/dispatch would appear very modest and the applicant has advised that he intends to use public transport when deliveries/despatch is not being undertaken. Whilst a vehicle may have to reverse up to

the building by way of making deliveries, it is not expected that this would be a lorry given the applicant's statement and, if residents parking areas become obstructed during deliveries/despatch, it is likely that matters of vehicle movements could be amicably addressed. The Local Highway Authority has advised of no objections in view of the proximity of publicly available car parking and existing on-street parking restrictions.

Impact on Residential Amenity

- 7.9 Concern has been raised by local residents with regard to impact on amenity in terms of the potential for noise and odour nuisance as a result of the nature of the business. The proposals have accordingly been reviewed by the District Council's Environmental Health Section. Further to the initial assessments made, the applicant has advised that, as this is a nano brewery, and the brewing equipment can only brew a maximum of 60L per batch, there is very little in terms of fumes/smells given off. The applicant advises that they are currently based at home on a street of ten homes and, in two years of brewing as a business, and a further two as homebrewers, they have never had any issues with smells or fumes, with current extraction achieved via an open window; it is advised that this was approved by Environmental Health on their visit as adequate for the size of the operation.
- 7.10 The applicant has advised that he is happy to look at additional extraction to this, such as utilising the extraction that is already in place in the building (previously for the toilets/smells given off when they were in use). The District Council's Environmental Health Section accept the applicant's ventilation comments, but with a caveat that mechanical ventilation may be required when the operation has commenced and the premises has been assessed under food safety legislation. A condition could be attached to any grant of planning permission that, in the event that mechanical ventilation is required, that full details be submitted for approval by the Local Planning Authority, in liaison with the Environmental Health Section, to ensure that this is appropriate, in an albeit relatively noisy residential area with traffic on the A6.
- 7.11 The applicant has advised that no external space will be used and all use of the premises will be internal. Further to the submission of additional information from the applicant, it is advised by the Environmental Health Section that, if the brewery is using one-use, new bottles, the operation could function with all required items and services inside the building. However, if the brewery intended to re-use bottles or intends to use barrels at any point (in the event of an expansion of the business) these will need cleaning.
- 7.12 Used barrels are usually power washed and sterilised with chemicals and it is expected that this operation would be completed near to the building, possibly under a cover or within a structure, so they are protected in food safety terms; this would be likely to be deemed unacceptable in this case. Given the above, it is considered reasonable to attach a condition that no operations associated with the brewery are undertaken outside the building, except for the necessary loading/unloading of vehicles, and that it be clarified that there shall be no external storage. This is in order to protect the amenity and character and appearance of the area.
- 7.13 The applicant has advised that they would operate from the premises between the hours of 10.00 – 17.00 Monday to Friday. In order to allow some flexibility, the District Council's Environmental Health Section has advised that the use of the premises, and deliveries, should be restricted to normal working hours of 08.00 – 18.00 Monday to Saturday and there should be no operation of the premises, deliveries or despatches on Sundays and Bank Holidays. This can be attached as a condition of granting any planning permission.
- 7.14 In terms of the point raised by local residents and Councillor Purdy with respect to CCTV, the applicant advises that they would ensure that security was a top priority, with CCTV in place and the windows secured accordingly. As the provision of CCTV would be permitted

development, under Schedule 2 Part B, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it is considered that there is no reasonable justification to attach a condition to any grant of planning permission.

- 7.15 In terms of noise nuisance, the applicant advises that this is minimal, with negligible noise made by brewing equipment during the brewing process. The applicant believes, from current experience, that any noise or aroma that is made would only be noticeable directly outside the building and the residents would not be affected by either element. Any noise would be likely to have dissipated before reaching the residents living in the area. Also, as the building is situated on the busy A6, it is felt by the applicant that any noise or aroma created by the brewery would be far less than any noise or aroma created by traffic passing through the area.
- 7.16 In terms of activities and concerns raised, the applicant advises that they are only applying to brew beer and that there are no plans for alcohol to be consumed on site. Whilst, the representations raise concern regarding a brewery next to a child's playground, all activity would be within the building.

Flooding and Drainage

- 7.17 The site is within a Flood Zone 2 area and, therefore, regard has to be given to the potential for a flood event to impact on the building and its operation. However, whilst the proposal would change of use of the existing building from "water compatible" to "less vulnerable" land use, it is considered that such a use is compatible in accordance with the recommendations of the applicant's flood risk assessment and that the use of the premises is undertaken having full regard to the recommendations of that assessment.

Conclusion

- 7.18. It is considered that this would be a sustainable re-use of the building and one which can be operated without significant imposition on the amenity of the area. It is nevertheless considered reasonable to attach conditions to any grant of planning permission with respect to ensuring the Flood Risk Assessment recommendations are implemented, a condition on the times of operation, preventing any storage or use outside of the building, preventing on-site sales direct to the public and, if mechanical ventilation is required by the Environmental Health Section, that details of this be submitted for consideration by the Local Planning Authority. It is also considered reasonable to attach a footnote to draw the applicant's attention to the possible need for express advertisement consent for signage on the building. On this basis, it is recommended that planning permission be granted.

8. 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. The use of the building hereby approved shall have full regard to the recommendations of the Flood Risk Assessment (prepared by Julie Williams) received on 22nd September 2021.

Reason:

In the interests of safety to comply with policies S1, PD1 and PD8 of the Adopted Derbyshire Dales Local Plan (2017).

3. The use of the premises, and deliveries/despatches, are restricted to the hours of 08.00 – 18.00 Monday to Saturday and there should be no operation of the premises or deliveries/despatches on Sundays and Bank Holidays.

Reason:

To safeguard amenity to comply with policies S1, S4, PD1 and PD of the Adopted Derbyshire Dales Local Plan (2017).

4. No operations associated with the brewery shall be undertaken outside the building, except for the necessary loading/unloading of vehicles, and there shall be no external storage.

Reason:

To safeguard amenity and the character and appearance of the area to comply with policies S1, S4, PD1, PD2 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

5. No sale of produce shall be made to the public directly from the premises.

Reason:

To safeguard amenity to comply with policies S1, S4, PD1 and PD8 of the Adopted Derbyshire Dales Local Plan (2017).

6. In the event that mechanical ventilation is required, full details shall be submitted for approval by the Local Planning Authority. Any approved mechanical ventilation provided shall be in accordance with the approved details.

Reason:

To safeguard amenity and the character and appearance of the area to comply with policies S1, S4, PD1, PD2 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The applicant is advised that the provision of signage on the building may require express advertisement consent from the Local Planning Authority.
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 £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.

3. 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 the submission of further information to address initial concerns with regard to the potential impact of the proposed development on local amenity and to secure an appropriate Flood Risk Assessment.

4. This decision notice relates to the following documents:

Site plan 1:500 received on 29th July 2021

Existing and proposed floor plans received on 29th July 2021

Statement received on 29th July 2021

Technical specifications of equipment received on 29th July 2021

Flood Risk Assessment received on 22nd September 2021

Additional Information received on 22nd September 2021.

APPLICATION NUMBER		21/00719/REM	
SITE ADDRESS:		Land Off Millers Green Wirksworth Derbyshire	
DESCRIPTION OF DEVELOPMENT		Approval of reserved matters for the erection of 12no. dwellinghouses (outline planning consent 19/00455/OUT)	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr R Clayton
PARISH/TOWN	Wirksworth	AGENT	Planning Design and Practice Ltd
WARD MEMBER(S)	Cllr P Slack Cllr M Ratcliffe Cllr D Greatorex	DETERMINATION TARGET	13 th September 2021
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the site's context

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of development - Impact on the character and appearance of the area - Landscaping - Impact on residential amenity - Highway Matters - Drainage and Flooding - Ecology and Landscaping

RECOMMENDATION
Refusal

1.0 THE SITE AND SURROUNDINGS

1.1 The site comprises 0.54ha of land off Millers Green which used to contain plant hire workshops, storage, offices and vehicle parking together with the greenfield land to the north west. The site lies between a cluster of residential properties to the south west and recreational land which is set behind a mix of hedging and trees to the north east. An existing access track runs along the south western boundary providing access to the fields to the west. Land levels rise to the north west with a difference of 4.5m from the road level to the north western boundary. The site is within the Settlement Boundary for Wirksworth. Wirksworth footpath 59 runs adjacent to the south western boundary of the site.

2.0 DETAILS OF THE APPLICATION

2.1 Outline planning permission for the erection of 12 dwellinghouses with access included (19/00455/OUT) was granted in October 2019. This application is the Reserved Matters of this outline permission seeking approval for appearance, landscaping, layout and scale. The

erection of seven bungalows and five houses is proposed. Dwellings would be served from a central access point with the two storey dwellings immediately adjacent to the Millers Green road frontage with bungalows to the rear along the central access road and adjacent to the north western boundary. The existing access track along the south western boundary would be removed with garden and parking areas proposed adjacent to the side and rear boundaries of the existing properties to the south west. A 3m wide access track that would extend from the western part of the turning head would provide access to the land to the west.

2.2 The application would provide the following mix:

- 2 x 2 bed bungalows
- 2 x 3 bed houses
- 7 x 4 bed houses
- 1 x 5 bed house

2.3 The proposed dwellings include three designs. The frontage properties are detached gable roof red brick properties with the roof slope facing the front and rear. Plots 1, 2, and 3 are identical with 5 windows and a front door with a cedar clad overhanging canopy with three rooflights on the front elevations. Heights to the ridge vary between 9.8 – 10.1m with the roof taking up 4m of this elevation. Plots 11 and 12 are similar in design apart from the window proportions not being identical with larger and smaller sized window at either side of the door and only one rooflight on the front roof slope with a ridge height of 9.8m. All of these dwellings utilise the loft space to provide a bedroom, shower room and study.

2.4 Plots 6, 7, 8, 9 and 10 are one and a half storey white render properties with a two storey central brick gable features with the entrance door and triangular windows above with large rooflights on the front roof slope. The ridge height would be 7.6m with 4m of the front elevation taken up by the roof. A wide two storey brick gable is proposed to the rear taking up half of the width of the rear with large expanses of glazing that fill the gable. These properties would be located along the central access road and adjacent to the north eastern and north western boundaries. Finished floor levels would be 2 - 3.5m higher than the proposed access onto Millers Green.

2.5 The two 2 bed bungalows are proposed to be affordable housing. A modification to the on-site affordable housing definition within the outline S106 was approved in March 2021 to provide a broader scope for provision as opposed to the specific definition of 2no. three bedrooms dwellings in the form of M4(3) wheelchair user standard. The proposed bungalows are hipped roof semi-detached of a similar design shown in white render and large 40 degree pitched roofs with a ridge height of 7m. The bungalows would be located on plots 4 and 5 side on to the two storey dwellings on the frontage and facing the internal access road. These bungalows would have a 2.7m higher finished floor level than the dwellings on the Millers Green frontage and a retaining wall and steps are shown between the parking spaces and dwellings.

2.6 The applicant has submitted the following documents with the application:

- Design and Access Statement (May 2021)
- Drainage Strategy Report GK2718

3.0 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
- S7 Matlock/Wirksworth/Darley Dale Development Area Strategy

S10	Local Infrastructure Provision and Developer Contributions
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC1	Location of Housing Development
HC4	Affordable Housing Provision
HC14	Open Space, Sports and Recreation Facilities
HC15	Community Facilities and Services
HC21	Car Parking Standards

3.2 Wirksworth Neighbourhood Development Plan (2015-2028)

NP1	Setting and Shape of the Settlement
NP2	Quality and Character of Development within the Settlement
NP4	Size of New Homes and Space Standards
NP5	Principal Residence Homes
NP6	Quality of Residential Development

3.3. National Planning Policy Framework National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

20/00724/S106M	Modification of Section 106 Agreement dated 10th January 2020 to amend the wording of the affordable housing provision definition – Granted
19/00455/OUT	Outline planning application for a residential development of 12 dwellings with approval being sought for access – Granted
16/00704/OUT	Outline application for residential development of up to 50 dwellings – Refused
11/00229/EXF	Extension of Time Limit - Redevelopment of site to provide 5 no. detached dwellings, 5 no. residential apartments, associated access and landscaping – Granted
08/00286/FUL	Redevelopment of site to provide 5 no. detached dwellings, 5 no. residential apartments and associated access road and landscaping – Granted
07/00874/FUL	Redevelopment of site to provide 5 no. detached dwellings, 5 no. residential apartments and associated access road and landscaping – Withdrawn
06/00742/REM	Erection of 10 no. residential dwellings and associated access (approval of reserved matters) – Withdrawn
06/00461/REM	Erection of 10 no. dwellings (approval of reserved matters) – Withdrawn
03/02/0120	Residential development (Outline) – Granted

02/03/0225 Extension of sports field – Granted but planning permission subsequently rescinded by legal agreement with the District Council

02/03/0224 Residential development (outline) - Refused

5.0 CONSULTATION RESPONSES

Wirksworth Town Council

5.1 Wirksworth Town Council has no comment. They have declared a Climate Emergency and therefore any development or change should seek to reduce the carbon footprint.

Strategic Housing Officer (Derbyshire Dales)

5.2 The bungalows look like they have an internal floor area of about 81-85m² plus according to the drawing, so they are big enough to get up to part M4(2) adaptable or perhaps M4(3) full wheelchair user, but as it stands they don't achieve each. This is despite the fact the D&A states all the detached dwellings to the rear (including these) achieve Part M4(3).

In relation to windows in bungalows, provide small, top-hung opening casements alongside larger opening casements to allow sufficient ventilation without compromising security. The only other option is to put the larger casements 'on the latch' which isn't sufficient for most in terms of ventilation.

Outside:

1. Parking: it doesn't look like there is enough space to get past the general parking bay to access the WCH space in a wheelchair, this also looks tight for pulling the bins past.
2. Accessing the bungalows from the front, there is no pavement, so wheelchair users will need to cross the access road or just use the road to get to the bungalows.
3. Bin storage – down or up steps so no good for a WCH occupier- Part M4(3) asks for a gently sloping path.
4. Levels- plot 5 the drive is 500mm higher than the bungalow, so the side bedroom window will have a drive right up next to it. They may need to split the floor levels to lift Plot 5 to allow for more level access to each plot and bins.

The importance of meeting the M4(2) standards for these two properties must be stressed. The applicant must ensure the standard is fully met to avoid problems for future occupants.

The agent has confirmed that their revised drawings now demonstrate compliance with at least M4(2) and they have tried to get in as many M4(3) elements as possible, although they are aware that they can't fully comply due to the constraints of the site. These plans have been reviewed by the Strategic Housing Officer and he has confirmed that he understands the constraints of the existing approval and the local topography and finds the plans acceptable.

Peak and Northern Footpaths Society

5.3 It is noted that the applicant states that Footpath 59 Wirksworth is not within the site boundary. The planning officers should be certain that this is the case by consulting the county council's rights of way officers. There seems to be no prescribed link between the new estate and FP59, unless the route described as a "3 metre wide access track" leading from the western end of the estate road will be available for use by the residents to join the FP. It is hoped that this is the case as the FP would be a valuable link for the residents to access different areas of Wirksworth and the FPs which run through open countryside.

Ramblers Derbyshire Dales Group

- 5.4 They have no objection providing that:
- i) Wirksworth FP 59 remains unaffected at all times, both during and after any development
 - ii) Regarding the above point, from the plans, there appears to be no reason for use of the track which the FP runs along to be used for access
 - iii) From the plans, there now appears to be no vehicular access from the development to FP 59.
 - iv) However, there does seem to be welcome access for residents to FP 59
 - v) Adopted highway status for the roads in the development would be beneficial

Strategic Planning (Derbyshire County Council)

- 5.5 There is no comment concerning the infrastructure and services with regard to the above application.

The Local Lead Flood Authority (Derbyshire County Council)

- 5.6 There may be a slough within the site and the proposal involves the diversion of a watercourse in the south eastern part of the site. Diversion of the watercourse is required due to the location of plots 1, 2 and 3. Intrusive surveys have been carried out. Whilst this is a reserved matters application and they would not usually provide a formal comment they do need to ensure that the surface water related conditions from the initial outline application can be discharged within the layout proposed as part of the reserved matters.

The sough appears to have many different names when searches have been carried out from Blobber Sough, Meadowcroft Sough & Liddow-Flats-Yate-Sough. Soughs were used to drain lead mines and typically followed seams deep underground and would not necessarily follow the contours above the ground. Contingency plans if the developers come across it during construction or find that water is bubbling to the surface are required.

The LLFA has evidence that the gully surcharges in its current condition, so without empirical evidence to state that the Culvert can take the sites QBar rate on top of the existing flow they would not be able to recommend discharging the conditions. If it is found that the Culvert does not have sufficient capacity an alternative outfall would have to be found. If a 10% impermeable increase allowance hasn't been considered the drainage tanks may need to be bigger. Also, the easement between the diverted culvert and proposed houses and retaining wall are fundamental to housing layout but this would depend on the depth of cover and condition of the culvert.

It is not clear what the discharge rate will be. The DS drawing states that there will be 2.4 and 7.5 l/s, however, a fixed rate is normally used to cover all storm events. If using varying rates are being used an assessment of the run-off volume needs to be undertaken to ensure that an increased discharge volume does not increase downstream flood risk. Analysis of this should be undertaken at the 6 hour 1 in 100 year storm event. If there is an increase in the discharge volume the use of Long term storage or a Qbar control will be required.

The LLFA have been in negotiations with the applicant's drainage engineer in order to provide a suitable surface water drainage strategy for the site that would allow the discharge of the outline conditions. The applicant has undertaken a 3m deep trial trench at two locations and not identified any sort of sough which is considered sufficient, however, a residual risk remains that if found during construction pile foundation would be required.

Due to the difficulty of obtaining the capacity of the gully it has been agreed to connect the new development drainage downstream of the adjacent property to the next manhole where the pipe size increases to a minimum of 225mm diameter. Due to the location and layout of the three new properties at the southern end, no attenuation can be added. However, an additional flow control has been added on the outfall so that the greenfield rates are not exceeded for the respective post development return period events. These are: 1 yr – 2.4l/s, 30 yr – 5.7l/s and 100yr + 40% - 7.5l/s

The applicant's drainage engineer has confirmed that the diverted culvert would not be adopted by STW and an extra chamber has been added to negate the 900 bend. Where the culvert is diverted adjacent the new property a note has been added that the loading from the foundation is to be taken beneath the culvert.

The LLFA are reviewing this latest information to establish if the proposal can sufficiently drain and would ensure the outline conditions can be discharged. This shall be reported at committee.

The Environment Agency

- 5.7 At outline stage they had no comment as there are no environmental constraints associated with the site which fall within their remit.

The Highways Authority (Derbyshire County Council)

- 5.8 There are some issues with the internal site layout of the site which may prejudice the adoption of the site as publicly maintainable highway; these are listed below:

The swept path analysis uses the wrong size of refuse vehicle and therefore does not fully indicate the space needed for a refuse vehicle to manoeuvre without potentially mounting adjacent footways. The vehicle size used is a 10.29m vehicle whereas the size required is an 11.6m refuse vehicle.

There are two areas of grassed verge on the left hand side of the internal access road. These areas would restrict pedestrian movements on that side of the road meaning that pedestrians would have to walk in the road or cross to the other side. Pedestrians crossing the road would require additional tactile paving and informal crossing points.

The pedestrian crossing points and tactile paving are located too far away from the desire line for pedestrians walking on Millers Green crossing the site access.

The margin adjacent to plot 7 is too narrow at only 500mm. This will need to be increased to 1m.

There is also a minor issue with the end of the footway adjacent to plot 9 which needs to be squared off instead of having a radius kerb as shown.

In planning terms, the issues raised would not be sufficient to warrant an objection to the application; however, as previously mentioned, the HA are likely to raise these issues if and when the site is offered to DCC for adoption.

Derbyshire Wildlife Trust

- 5.9 They have reviewed the landscaping plan and consider that the proposed individual plant species and the grassland species mixes are acceptable and should provide biodiversity benefits, especially in relation to pollinating insects. The retention of hedgerows is noted and a new hedge are also marked on the landscape plan together with the location of trees/shrubs to be planted. There are no further comments or objections to the approval of reserved matters at this time.

The Arboricultural and Landscape Officer (Derbyshire Dales)

- 5.10 The Arboricultural Report dated 24th June 2019 submitted with the outline included a Tree Protection Plan. The landscaping scheme proposed is considered acceptable.
- 5.11 Cllr Mike Ratcliffe states that this application has been previously granted outline consent there appears no change of intention in the development. He is particularly drawn to the

investment in energy efficiency and the proposal to implement high design standards. This is to be welcomed and he would like to see this fully realised and used as a template for house building across the district.

5.12 Cllr D Greatorex echo's Cllr Ratcliffe's sentiments and also welcomes the investment in energy efficiency.

6.0 REPRESENTATIONS RECEIVED

6.1 Six representations have been received and these are summarised below:

- a) The Design and Access statement states the Orchard Homes have a strong track record of project delivery of high quality housing developments in the local area but there is no details of their previous projects.
- b) The Drainage Strategy Report indicates there is a culverted watercourse passing through the site and this conflicts with the outline application where this was not known.
- c) There is another culverted watercourse running along the public right of way on the western part of the site.
- d) The Drainage Report does not include ground water and all of the site to the west of the plots is made ground.
- e) Sufficient drainage information is required to prevent damage to existing properties.
- f) The outline permission indicated that the development would provide homes for the elderly, disabled and people on low incomes, however, the dwellings are not accessible with steps proposed.
- g) The original design proposed were terraced town houses on the frontage and now all dwellings are detached with the reason of making them accessible.
- h) The finished floor level of Plot 1 would be at a similar level to the top of the boundary wall of Ohio Farmhouse with any surface water flowing over the wall and into this property.
- i) Plot 1 is proposed in close proximity with Ohio Farmhouse that would cause overshadowing the kitchen, hall, bedroom and bathroom windows and its proximity would be overbearing.
- j) Previous permission included the use of stone and sectional drawings of the relationship with Ohio Farmhouse were submitted. This submission proposes brick and no sections are provided.
- k) The retaining wall proposed adjacent to the western boundary would be unsightly and the re-contouring of the land should be more gradual.
- l) Landscaping of the site would be restricted due to the culverted watercourse.
- m) The retaining wall for plot 4 could be moved and incorporated with the parking area for plots 1, 2 and 3 and the internal road should be up to adoptable standard with gullies along the frontage.
- n) The size of the properties have increased from the outline from bungalows to 4 to 5 bed houses.
- o) The large red brick properties proposed on the frontage look purely functional with no attractive features and would appear overbearing, oppressive and not in keeping with the local street scene of the semi-rural area.
- p) Properties on Millers Green already have drainage issue with excess water from culverted water courses, springs and run off from the highways and the proposed culverted watercourse would add more pressure to the system.
- q) The proposed affordable housing would not accommodate a family.
- r) The application for 12 energy efficient homes is welcomed, however, the roof orientation would not be suited for solar panels.
- s) There is no mention of the type of heating proposed and the use of ground / air source heat pumps are recommended.
- t) The public right of way floods annually in winter due to natural springs.
- u) Residents of Speedwell Mill experience regular flooding and the nearby 'Blobber' mine is flooded.

7.0 OFFICER APPRAISAL

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

- Principle of development
- Impact on the character and appearance of the area
- Landscaping
 - Impact on residential amenity
- Highway Matters
- Drainage and Flooding
- Ecology and Landscaping
- Affordable Housing

Principle of development

7.2 The principle of development was established on this site in the granting of outline planning permission for 12 dwellings on the 14th January 2020. The land is within the Settlement Boundary for Wirksworth and in the granting of outline consent the site was categorised as a windfall within this sustainable Tier 1 settlement.

7.3 In order for the development to comply with the requirements of Policy NP5 of the Wirksworth Neighbourhood Plan (2015-2028) some of the dwellings need to be principal residence homes. Condition 28 of the outline permission requires four of the dwellings, excluding the affordable housing, only to be occupied used as principal residences, and not be utilised as a second home or for holiday accommodation.

Impact on the Character and Appearance of the Area

7.4 Therefore with the principle of the residential development established by the outline consent 19/00455/OUT only the reserved matters below can be considered:

- a) the scale of the development;
- b) the layout of the development;
- c) the external appearance of the development;
- e) the landscaping of the site.

7.5 The following consideration is given to the scale, layout and appearance of the development which form three of the reserved matters. The principal policies for consideration are Policies S1 S3, PD1 and PD7 of the Adopted Local Plan (2017).

7.6 Policy S1 advises that all development should seek to make a positive contribution towards the achievement of sustainable development and, in doing so, seek to secure development which are of high quality, locally distinctive and inclusive design and layout and which provides a high standard of amenity for all existing and future occupants of buildings. Policy S3 requires that 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. Policy PD1 advises that there is a requirement that the new development creates well designed, socially integrated, high quality places and should respond to the challenge of climate change whilst also contributing to local distinctiveness and sense of place. This policy requires all developments to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes. New development must be designed to offer flexibility for future needs and uses taking into account demographic and other changes; and ensuring development 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.

- 7.7 The proposed layout has to be considered in relation to the site's context and land level differences within the site. Whilst the outline permission established that 12 dwellings could be accommodated on the site and the proposed layout is similar to the indicative layout it is the design and scale of the dwellings proposed that is not considered to be compatible with the character of this area of Wirksworth. The part of Millers Green where the site is located is semi-rural with larger detached dwellings set within large plots with predominately open land when approaching the site from the centre of Wirksworth (north east) with a wide verge and no footpath on the right hand side of the road. The frontage dwellings are proposed close to the road with ridge heights of 9.8 to 10.1m, widths of 7m with only 1m gaps between the dwellings. Plots 1, 2 and 3 would have land levels similar to existing levels stepping up in height towards the central access, however, plots 11 and 12 would be approximately 0.5-0.8m higher than existing levels stepping up towards the north eastern boundary. Dwellings adjacent to the site are a mix of render and stone with some brick properties to the south west and south east but not in close proximity to the site.
- 7.8 The layout appears very urban in character with over-tall properties adjacent to the road filling the whole frontage with the road dominating due to the heavily engineered layout with retaining walls to the rear of these properties to provide the parking areas behind them. Steps are used to access the front doors and the rear parking areas. Whilst a streetscene with the ridge height of adjacent properties has not been provided, it is clear that these frontages properties would appear dominant and appear out of keeping with the character of the area. Their design is poor and does not include or resemble any features found on properties in the locality like chimneys for example. The frontages are plain with uniform windows and side gables that would be highly visible in the streetscene with large expanses of brick with triangular windows at the top of the gable.
- 7.9 The design of plots 6, 7, 8, 9 and 10 is a mix of a render bungalow with front and rear brick protrusions. The front gable feature is poorly proportioned and designed and would dominate the dwelling. The design is considered incohesive and does not resemble features of properties in the area and would appear out of context with the character of the area. The blank side elevation of plot 10 would be highly visible at the entrance to the site, set forward of plots 11 and 12 below, exacerbated by the large parking areas behind these plots that house the attenuation tanks as part of the drainage strategy. The proposed retaining walls enclosing the rear of the frontage plots and separating the frontage properties from the plots to the rear would appear dominant within the development. The section drawing through plot 1 indicates that the parking area for plots 1, 2 and 3 would be 2.8 m higher than the road frontage. This is considered an over-engineered solution where land levels could be raised more gradually with less dominant solutions for parking.
- 7.10 In the assessment of the outline application it was considered that the dwellings on the upper level of the site should be single storey to reduce their impact on the landscape. The finished floor level of the plots on this elevated part of the site would be 3.5m higher than the level at the Millers Green access with ridge heights 11m higher than the road level. It is acknowledged that due to the height of the frontage properties the plots to the rear of the site would be partially obscured, however, these properties would be adjacent to open land to the north west with ridge heights of 7.6m that would be conspicuous from the surrounding land. Furthermore Wirksworth FP 59 runs adjacent to the western boundary where these plots are proposed.
- 7.11 Plots 4 and 5 are simple rendered hipped roofs bungalows. Whilst their design is considered acceptable, the design would not assimilate with the designs of the other properties within the site. Each design is different and is not softened by detailing or features picked up from other dwellings in the locality. Introducing three wholly different design approaches for a relatively small development is considered to make it appear more dominant and intrusive in the streetscene. Furthermore, the red brick, large expanses of roof and white render exacerbate its dominance. The proposal as a whole has little affinity with the character of development in this edge of settlement locality and would, by reason of its design and

dominant nature be harmful to the character and context of this part of Millers Green to the detriment of the visual amenity of the area, contrary to Policies S1, S3 and PD1.

7.12 Policy PD7 advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design. These Policies align with the most recent Government guidance contained in the National Design Guidance published in October 2021. Energy efficiency should be secured through building design in accordance with Policy PD7: Climate Change and the Council's SPD on Climate Change adopted in July 2021. The Planning, Design and Access Statement states that the units would be built with high standards of insulation, glazing would be to the east and west and designed to meet the criteria of the Code for Sustainable Homes L6 standards. Whilst, the proposal does meet some elements of the matrix within the SPD the issues in relation to surface water drainage and adaptable homes that are dealt within other sections of this report are a concern. On the basis that additional measures to mitigate the impact of the development could be controlled via condition the full compliance with the SPD matrix is not considered to be sufficient to warrant a reason for refusal on its own merits.

Impact on Residents' Amenity

7.13 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. The site abuts the gardens to three dwellinghouses to the south west. There would be a minimum distance of 16-19m between Plots 4 and 5 and the existing houses of 2 and 4 Millers Green. This is considered acceptable in privacy terms as the dwellings are proposed to be bungalows. There will need to be a replanting of the boundary hedge, however the plan annotates that the existing hedgerow would be retained for up to 5 years until the new hedgerow on the boundary is established. The bungalows are proposed to the north east of the existing properties and, therefore, there should be no impact with respect to a loss of light or overshadowing. Whilst the hedge could restrict outlook to some extent, a 2m high close boarded fence or hedge could be provided along the boundary by the applicant in any event. The finished floor level of plots 4 and 5 are shown as 1m above the level at the boundary, however, at this distance with the ground floor level screening this relationship is considered acceptable.

7.14 Ohio Farmhouse is set side on to the site and the nearest dwellinghouse on plot 1 would be set approximately 6m (house to house) at its nearest point and 1.8m from the boundary. Although all matters other than access, were reserved for subsequent approval the applicant advised in respect of outline permission 19/00455/OUT the following:

Ohio Farm House is set well back from the road. It has windows facing south east across Millers Green and north east across the existing access drive to The Chalet and Millers Cottages. The house is set into the hillside formally looked over the former industrial buildings. Currently the ground floor windows look into a retaining wall and bank. By removing the access road and setting the houses back from the western boundary, the impact on Ohio farmhouse will be limited. The terraced housing is set close to the road. The side gable of Ohio farmhouse will look across the parking area of the proposed new housing. With the removal of the access road along the boundary, the amenities available to Ohio farmhouse residents will be improved. The west gable of the terraced housing will be blank at first floor level with any ground floor windows set towards the front elevation to enliven the street scene. There will be no loss of privacy to Ohio Farmhouse.

7.15 Prior to the assessment of the outline application, full planning permission was granted for the redevelopment of the site to provide 5 no. detached dwellings, 5 no. residential

apartments and associated access road and landscaping under application 08/00286/FUL. This development proposed a series of single storey garages adjacent to Ohio Farmhouse, providing a greater separation between the two and three storey buildings on the site.

- 7.16 Officers in their assessment of outline planning permission 19/00455/OUT advised that the dwelling to plot one would be set approximately 8m away from the dwellinghouse at Ohio Farmhouse. With it being sited to the north east, however, it was not considered that a house within such proximity would significantly impact on the light to that property. In terms of outlook, it was recognised that there would be some encroachment on this but in a normal 45° outlook from the front of that dwellinghouse, this would be onto the front part of the side of Plot 1 at a distance of some 12m away. It was recognised that there are side facing windows overlooking the site but it was considered unreasonable for the applicant to have significant constraints placed on the development of their property because of the neighbouring property already overlooking it. Although layout and scale were reserved matters in respect of the outline permission officers concluded that it would be unreasonable to refuse permission on amenity grounds based on the amount of development proposed, and it was recognised that such matters would be fully assessed as part of any reserved matters application.
- 7.17 The dwelling to plot 1, proposed as part of this application, would sit within 1.8m of the boundary, some 0.5m (approximately) closer to the boundary than indicated as part of the outline permission. Although the site falls away towards the road and the finished floor level will remain at the level indicated at outline stage the building is two and a half storeys high, with accommodation in the roof. The depth of the dwelling at some 9m results in a building that is 9.8m high to ridge and 6m high to eaves at its highest point. The dwelling on this plot will sit forward of Ohio Farmhouse, adjacent the front garden / yard area to this property. The close siting and height of the dwelling to Ohio Farmhouse is such that it would appear overbearing when appreciated from this property to the detriment on the residential amenity of its occupants. Although the gable end facing south west includes window openings of various shapes, the openings above ground floor level are high level, to prevent views towards Ohio Farmhouse. Of concern is the proximity of the habitable windows in the rear elevation to existing first floor windows in the side facing gables of Ohio Farmhouse. The rear of the dwelling at plot 1 proposes a bedroom window 12 m from the side windows at Ohio Farmhouse which will result in a loss of privacy. The close proximity, siting, finished floor level, scale and windows in the rear elevation of the dwelling to plot 1 is such that the development would result in significant overbearing and overlooking effects contrary to Policy PD1.

Highway Matters

- 7.18 The Local Highway Authority advises that the internal layout of the site would not be up to adoptable standard and issues in relation to the pedestrian accessibility of properties is raised. They state that whilst this would not be sufficient to warrant an objection to the application, these issues would be brought up if adoption in the future was proposed. On the basis that access was approved at outline and parking and manoeuvring within the site is adequate if it is not adopted; the proposed layout is considered to accord with Policy HC19.
- 7.19 A Public Right of Way Wirksworth 59 adjoins the south western corner of the site. The layout indicates a 3m wide access track leading from the turning head which is provided to allow access to the fields to the west and also provide a link through the site and for residents to access the route. An informative regarding any works avoiding disruption to the footpath would be placed on any permission.

Flooding and Drainage

7.20 The Lead Local Flood Authority (LLFA) has assessed the application and sought further information from the applicant as they need to ensure that the surface water related conditions from the outline application can be discharged within the layout proposed as part of the reserved matters. The three outline conditions that relate to surface water are included below:-

25. 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. Millers Green, Wirksworth Flood Risk Assessment & Drainage Strategy, Second Issue (July 2019 by Waterco) and 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. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

26. 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. 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.

27. Prior to excavations works for the dwellinghouse foundations being commenced, 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 LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

7.21 The Flood Risk Assessment and Drainage Strategy approved as part of the outline dated July 2019 identified the site is within Flood Zone 1 and there is a 150mm public combined sewer located immediately west of the site. It states that where soakaways are not possible, discharge of surface water to the unnamed watercourse located approximately 70m south of the site at the 1 in 1 year greenfield runoff rate of 2.3 l/s appears to be the most practical option. Attenuation storage will be required on site in order to restrict surface water discharge to 2.3 l/s. Attenuation is proposed within 2 No. attenuation tanks located in the shared driveways / parking areas to the rear of the frontage plots. Foul flows can discharge to the 225mm public combined sewer in Millers Green approximately 50m south of the site. A gravity connection can be achieved.

The LLFA have been in negotiations with the applicant's drainage engineer in order to provide a suitable surface water drainage strategy for the site that would allow the discharge of the outline conditions and are currently reviewing this latest information submitted and this shall be reported at committee.

Arboricultural Matters

7.22 At outline stage the arboricultural report advised the following would need to be removed:

- a mature 8m tall ash tree (classified as category C – low quality) would need to be removed to make way for Plot 6
- a 4m high goat willow with poor form
- 40m long hedgerow to make an entrance for the development and from the rear gardens of Plots 4 and 5 – this is moderate quality
- approximately 5m length of hedgerow to be removed to make way for Plot 12

7.23 It is considered that these losses would be acceptable if several mixed native trees and at least 45m of mixed native hedgerow are planted within the development. The Arboricultural Report submitted with the outline includes details of the protective fencing for all retained trees and the proposed layout remains similar to the outline indicative layout.

7.24 A detailed landscaping scheme has been submitted and includes new trees within the gardens and within the streetscene and a replacement hedge to the rear of Plots 4 and 5. Therefore this reserved matter of considered acceptable and accords with Policy PD5.

Affordable Housing Provision

7.25 The affordable housing provision recommended at outline was for two, 3 bedrooomed bungalows to M4(3) wheelchair user standard. This was stipulated within the S106 agreement, however, a modification to the wording of the on-site affordable housing was approved in March 2021 allowing for broader scope in provision.

7.26 The wording in the Deed of Variation signed on the 22nd March 2021 is as follows:-

The scheme submitted in accordance with the Planning Permission which shall include details of: (i) the numbers, type, tenure and location on the Site of the Affordable Housing; and (ii) the timing of the construction of the Affordable Housing and its phasing in relation to the occupancy of the Market Housing Units in Schedule 1 (4); and (iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the Affordable Housing; and (iv) the occupancy criteria to be used for determining the identity of the occupiers of the Affordable Housing and the means by which such occupancy criteria shall be enforced; and (v) agreements on when the Affordable Housing should be transferred to a Registered Social Landlord. Such a scheme is to be approved by the Council prior to the commencement of development.

7.27 The original Outline S106 stills secures on off-site affordable housing contribution of £15,270. Triggers are no dwellings occupied until this payment is made and on-site affordable provided before 50% occupation of dwellings. The Director of Housing has been in discussions with the agent regarding plots 4 and 5 and whether they would meet the M4(3) regulations. It is considered acceptable for these two affordable units to meet the requirement of M4 (2) with some M4 (3) elements but not fully compliant due to the site constraints. The proposed affordable housing provision is considered acceptable and conforms with the outline and the approved modification to the S106.

Other Matters

7.28 Concern was raised at outline stage with regard to the proximity of the cricket pitch to the site and the potential for cricket balls to land on the site. This application includes details of a 3m high green open mesh fence on the north western boundary in order to accord with the requirement of condition 29 of the outline has sought to address this in part by proposing a chain link fence along the 40m perimeter, supplemented with hedge planting. This may not address cricket balls being hit into the gardens in all eventualities but will have the potential to stop most.

Conclusion

7.29 The proposal fails to reflect the context of this semi-rural part of the settlement of Wirksworth through incongruous design and heavily engineered solutions to the differences of land levels within the site and the drainage constraints. Furthermore, one of the frontage plots would have a significant adverse impact on the residential amenity of the occupants of Ohio Farmhouse to the south west. It is recommended that the application be refused for these reasons.

8.0 RECOMMENDATION

That planning permission be refused for the following reasons:

1. The general design detailing and proportions of the proposed dwellings, layout of the development which is dominated by retaining walls and large parking areas and the dominant siting and scale and incongruous design of the properties along the road frontage, which would be visually prominent from public footpath Wirksworth 59 would not respect the character, identity and context of this part of Wirksworth contrary to Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2021).
2. The dwelling to Plot 1, by reason of its close proximity to Ohio Farmhouse, height and design would appear overbearing and result in unacceptable overlooking effects to the detriment of the residential amenity of the occupants of this property contrary to Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

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

3095 – 01E, 02.1A,02.2B, 03.1C, 03.2B, 04.1A,04.2A, 05.1A, C-05.2A
2350-001A
MA11386 / 100B, 101B, 110B, 111A,112A, 113A
AW0120-PL-001 and AW0120-PL-002
Planning, Design and Access Statement
Drainage Strategy Report by GWK ref GK2718

APPLICATION NUMBER		21/00500/FUL	
SITE ADDRESS:		Darley Dale Smelter, Oldfield Lane, Warren Carr	
DESCRIPTION OF DEVELOPMENT		Proposed extension to C-Bays building to accommodate relocated equipment (modifications to extension previously approved under planning permission 18/00919/FUL)	
CASE OFFICER	S Arbon	APPLICANT	Mr D Woodward of H J Enthovens and Sons
PARISH/TOWN	South Darley	AGENT	Miss K Saunders of Norder Design Associates Ltd.
WARD MEMBER(S)	Cllr Colin Swindell	DETERMINATION TARGET	26.07.21
REASON FOR DETERMINATION BY COMMITTEE	Due to being major development	REASON FOR SITE VISIT (IF APPLICABLE)	To see the site in context

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of Development - Visual Impact - Highway Safety - Impact on Residential Amenity - Ecological Impacts

RECOMMENDATION
Approval subject to conditions

1.0 THE SITE AND SURROUNDINGS

1.1 The application relates to the existing industrial site of Darley Dale Smelter, whose commercial operation is a Lead Recycling Facility. The site is situated to the north west of Darley Bridge and to the south east of Stanton Lees in an open countryside location. The boundary to the Peak District National Park lies across open fields and woodland to the south, west and north of the site. There is a high wall forming the boundary to the site along Oldfield Lane with woodland screening the site from the immediate vicinity to the north, west and south. To the east of the site is an area of what appears to be historic tipping of waste material. There are two main access points into the site, one to the south east which appears to be mainly for larger vehicles and one to the north of the main site which appears to be for staff vehicles. Despite the screening to the site the entirety of the development can be seen from higher ground at Stanton Lees.



2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for an increase in height of the C-bay building previously granted by permission 18/00919/FUL. The approved height was an eaves height of 7.6-10.8 and ridge height of 12m. This application proposes an eaves height of 10m and ridge height of 15m on the southern elevation and eaves height of 18m and ridge height of 20m on the northern elevation. The difference in heights is due to utilising the higher land levels to the south. The increase in height is required due to a change in legislation in relation to the Cibel 6 equipment since the grant of permission in 2018. The building of the increased height would fully enclose the equipment and would have a ridge 3-8m higher than previously approved.

2.2 Permission was granted on 24th October 2018 for alterations and extension to structures within the confines of the site and to marginally extend the site area to the southeast and northwest as summarised below:-

- Divert access road to accommodate an extension to C-Bay, the new plant (Cible 6) would be housed in the existing C-bay. The extension replaces the existing A-Bay which is structurally poor and destined for demolition following the transition of operations into the new C-Bay.

- New Cibel 6 piece of equipment, which is to be located in the existing C-Bay. This equipment is essentially a bag filter designed to collect dust from the exhaust of onsite processes, to prevent it from being vented into the air. The new cibel 6 also contains a filter to take out the VOC's. (Volatile Organic Compounds – these are compounds that easily become gas or vapour. For example, VOC's are released from burning fuels, they are also released from products such as solvent paints)
 - Relocate existing oxygen tank farm to the southern end of the site, adjacent to the FGD (Flue Gas Desulphurisation) building.
 - Relocated the water tanks adjacent to the weighbridge area to the eastern end of the site.
 - Extend the car park to the northern end of the site to ensure there is sufficient parking on site without causing overspill parking into the delivery area.
 - Relocate existing A-Bay facility into the proposed C-Bay extension.
 - New oxygen generator to be constructed to the south eastern end of the extended site area.
 - Extension to the FGD building to the southern end of the site.
 - Relocate a hut to the front of the site adjacent to Oldfield Lane from near the Weighbridge.
 - Demolish toilet block
 - Relocate unloading ramp closer to the weighbridge area.
 - No new chimney is proposed.
- 2.3 The applicants' state that the existing A Bay building is used to store raw materials prior to being transferred to their furnaces for smelting. This building is now reaching the end of its economic life and will in the next 3 -5 years need significant investment to continue its use. Currently raw material is processed and delivered into the existing C Bay building by covered conveyor. It is then moved across site and placed into the A Bay for storage until required, then transported back to the C Bay for loading into the furnace using a variety of heavy plant equipment. The proposed C Bay development, would allow the storage of raw material directly in the building, ready for the furnace, without having to move it across site, reducing vehicle movements around site. Once the new C Bay extension is operational, the existing A Bay building would be decommissioned, the two buildings would not operate together.
- 2.4 The new C Bay would also house a new baghouse filter unit, CIBEL 6 replacement. The new baghouse filter unit is being installed for a number of reasons. The new unit would have a higher filter capacity over the current unit, which would allow the unit to comply with all future announced changes in environmental emissions controls, along with having sufficient over capacity, should further changes be announced. Installing the new unit in the C Bay would allow a more efficient extraction from the rotary dryer, significantly reducing the energy consumption of both the dryer and the filter unit, and making a contribution to reducing our site carbon footprint. The requested increase in height, is to allow for the installation of a bigger baghouse filter than previously anticipated. This unit is both physically bigger, but also needs to be mounted off the ground, to allow access underneath the unit for maintenance. An overhead crane would also be installed in the building which would allow for the safe and efficient movement of material within the building, minimising the use of diesel powered plant to move material.
- 2.5 In and out goods delivery would remain restricted to 0630 to 1600 Monday to Friday and process activities will remain a 24 hour operation.
- 2.6 There is intended to be no additional HGV activity on site. The oxygen generator should minimise HGV movements to and from the site by one vehicle per day.
- 2.7 The approved C-Bay extension extended the area from 945 sq m to 2560 sq m. The building would be 10-18m high to eaves with a 12 degree roof pitch resulting in a ridge height of 15-20m. The total additional floor space approved is 2800 sq m.

- 2.8 Existing buildings are of a dark grey cladding and plant is coloured battleship grey. The proposal is for the building to match this colour.
- 2.9 The 2018 permission gave consent for the removal of the 30 fast growing evergreen trees from the south eastern end of the site. For each tree removed an oak sapling would to be planted. In addition a further 10% of trees are to be planted.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 1. Adopted Derbyshire Dales Local Plan (2017)
 - Policy S1 : Sustainable Development Principles
 - Policy S4 : Development in the Countryside
 - Policy PD1 : Design and Place Making
 - Policy PD2 : Protecting the Historic Environment
 - Policy PD3 : Biodiversity and the Natural Environment
 - Policy PD5 : Landscape Character
 - Policy PD6 : Trees, Hedgerows and Woodlands
 - Policy PD9 : Pollution Control and Unstable Land
 - Policy HC19 : Accessibility and Transport
 - Policy HC21 : Car Parking Standards
 - Policy EC1 : New and Existing Employment Development
- 2. National Planning Policy Framework 2018
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

19/00525/FUL – Proposed erection of 2 no. storage buildings, Granted 14/10/19

18/00919/FUL -Installation of new equipment, diversion of access road, extend car park, construct retaining walls, relocate building and extension to existing buildings, Granted 24/10/18

5.0 CONSULTATION RESPONSES

South Darley Parish Council

5.1 The Parish Council cannot support this application as it deviates substantially from the original plans. We believe that it should be subjected to a full and rigorous review.

5.2 Stanton In Peak Parish Council (adjacent Parish):

Object to this application as many of the issues raised in our objections to 18/00919/FUL are amplified by this incremental creep which would create a major landscape change due to the height and for the following reasons:

1) The proposals increase the visibility of the site from the road as the new extension encroaches on the existing green buffer. It is also highly visible from the Peak District National Park and the village and Conservation Area of Stanton Lees. As the height will increase by 30% - an additional 5.3 metres, the earth bunds would be insufficient to mask this from our parishioners who live in close proximity in Warren Carr who have expressed major concerns as to its impact on their lives.

2) Council expressed disbelief that the architects could have designed the buildings for 18/001919/FUL without taking into consideration their height requirements as the plant being housed already existed and consider the outline mention of a phase 4 referred to at that time with no detail, proves our fears that further expansion was already planned for.

3) Enthoven continually states that there would be 'no increase in HGV activity on site' but these efficiencies that continually increase output have to be reflected in greater HGV movements to and from site with further fears for Darley Bridge – a main access for our parishioners, and the congestion on the roads outside Enthoven with lorries parking up on blind summits and restricting the carriageway can only increase as a consequence.

4) Lighting of the site for security is already a major issue with bright lights flooding the area and further expansion and greater height would only be of greater detriment to the residents of Stanton Lees overlooking from the Peak District National Park as well as the noise and can only be affecting the wildlife too. The increased height and potential lighting pollution would now be seen over the bunds in Warren Carr majorly increasing the affected population.

The Parish Council considers this application a step too far and would request this go to Planning Committee for deliberation and for a full look how damaging this expansion is on the residents of the communities that surround it. A full assessment of the Environmental impact is needed with a report from DDDC Environmental Health on the impacts of the latest EA appeal decision for the site and limitations given full weight, along with DCC Highways revisiting the only route in before a decision is made.

Environment Agency

- 5.3 There are no formal comment to make as there are no constraints within the remit of the Environment Agency associated with the site. They are in communication with the operator regarding the potential changes to the permit boundary as a result of the proposal.

Derbyshire County Council (Highways)

- 5.4 No highway objections subject to no impact on existing access arrangements.

Derbyshire County Council (Flood team)

- 5.5 Due to the nature of the proposed plans and our understanding that all site drainage is regulated by the EA, the Flood Risk Management team have no comment to make.

Derbyshire Constabulary Designing Out Crime Officer

- 5.6 No objections.

Environmental Health (Derbyshire Dales)

- 5.7 No objections as the regulator for this site is the Environment Agency who provide an Environmental Permit including odour, noise, dust etc. However, in terms of Air Quality the district council has overall responsibility and the Air Quality Objective for Lead is $0.25\mu\text{g}/\text{m}^3$ as an annual mean.

Sampling is currently undertaken for lead in air and it is recommended this is formalised and results submitted annually to Derbyshire Dales District Council with an annual mean on the basis of a calendar year. For lead DEFRA and the Devolved Administrations have approved the use of a method that employs the subsequent analysis of sampled filters. Further guidance on method is in Local Air Quality Management Technical Guidance (TG16) February 2018.

6.0 REPRESENTATIONS RECEIVED

- 6.1 23 letters of representation have been received which raise the following concerns:

Detail of the application:

- a) There continues to be an expansion of the property which was anticipated as there is groundwork around the rear perimeter.
- b) It is difficult to understand why the additional height required was not included in the original application in 2018.

- c) The description of the application is misleading as it is not for relocating equipment as the original proposal was to relocate the existing A-bay storage facility into the proposed C-Bay storage extension with no expansion of site storage.
- d) Under Phase 1 of the works the new Cibel 6 equipment has already been located in the existing C-Bay and the 12m in height accommodates this equipment.
- e) The increase in height will increase capacity.
- f) Just 6 months after the 2018 permission two more storage buildings were approved on site.

Traffic:

- g) It was advised that the application would help alleviate lorry traffic through Darley Bridge, however the increase in traffic is quite apparent.
- h) How can the statement of 'no increase in HGVs' be policed?
- i) Following the recent appeal by the applicant against the Environment Agency's new Environmental Permit (June 2020) imposing a 150,000 maximum tonnage of recycled lead waste there is now undisputable evidence that the company has been expanding with the existing battery crusher capable of 250,00 tonnes a year.
- j) Cars have to reverse on a bend or go onto the pavement to allow lorries.
- k) A fatal accident has occurred due to a lorry on Darley Bridge.

Amenity issues:

- l) From their elevated position all the site is quite visible and a 5m increase in roof height would be a further blot on the landscape.
- m) Increased capacity leads to an increase in HGV traffic through Darley Bridge and along narrow country lanes so if approved a larger holding area for lorries so they can wait off road should be required.
- n) The visual effect of the plant would increase significantly with the extra 5.3m in height.
- o) The fan and machinery noise is likely to increase and the extra height would be above any noise absorbing structures or foliage therefore noise abatement measures are required.
- p) Acidic odours are already unacceptable as they drift across Oldfield Lane causing residents to take alternative routes to avoid poor air quality.
- q) A full environmental impact statement is required.
- r) No details of additional external lighting and the effects of light pollution that the proposal would create.
- s) Lighting proposals were required by condition of the 2018 approval but these details are not included.
- t) Residents already experience excessive noise, vibration, acrid smells and severe light pollution.
- u) Further development may affect my home and business which is tourism based.
- v) There are worries about the impacts on wildlife and human health through emissions to soil and groundwater contamination, surface water pollution, discharges of hazardous pollutants into the River Derwent and discharges to air.
- w) The increased height of the building would lead to higher lighting poles that would increase the already excessive lighting overspill into Warren Carr and impact on highway safety on nearby roads.
- x) The increased height could be used to improve efficiency at the plant and result in increased tonnage which means more HGV movements and air pollution.
- y) No one seems to want to resolve the problems already associated with the site, noise complaints have been submitted to the EA with no action.

Other:

- z) Over the years the throughput tonnage has increased without the considered scrutiny by DDDC Planners and DCC Highways with part of the reason being each application is below activation thresholds.

- aa) The size of the plant is unacceptable in this countryside location, it has doubled in the past 30 years.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of Development
- Visual Impact
- Highway Safety
- Impact on Residential Amenity
- Ecological Impacts

Principle of development

- 7.1 The principle of development has been established in the granting of permission 18/00919/FUL. This application seeks approval for an increase in height of one of the buildings granted permission 'C-Bay'. Policy EC1 supports the expansion of existing businesses and whilst this site is located in the countryside, it is nevertheless an important local employer contributing to the local economy. Therefore, in principle, planning policies support additional facilities and expansion of such sites and this economic benefit was considered against other aims of the Local Plan which include protecting the Peak District National Park, the amenity of nearby residents in terms of noise, smells, pollution and congestion and ecology impacts prior to granting permission in 2018.

Visual Impact

- 7.2 The 2018 permission gave approval for the site to be expanded to the south east through the reconfiguration of the access road due to extensions proposed to C-Bay and the associated relocation of existing plant in this area. It included expansion of the site to the north west to provide additional car parking. The site is well contained by woodland to the south, west and north, however the site is nevertheless visible as a large industrial complex from further north within the Derbyshire Dales and Peak District National Park.
- 7.3 The site is well screened by woodland planting. The previous approval involved removing around 30 evergreen and fast growing trees to the south east of the site boundary and replacing these with local tree species. A landscaping scheme which includes the planting of 350 replacement trees in the south western area of the site has been submitted and approved in the discharge of condition 3 of permission 18/00919/FUL which mitigates for the removal of trees to the east of C bay.
- 7.4 Concern has been raised that the increase in height would result in additional harm to the character and appearance of the area. The proposal would mean the C-Bay building would be 15m in height adjacent to the southern boundary and 20m in height from within the site complex to the north. In order to set this increase in context, it would result in a 1.2m higher roof than the adjacent lorry dock to the west from the south and a 2m higher ridge from the southern elevation due to the drop in levels in this direction. The increase is considered a modest increase set within the context of the wider site. Further tree planting to the south has been approved and is required through the 2018 permission and existing planting whilst reduced in width would be retained to the east. On this basis, it is considered that this modest increase would not cause significant harm to the character and appearance of the area taking into account the existing permission. As such the proposed is considered to comply with Policies S1, S4, PD1, PD2, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan 2017.

Highway Safety

- 7.5 Concern has been raised that the proposed works would lead to an expansion in capacity resulting in additional traffic movements which would cause further harm to the local road network. The requirement for the increase in height for C-Bay would not expand the facility on site but would assist in the operation to meet emission targets.
- 7.6 It is considered that the proposal would not cause any additional traffic movements to and from the site other than those connected with the necessary construction works. As such the proposal meets highway requirements to comply with policies S4, HC19 and HC21 of the adopted Derbyshire Dales Local Plan 2017.

Impact on Residential Amenity

- 7.7 Concern has been raised by local residents regarding the potential impacts from the proposed development in terms of noise, smells and pollution.
- 7.8 The Cibel 6 equipment is proposed within C-Bay seeks to reduce emissions from the site. The site as a whole is given a permit to operate from the Environment Agency which means that appropriate measures in respect of odour, noise and dust are controlled by the EA who have raised no concerns regarding this proposal. The Environmental Health team of Derbyshire Dales District Council are responsible for air quality. In this respect the Environmental Health Officer has recommended a condition is imposed over the entire site regarding the submission of air quality details on an annual basis. However, given that the need to control air quality does not arise specifically from this development it is not considered reasonable to impose such a condition which covers the long term use of the site. A footnote will be added to the permission to advise the applicant to contact the Council's Environmental Health team in respect of establishing an annual submission of data.
- 7.9 The applicants' have sought to clarify the following in light of objections received. The new baghouse filter unit was and is planned to be installed inside the new extension, not the existing building. Some of their early plans had this unit being installed first with the new building effectively being built around the unit, however plans have been revised and the unit shall be installed at a later point in the project once the main structure has been completed. The building design submitted for planning application in 2018, had concrete walls 6m high this would be the limit for material storage. The building design currently being reviewed, has reduced wall height of 5m. This shall result in a reduction of the internal storage volume over the building approved in 2018. The C Bay extension would not increase the current operating capacity of the site and as such would not result in an increase in operational traffic on local roads. The EA has set the firm's operational limit at 150,000 tonnes/annum and they are not seeking to increase this limit. All of their site activities comply with their EA permit obligations. The baghouse filter unit would be housed internally, within a separate area, with internal dividing walls. This unit would duct exhaust outside to join the existing main stack. There will be no additional noise associated with the operation of this unit over the current levels.
- 7.10 Application 18/00919/FUL was screened under category 4 (d) of the 2017 Environmental Impact Assessment Regulations and was deemed not to constitute Environmental Impact Assessment development requiring an Environmental Statement. This application seeks a larger building only in height terms with the footprint / floorspace and use remaining the same as that previously approved. On this basis, on screening the current proposal it has been concluded that it is also not EIA development and therefore no Environmental Statement is required.
- 7.11 Therefore on the basis of the existing regulations relating to this development it is considered that the additional impacts arising from the proposal would not be significant and as such

would not warrant the refusal of planning permission. As such the proposal is considered to comply with policies S9 and PD1 of the adopted Derbyshire Dales Local Plan 2017.

Conclusion

- 7.12 Having considered the impacts arising from the proposed development it is considered that the proposal would not result in impacts that are substantial and therefore the proposal is considered to accord with local and national planning policies and approval is recommended.
- 7.13 Whilst the concerns of Stanton in the Peak Parish Council are noted, the Local Planning Authority can only consider the impacts arising from the proposed development and it is other regulatory bodies that maintain control of the operation and impose a pollution control regime over the entire site.

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 application plans:- location plan scale 1:2500, plan 1000 P1, 1002 P1, 4501 P1, 5502 P1, 6002 P1 and 9003 P1 received on the 26th April 2021.
Reason:
For the avoidance of doubt.

9.0 NOTES TO APPLICANT:

- 9.1 The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
- 9.2. 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.
- 9.3 This decision notice relates to the following documents:
Location plan scale 1:2500,
Plans 1000 P1, 1002 P1, 4501 P1, 5502 P1, 6002 P1 and 9003 P1 received on the 26th April 2021.
Design and Access Statement received 26th April 2020
- 9.5 The applicant is advised that in order to assist with the aim to improve air quality to contact the Council's Environmental Health team (Tel: 01629 761212) in respect of establishing an annual submission of data in respect of sampling undertaken for lead in the air.

APPLICATION NUMBER		21/00943/FUL	
SITE ADDRESS:		Plot 3, Pump Close, Starkhomes, Matlock	
DESCRIPTION OF DEVELOPMENT		Erection of dwelling house (Revisions to design approved under planning permissions 16/00941/OUT and 19/01050/REM)	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr J Neville
PARISH/TOWN	Matlock Town	AGENT	Evans Vettori Architects Ltd
WARD MEMBER(S)	Cllr S Flitter Cllr P Cruise Cllr D Hughes	DETERMINATION TARGET	17 th September 2021
REASON FOR DETERMINATION BY COMMITTEE	5 or more unresolved objections received	REASON FOR SITE VISIT (IF APPLICABLE)	

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

RECOMMENDATION
That the application be granted with conditions.

1.0 THE SITE AND SURROUNDINGS

1.1 The application site comprises a construction site where 7 dwellings are under construction and is 0.36 hectare in area beyond the Pump Close cul-de-sac, off Starkholmes Road. Plot 3 is located in the south eastern corner of the site. The land level on the southern boundary is 7m higher than that of land within the north western corner. There are trees on the northern and eastern boundaries with trees on the eastern boundary covered by a County Council TPO 035/A1. There is an Oak tree immediately to the south eastern corner of the site and an established hedge encloses the southern boundary with the adjacent field. Netherclose Farm is adjacent to the eastern boundary and there are dormer bungalows that step down along the western boundary with a mix of detached and semi-detached stone properties running parallel with the south side of Pump Close.

2.0 DETAILS OF THE APPLICATION

2.1 This application seeks to change the position and form of Plot 3 granted Reserved Matters approval at committee in October 2020. Outline permission (16/00941/OUT) was granted on the 12th April 2017 for up to 9 dwellings including access. Plot 3 is located in the south eastern corner with an inset section adjacent to the existing Oak tree. The proposal involves extending the dwelling further to the eastern boundary by 2.7m in line with the rear of the approved garage and to the south by a further 2.5m retaining the 1m gap between the side of plot 2.

2.2 External changes include:-

- a high level window is proposed on the western elevation adjacent to the blank side wall of plot 2;
- removal of the bedroom window on the front (northern) elevation and replacement with a small shower room window;
- moving the chimney to the eaves rather than the ridge of the gable feature; and
- two additional patio doors serving the bedroom and living room onto the rear garden area.

2.3 The proposal would provide additional internal living space in the form of a larger en-suite bedroom, larger living space and a change from an office to an additional bedroom. This plot is under construction and a protective fence surrounds the Root Protection Area of the protected Oak tree.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

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

4.0 RELEVANT PLANNING HISTORY:

21/01030/FUL – Plots 5 and 6 - Erection of 2no. Dwellinghouses (Revisions to designs approved under planning permissions 16/00941/OUT and 19/01050/REM), undetermined.

19/01050/REM - Reserved Matters Application for the approval of appearance, landscaping, layout and scale of 7no. dwellinghouses (outline planning permission reference 16/00941/OUT), Granted 10th November 2020.

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

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

5.0 CONSULTATION RESPONSES

Matlock Town Council

5.1 No objection.

Derbyshire County Council (Highways)

5.3 See previous highway comments and recommended conditions.

Arboricultural and Landscape Officer (Derbyshire Dales)

5.5 Arboricultural Method Statement has been submitted to accord with Condition 11 of the reserved matters, however further information is required prior to discharge.

The Tree Officer has inspected the Oak tree adjacent to Plot 3 and notes the following.

The tree is present and no damage was noted to its stem or branches

Good specification of temporary tree protection fencing is present and is located between 8-9m from the base of the stem.

The ground between the temporary tree protection fencing and the stem is not disturbed, with no evidence of excavation or storage within the protected area.

The ground in other areas of the root protection area which is not within the development site are agricultural fields and are good rooting environment for the tree.

The ground level on site beyond the temporary tree protection fence has been reduced by approx. 1m to facilitate construction of the garden of the new build house closest to the tree.

Concrete footings have been laid for a retaining wall to support the exposed soil face of the approx. 1m tall excavation.

The footings are located around the outside of the temporary tree protection fencing, and are approx. 8.5-10m from the base stem of the tree.

The calculated root protection area of the tree has a radius of 9.6m.

So, there may be minor encroachment into this for part of the section of the root protection area that is within the development site.

In my opinion the encroachment is very minor and insignificant in terms of impact to the health and stability of the tree.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 6 representations have been received. A summary of the representations is outlined below:

- a) Plot 3 would overlook the land in association with Netherclose Farm.
- b) The Oak Tree may be damaged by the proposed extension.
- c) The bungalows appear higher than the height of the original field so moving nearer to their boundary would cause loss of privacy.
- d) The stream that runs down the eastern boundary must be affected by the rise in land levels.

- e) The application states the land is not within 20m of a watercourse and is not contaminated so the application should be withdrawn and resubmitted.
- f) The revised layout places built development within the root protection area of the tree and should not be permitted.
- g) The calculated RPA of the tree is not sufficient.
- h) There has been a lack of consultation with neighbouring properties.
- i) The development of the site is a flood risk to existing properties.
- j) The developer is continuing to construct plot 3.
- k) The land level of plot 4 is 1.5m higher than the approved plan.
- l) Changes to plot 7 are shown on this application.

7.0 OFFICER APPRAISAL

7.1 Having regard to the reserved matters for consideration and the relevant provisions of the development plan, the following material planning issues are relevant to this application:

- The principle of development and access arrangements
- Appearance, layout and scale
- Impact on residential amenity, and
- Impact on trees

Principle of development and access arrangements

7.2 Outline permission with access was approved in April 2017 with a timescale condition requiring submission of the reserved matters application within three years. The reserved matters application was granted in November 2020. The principle of residential development on the site for 7 dwellings is therefore accepted.

7.3 The works required to the access onto Starkholmes Road have been undertaken in accordance with the requirement of condition 6 of the outline permission. The Highways Authority considers that sufficient bin storage, parking and turning has been provided in accordance with Policies S3, HC19 and HC21.

Appearance, layout and scale

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

7.5 The proposed changes are not considered significant with minimal changes to the elevations visible from the internal access road of the development and the high quality design of the dwelling would be retained in context with the scale and appearance of other properties approved within the development.

7.6 The proposed layout and appearance of Plot 3 is therefore considered acceptable in line with Policies S3 and PD1.

Impact on residential amenity

7.7 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. There would be no significant adverse impacts on the residential amenity of existing properties that bound the site in accordance with Policy PD1. A high level window is proposed adjacent to the blank side wall of plot 2 and the elevations that face the plots garden are adjacent to open land therefore the impact on the amenity of properties with the development is considered minimal.

Impact on trees

7.8 Policy PD6 requires trees of value to be retained and integrated within development where possible. The Arboricultural Survey and Constraints Report 2014 submitted with the outline application is considered the Oak at the south eastern corner of the site as an A2 category tree which is a fine specimen and this would remain visible with Plot 3 outside of its Root Protection Area. The Tree Officer has inspected the tree protection fencing and the changes proposed in relation to the RPA and considers the encroachment to be very minor and insignificant in terms of impact to the health and stability of the tree.

Conclusion

7.9 In summary the proposed changes to Plot 3 would retain the character of the property, would not have a significant impact on the amenity of Plot 2 and does not cause damage to the RPA of the Oak tree and accordingly the scheme complies with the local plan policies.

8.0 RECOMMENDATION

That the application be granted subject to the following conditions.

1. This consent relates solely to the application as amended by the revised plans received by the Local Planning Authority numbered 472_P09 - Location Plan Plot 3, 472_P08 Proposed plans and elevations and Plan No. 472_P01 Rev G – Propose Site Plan received on the 23rd July 2021.

Reason:

For the avoidance of doubt.

2. The dwelling shall be constructed in accordance with the approved details Birchover Gritstone walling stone including heads and cills and Marley Hawkins Staffordshire blue clay roof tiles.

Reason:

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

3. The 1.1m high garden walls shall be constructed in accordance with the approved details of 140mm coursed Birchover Gritstone cropped with a flat face, lightly dressed around the edges and laid on a minimal mortar bed with a half round coping stone.

Reason:

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions,

fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

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

5. Notwithstanding the submitted plan no. 472_P08 received on the 23rd July 2021, the internal dimensions of the garage for Plot 3 hereby permitted shall measure 3m x 6m.

Reason:

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

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

Reason:

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

7. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority within 1 month of this permission, the details of which shall include :-
 - a) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - b) grass seed mixes and sowing rates, and;
 - c) hard surfacing materials.

Reason:

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

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

Reason:

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

9. The window and door frames shall be installed in accordance with the approved details Smart Alitherm windows and sliding doors in RAL 7032 Pebble grey, Velux GGL

conservation rooflights and Smart Architectural doors (in colours shown on the letter dated 1st December) and so retained.

Reason:

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

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

Reason:

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

11. The development shall be carried out in accordance with Arboricultural Survey and Constraints Report Ref: JC/004/141027 dated 27th October 2014 and the protective fencing surrounding the Oak tree shall be retained for the construction period.

Reason:

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

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

Reason:

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

13. No works of construction shall take place on the site outside of the following hours:
- | | |
|----------------------|-----------------|
| Monday to Friday | 08.00 to 20.00 |
| Saturday | 09.00 to 13.00 |
| Sunday/Bank Holidays | No construction |

Reason:

To protect residential amenity in accordance with Policy H1 of the Adopted Derbyshire Dales Local Plan (2017).

14. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason:

In the interests of highway safety in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan

9.0 NOTES TO APPLICANT:

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

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

3. This decision notice relates to the following documents:
472_P09 - Location Plan Plot 3, 472_P08 Proposed plans and elevations and Plan No. 472_P01 Rev G – Propose Site Plan received on the 23rd July 2021.
Plot 3 – Design and Access Statement
Arboricultural Survey and Constraints Report Ref: JC/004/141027 dated 27th October 2014
Arboricultural Method Statement 0-31_2 dated 15th February 2021

APPLICATION NUMBER		21/01030/FUL	
SITE ADDRESS:		Plots 5 and 6, Pump Close, Starkhomes, Matlock	
DESCRIPTION OF DEVELOPMENT		Erection of 2no. Dwellinghouses (Revisions to designs approved under planning permissions 16/00941/OUT and 19/01050/REM)	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr J Neville
PARISH/TOWN	Matlock Town	AGENT	Evans Vettori Architects Ltd
WARD MEMBER(S)	Cllr S Flitter Cllr P Cruise Cllr D Hughes	DETERMINATION TARGET	8 th October 2021
REASON FOR DETERMINATION BY COMMITTEE	5 or more unresolved objections received	REASON FOR SITE VISIT (IF APPLICABLE)	

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

RECOMMENDATION
That the application be granted with conditions.

1.0 THE SITE AND SURROUNDINGS

1.1 The application site comprises a construction site where 7 dwellings are under construction and is 0.36 hectare in area beyond the Pump Close cul-de-sac, off Starkholmes Road. Plot 3 is located in the south eastern corner of the site. The land level on the southern boundary is 7m higher than that of land within the north western corner. There are trees on the northern and eastern boundaries with trees on the eastern boundary covered by a County Council TPO 035/A1. There is an Oak tree immediately to the south eastern corner of the site and an established hedge encloses the southern boundary with the adjacent field. Netherclose Farm is adjacent to the eastern boundary and there are dormer bungalows that step down along the western boundary with a mix of detached and semi-detached stone properties running parallel with the south side of Pump Close.

2.0 DETAILS OF THE APPLICATION

2.1 This application seeks to change the position and form of Plots 5 and 6 granted Reserved Matters approval at committee in October 2020. Outline permission (16/00941/OUT) was granted on the 12th April 2017 for up to 9 dwellings including access. Plots 5 and 6 are located in adjacent to the northern boundary which is the lowest part of the site. The proposal involves extending the dwellings further towards the eastern and western boundaries by 3.8 m and extending the rear section by 2.4m. Plot 5 would change position within the plot and Plot 6 would move further away from the western and southern boundaries with the proposed detached garage with proposed canopy section now proposed to the front of the property rather than the side. A change to the approved finished floor levels are also proposed with Plot 5 higher by 700mm and Plot 6 by 450mm. The ridge heights of these plots would increase by 300mm for Plot 6 and Plot 5 by 550mm.

2.2 External changes include:-

- a high level windows are proposed on the western elevation of Plot 5 and eastern elevation of Plot6 adjacent to the blank side wall of plot 2;
- removal of the bedroom window on the front (southern) elevations and replacement with a small shower room window;
- moving the chimney to the eaves rather than the ridge of the gable feature; and
- two additional patio doors serving the bedroom and living room onto the rear garden areas.

2.3 The proposal would provide additional internal living space in the form of a larger en-suite bedroom, larger living space and a change from an office to an additional bedroom. These plots were not under construction when the officer's site visit took place.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

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

4.0 RELEVANT PLANNING HISTORY:

21/00943/FUL – Plot 3 - Erection of Dwelling house (Revisions to design approved under planning permissions 16/00941/OUT and 19/01050/REM), undetermined.

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

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

5.0 CONSULTATION RESPONSES

Matlock Town Council

5.1 No objection.

Derbyshire County Council (Highways)

5.3 See previous highway comments and recommended conditions.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 6 representations have been received. A summary of the representations is outlined below:

- a) Plot 5 would overlook the land in association with Netherclose Farm.
- b) The bungalows appear higher than the height of the original field so moving nearer to their boundary would cause loss of privacy.
- c) The stream that runs down the eastern boundary must be affected by the rise in land levels.
- d) The application states the land is not within 20m of a watercourse and is not contaminated so the application should be withdrawn and resubmitted.
- e) The revised layout places built development within 3m of the watercourse.
- f) There has been a lack of consultation with neighbouring properties.
- g) The development of the site is a flood risk to existing properties.
- h) No trees are shown on the plans and the proposal comes closer to the Ash trees.
- i) Flooding of a neighbouring properties garden has occurred.
- j) The land level of this part of the site has been increased by 1 to 2m.
- k) Loss of wildlife due to tree and hedge removals
- l) Plot 4 is higher than approved.
- m) The garage for Plot 6 would be close to the neighbour's lounge window.
- n) Changes to plot 7 are shown on this application.

7.0 OFFICER APPRAISAL

7.1 Having regard to the reserved matters for consideration and the relevant provisions of the development plan, the following material planning issues are relevant to this application:

- The principle of development and access arrangements
- Appearance, layout and scale
- Impact on residential amenity, and
- Impact on trees

Principle of development and access arrangements

- 7.2 Outline permission with access was approved in April 2017 with a timescale condition requiring submission of the reserved matters application within three years. The reserved matters application was granted in November 2020. The principle of residential development on the site for 7 dwellings is therefore accepted.
- 7.3 The works required to the access onto Starkholmes Road have been undertaken in accordance with the requirement of condition 6 of the outline permission. The Highways Authority considers that sufficient bin storage, parking and turning has been provided in accordance with Policies S3, HC19 and HC21.

Appearance, layout and scale

- 7.4 Policy S3 requires proposed development to be of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located and safe access can be provided and the highway network can accommodate the traffic generated together with suitable parking provision. Policy PD1 requires development to be of a high quality that respects the character and context of the area, contributes positively to an area's character in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.5 The proposed changes are not considered significant with minimal changes to the elevations visible from the internal access road of the development and the high quality design of the dwellings would be retained in context with the scale and appearance of other properties approved within the development.
- 7.6 The proposed layout and appearance of Plots 5 and 6 is therefore considered acceptable in line with Policies S3 and PD1.

Impact on residential amenity

- 7.7 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. There would be no significant adverse impacts on the residential amenity of existing properties that bound the site in accordance with Policy PD1. Plot 6 would be 14m from No.43 Starkholmes Road and has been orientated to avoid significant overlooking and overbearing of No.43 Starkholmes Road. Whilst, it is acknowledged that the garage for the plot would be nearer to this property at 4m from the boundary it is a single garage with its side elevation adjacent to the boundary limiting its impact. Plot and 5 would have blank gables adjacent to the boundaries with existing properties with ridge heights of 5m. On this basis, the proposed changes are not considered to significantly impact on the residential amenity of existing properties that bound the site in accordance with Policy PD1.

Impact on trees

- 7.8 Policy PD6 requires trees of value to be retained and integrated within development where possible. The Arboricultural Survey and Constraints Report 2014 submitted with the outline application assessed the retained trees and the submitted Arboricultural Method Statement to be approved for the discharge of condition 11 shall ensure they are suitably protected.

Conclusion

- 7.9 In summary the proposed changes to Plots 5 and 6 would retain the character of the dwellings and would not have a significant impact on the amenity of neighbouring properties and accordingly the scheme complies with local plan policies.

8.0 RECOMMENDATION

That the application be granted subject to the following conditions.

1. This consent relates solely to the application as amended by the revised plans received by the Local Planning Authority numbered 472_P14 - Location Plan Plots 5-6, 472_P13 and P17 Proposed plans and elevations and Plan No. 472_P01 Rev K – Propose Site Plan received on the 15th September 2021.

Reason:

For the avoidance of doubt.

2. The dwelling shall be constructed in accordance with the approved details Birchover Gritstone walling stone including heads and cills and Marley Hawkins Staffordshire blue clay roof tiles.

Reason:

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

3. The 1.1m high garden walls shall be constructed in accordance with the approved details of 140mm coursed Birchover Gritstone cropped with a flat face, lightly dressed around the edges and laid on a minimal mortar bed with a half round coping stone.

Reason:

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

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

Reason:

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

5. Notwithstanding the submitted plan no. 472_P13 and P17 received on the 13th August 2021, the internal dimensions of the garage for Plot 3 hereby permitted shall measure 3m x 6m.

Reason:

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting or amending

that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

Reason:

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

7. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority within 1 month of this permission, the details of which shall include :-
- a) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - b) grass seed mixes and sowing rates, and;
 - c) hard surfacing materials.

Reason:

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

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

Reason:

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

9. The window and door frames shall be installed in accordance with the approved details Smart Alitherm windows and sliding doors in RAL 7032 Pebble grey, Velux GGL conservation rooflights and Smart Architectural doors (in colours shown on the letter dated 1st December) and so retained.

Reason:

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

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

Reason:

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

11. The development shall be carried out in accordance with Arboricultural Survey and Constraints Report Ref: JC/004/141027 dated 27th October 2014.

Reason:

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

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

Reason:

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

13. No works of construction shall take place on the site outside of the following hours:
- | | |
|----------------------|-----------------|
| Monday to Friday | 08.00 to 20.00 |
| Saturday | 09.00 to 13.00 |
| Sunday/Bank Holidays | No construction |

Reason:

To protect residential amenity in accordance with Policy H1 of the Adopted Derbyshire Dales Local Plan (2017).

14. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason:

In the interests of highway safety in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan

9.0 NOTES TO APPLICANT:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.
3. This decision notice relates to the following documents:
472_P09 - Location Plan Plots 5-6, 472_P013 and P17 Proposed plans and elevations and Plan No. 472_P01 Rev K – Propose Site Plan
Plot 5 and 6 – Design and Access Statement
Arboricultural Survey and Constraints Report Ref: JC/004/141027 dated 27th October 2014
Arboricultural Method Statement 0-31_2 dated 15th February 2021

Active Enforcement Cases

29 September 2021

08:39:21



Ashbourne North

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	Notice Issued
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
ENF/21/00120	Change of use to flat	Second Floor 34 St John Street Ashbourne Derbyshire DE6 1GH	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

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
ENF/21/00042	the unauthorised change of use of land for the siting of a tent with associated log burner, and storage of vehicles	Land North Of Knockerdown Inn Knockerdown Ashbourne Derbyshire	Pending Consideration

Clifton And Bradley

ENF/19/00151	Alterations to bridleway including resurfacing to create access track, recessing of gateway and tarmac of entrance onto Sides Lane	Snelston BW 3 Sides Lane Snelston Derbyshire	Pending Consideration
ENF/19/00159	Formation of a new access off a Classified Road	The Flatts Wyaston Road Ashbourne Derbyshire	Pending Consideration
ENF/20/00005	Clearance of hedgerow at 'The Firs' residential development and erection of fence - Related planning applications 16/00340/OUT and 18/00699/REM	Land At The Firs Main Road Wyaston Derbyshire DE6 2DR	Pending Consideration
ENF/20/00141	Siting of static caravans	Cloud Barn Clifton Road Clifton Derbyshire DE6 2DH	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/17/00139	Works comprising the siting of an office building on "the land"	Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR	Notice Issued
ENF/19/00102	Without planning permission, the material change of use of the Land for the storage of a static caravan (Breach of Condition 1 of Appeal Decision APP/P1045/C/15/3131891)	Woodside Farm Back Lane Darley Moor Matlock Derbyshire DE4 5LP	Notice Issued

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	Notice Issued
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

Dovedale And Parwich

ENF/21/00113	the material change of use of the Land to use for storage of vehicles and other related materials, unauthorised extension to an agricultural building and unauthorised engineering works	Dove Mount Spend Lane Sandybrook Ashbourne Derbyshire DE6 2AR	Notice Issued
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Doveridge And Sudbury

ENF/20/00129	Formation of a car park in association with the fishing club	Land Between Dove Villa And Tollgate Cottage Doveridge Derbyshire	Notice Issued
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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/20/00123	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/18/00078	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 verandah to top of shed	133 Smedley Street Matlock Derbyshire DE4 3JG	Notice Issued

Matlock St Giles

ENF/13/00084	Unauthorised erection of workshop	Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY	Notice Issued
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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/19/00168	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/20/00103	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/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/20/00120	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
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Winster And South Darley

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

ENF/17/00002	Unauthorised engineering operations to create a raised area	11 New Road Bolehill Derbyshire DE4 4GL	Pending Consideration
ENF/17/00018	Unauthorised works to remove a fire surround in a Grade II Listed Building.	Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET	Pending Consideration
ENF/17/00023	Breach of conditions on planning permission 14/00891/FUL	Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS	Pending Consideration
ENF/17/00051	Unauthorised change of use of garage/store to beauty studio.	The Mews 3 Wirksworth Hall Farm Wash Green Wirksworth Derbyshire DE4 4FD	Pending Consideration
ENF/18/00126	Removal of front wall and erection of ply wood replacement	Kenwood Cottage Wash Green Wirksworth Derbyshire DE4 4FD	Pending Consideration

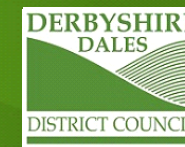
ENF/18/00216	Breach of conditions 3 and 4 of planning permission 15/00793/FUL - Conversion and extension of garage to form dependant relative unit.	38 West End Wirksworth Derbyshire DE4 4EG	Pending Consideration
ENF/19/00004	Installation of hot tub to front of property	Stowe Cottage 4 New Road Middleton By Wirksworth Derbyshire DE4 4NA	Pending Consideration
ENF/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

82

Enforcement Investigations Closed

In the Month Prior to 29/09/2021



Ashbourne South

ENF/21/00109	Waney edged boarding at a high level to the Warwick house types to two plots, not in line with Condition 2 of the planning permission 17/00250//REM.	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Complied Voluntarily	08/09/2021
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Brailsford

ENF/19/00136	Unauthorised engineering works to rear of property, including the raising of inspection chamber.	10 Ednaston Court Ednaston Derbyshire DE6 3BA	Justification from Committee	08/09/2021
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Carsington Water

ENF/21/00001	Installation of Ground Source Heat Pump at Grade II Listed property	Yew Tree Farm West End Brassington Derbyshire DE4 4HL	Complied Voluntarily	14/09/2021
ENF/21/00077	Erection of a building and use as a dwellinghouse	Land Adj. Overtown Cottage Big Lane Hognaston Derbyshire	Justification from Officer	22/09/2021

Hulland

ENF/21/00158	Fencing panels over 1 metre high recently installed to the front of the property.	8 Beech Avenue Hulland Ward Derbyshire DE6 3FF	Complaint Unfounded	15/09/2021
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Masson

ENF/21/00156	Alleged erection of a Summer House, a large shed in the back garden, and a drive being laid at the side of the house.	Four Trees 109 Derby Road Cromford Derbyshire DE4 3RN	Complaint Unfounded	13/09/2021
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Norbury

ENF/20/00142	Engineering operations/ soil removal	Land Off Grove Lane Somersal Herbert Derbyshire	Complied Voluntarily	07/09/2021
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Stanton

ENF/21/00148	Allegedly building house too big and crossing the boundary of the neighbouring property.	14 Sunnybank Rowsley Derbyshire DE4 2DX	Complaint Unfounded	01/09/2021
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Wirksworth

ENF/20/00158	Unauthorised demolition of drystone wall and erection of 5 bar gate at Hardhurst Barn, Breamfield Lane, Wirksworth. DE4 4AF	Hardhurst Barn Breamfield Lane Wirksworth Derbyshire DE4 4AF	Planning Application Received	15/09/2021
ENF/21/00135	Unauthorised change of use of industrial unit to a Leisure facility (class E)2	The Aura Hub Ltd Unit B Ravenstor Road Wirksworth Derbyshire DE4 4FY	Complaint Unfounded	08/09/2021
ENF/21/00139	Large block and stone faced building being built in the back garden of the property	Godfrey Hole House Hopton Derbyshire DE4 4DF	Complaint Unfounded	10/09/2021

Total Closed Cases 11

NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 12th October 2021

PLANNING APPEAL – PROGRESS REPORT

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
18/00662/LBALT	Brook Cottage, Pethills Lane, Kniveton	WR	Appeal being processed
ENF/20/00006	Land east of Grove Lane, Somersal Herbert	IH	Appeal being processed
20/99972/FUL	87 Belper Road, Ashbourne	WR	Appeal being processed
21/00180/FUL	The Beehive, Well Banks, Kirk Ireton	WR	Appeal dismissed – a copy of the decision is attached
20/00617/FUL	Land east of Les Ardennes, Hulland Ward	WR	Appeal dismissed – a copy of the decision is attached
21/00096/FUL	Cloud barn, Clifton Road, Clifton	HOUSE	Appeal dismissed – a copy of the decision is attached
21/00134/VCOND	Dunwood 37 Buxton Road, Ashbourne	WR	Appeal allowed – a copy of the decision is attached
19/01213/FUL	Four Lane Ends, Gibfield Lane, Hulland ward	WR	Appeal being processed
21/00149/PDA	Crystal Springs Farm, Cuscas Lane, Brailsfird	WR	Appeal dismissed – a copy of the decision is attached
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
ENF/20/00164	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed

20/01247/CLEUD	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed
20/01275/FUL	158 Derby Road, Cromford	HOUSE	Appeal being processed
21/00030/FUL	St Elphins Cottage, Hackney, Matlock	WR	Appeal dismissed – a copy of the decision is attached
21/00185	9 Snitterton Road, Matlock	WR	Appeal dismissed – a copy of the decision is attached
21/00303/FUL	27 Rise End, Middleton	WR	Appeal being processed
20/00854/FUL	Darley Hillside Methodist Church, Moor Lane, Darley Dale	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 12 July 2021

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **9th September 2021**

Appeal Ref: APP/P1045/W/21/3273044

The Beehive, Well Banks, Kirk Ireton, DE6 3JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Delves against the decision of Derbyshire Dales District Council.
 - The application Ref 21/00180/FUL, dated 9 February 2021, was refused by notice dated 7 April 2021.
 - The development proposed is described as a 'Proposed New Dwellinghouse'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework was published in July 2021 (the Framework). Whilst the paragraph numbers have changed in regard to those relevant to the main issue of this case, the substance thereof remains the same as the 2019 iteration. I have sought comments from the main parties and taken any made into consideration.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Kirk Ireton Conservation Area.

Reasons

4. The Kirk Ireton Conservation Area (KICA) is centred on the village of Kirk Ireton. The varying topography, the narrow lanes off Main Street and the collection of low rise traditional cottage stone buildings with features such as small windows and modest porches make a positive contribution to both its special character and appearance. Other positive elements include pleasant views of the rural and agrarian land use around the village, as identified in the KICA Character Appraisal (2014). These contribute to a distinctly rural character and strong sense of spaciousness.
5. The proposed dwelling would be situated at an elevated level to the rear of The Beehive on land which forms its garden. It would comprise a two-storey element which would span across most of the site on an east-west axis, with a long single storey projecting section on the other axis. Its orientation would be generally parallel to Main Street. Despite this, the scale of the building proposed and it being in an elevated location above The Beehive, would result in it appearing as a prominent, larger scale building which would accordingly be

intrusive when viewed in the context of the historic village scale consisting of much smaller, traditional, low rise buildings. The proposed two storey element would also reduce the sense of spaciousness in a location towards the edge of the village where the site presently, alongside the open land and gardens to the south and west, contributes positively to the rural setting of the village.

6. The garage has been designed to take a simple form with the link element departing from a solid construction to break up the mass. The proposed dwelling would have stonework detailing and materials similar to other properties in the area. On the southern elevation, the proposal would however have two large glazed openings on the ground and first floor levels, which would not reflect the traditional smaller window and door openings on other properties. Whilst the prospect of planting may offer some screening, this would take time to establish and the harmful effects I have set out above would remain in any event.
7. For the above reasons, the proposal would fail to preserve or enhance the character or appearance of the KICA. As such, it would be contrary to Policies PD1, PD2 and S3 of the Derbyshire Dales Local Plan (2017), which require, amongst other matters, development to be of a high quality, contribute positively to an area's character, history and identity and to conserve heritage assets in a manner appropriate to their significance.
8. In relation to designated heritage assets, Paragraph 202 of the Framework states where there would be less than substantial harm to the significance of a designated heritage asset, as in this case primarily due to the scale and nature of the proposed development in context, this harm should be weighed against the public benefits of the proposal.
9. The appellant has set out benefits, such as working with existing land levels and avoiding substantial earthworks. The proposal would also be orientated to benefit from southerly views and larger openings for winter solar gain, thus reducing the need for energy consumption. Whilst these matters weigh in favour of the scheme, they are would not outweigh the harm the development would cause to the KICA in the terms I have described it, bearing in mind the Framework, which states that great weight should be given to an asset's conservation, irrespective of the level of harm to its significance.

Other Matters

10. My attention has been drawn to a previous approval for a bungalow on the site. I have not been provided with full details, but from the information presented, this was of a smaller single storey scale and would be positioned towards the north of the site. The Council have further stated that the previous approval had a simple design, with the southern elevation lowered, and took the form of an ancillary structure unlike this larger two storey proposal which would harm the character of the area.
11. Reference has been made to the neighbouring property 'Skyfall', which is said to be in a higher and more prominent position. However, I was able to see that this property is set within large, spacious grounds as is the other neighbouring property to the west, Ireton Grange. The other referenced properties, The Beehive and Raglan House are at a lower level, close to the road. The presence of these properties does not therefore alter my conclusion on the main issue. I have dealt with the appeal on its own merits.

12. The trees and hedgerows are to be retained and the building would be carefully placed to not encroach on root protection areas. It would also make use of the existing access and the design has considered the living conditions of neighbouring occupiers. These are however neutral considerations and not matters which weigh in favour of the proposed development.

Conclusion

13. For the reasons I have set out, there are no material considerations, including the provisions of the Framework, which would indicate me making a decision otherwise in accordance with the development plan. The appeal should therefore be dismissed.

F Rafiq

INSPECTOR



Appeal Decision

Site Visit made on 12 July 2021

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th September 2021

Appeal Ref: APP/P1045/W/21/3272852

Land East Of Les Ardennes, Unnamed Section Of C3 From Main Road To Carr Farm Hall Access, Hulland Ward, Derbyshire DE6 3EE

- 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 S Binch (Green 4 Developments) against the decision of Derbyshire Dales District Council.
 - The application Ref 20/00617/FUL, dated 1 July 2020, was refused by notice dated 14 October 2020.
 - The development proposed is erection of 6 no. detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework was published in July 2021 (the Framework). Whilst the paragraph numbers have changed in regard to those relevant to the main issue of this case, the substance thereof remains the same as the 2019 iteration. I have sought comments from the main parties and taken any made into consideration.

Main Issues

3. The main issues are:
 - (a) whether the proposed dwellings would be in an acceptable location as defined in the development plan; and
 - (b) the effect of the development on the character and appearance of the area.

Reasons

Acceptable Location

4. The appeal site is situated within the countryside, outside the settlement boundary of Hulland Ward. It comprises of an open field, immediately adjacent to and accessed from a recently constructed small housing development on the south side of the CIII road. The main built-up area of Hulland Ward is orientated along the A517 to the west, west of the junction of the A517 and the CIII.
5. Policy S2 of the Derbyshire Dales Local Plan 2013-2033 (the Local Plan), adopted in 2017, sets out the Council's spatial strategy and specifically its settlement hierarchy. It states that new development will be directed towards

the most sustainable locations in accordance with this hierarchy, and that this will ensure that development reduces the need to travel and promotes sustainable communities based on the services and facilities that are available in each settlement.

6. The hierarchy contains five tiers of settlements: First Tier of Market Towns (Matlock, Ashbourne and Wirksworth); Second Tier Local Service Centre (Darley Dale); Third Tier of Accessible Settlements with Some Facilities (12 settlements including Hulland Ward); Fourth Tier Accessible Settlements with Minimal Facilities; and Fifth Tier Infill and Consolidated Villages.
7. Settlement boundaries for the first three tiers of settlement are defined on the Plan's Policies Maps. Policy S2 makes clear that new development should be focused within the settlement boundaries of these settlements. Fourth and fifth tier villages do not have settlement boundaries because they respectively have a very limited range of employment, services and facilities or lack them; nonetheless there remains the scope for limited development including infilling within these settlements.
8. Policy S2 goes on to say that all Other Rural Areas are defined as 'countryside' where "*development will be strictly limited to that which has an essential need to be located in the countryside*". The appeal site falls within this definition. There is clearly no essential need for the proposed development to be located in the countryside, irrespective of the fact that a small housing estate has been recently constructed on the land immediately to the north, which itself also lies outside Hulland Ward's settlement boundary and indeed does not even adjoin it.
9. For these reasons the proposed development of 6 dwellings would directly conflict with Policy S2 and be a clear unjustified breach of the Council's spatial strategy.

Character and Appearance

10. The linear form of development of Hulland Ward to the west affords views of the surrounding open fields and rural landscape that contributes to the character and appearance of the area. The development would protrude beyond the southern edge of the east-west linear built form that characterises the area. Although I could see the settlement pattern varies in Hulland Ward, the southern edge of the recently constructed housing development adjacent to the appeal site broadly aligns with the extent of development immediately to either side.
11. Whilst the appeal site may have formed part of the same field that has now been developed, the proposal would however extend well beyond the edge of the built-up area. I was able to see that the southern edge of the appeal site is defined by an existing hedgerow which is to be retained and reinforced. Nevertheless, the protrusion of the development would have a significant urbanising effect that would substantially detract from the open character of the site.
12. I acknowledge that views of the development are obscured or reduced to glimpses from distant vantage points. Nevertheless, I do not agree that the proposal would be commensurate with the existing landscape pattern and form a logical extension to the settlement. A Public Right of Way passes to the west

of the site, and from various locations along it the proposed development would be visible, where it would appear as an overt intrusion into the open countryside.

13. Reference has been made to a previous appeal decision¹ on this site and although I have limited information of that proposal, I appreciate the current development proposes a reduced number of dwellings. I can also see the proposal comprises of a low-rise development with green roofs that seeks to minimise the impact on the landscape. The proposal would nevertheless have large areas of hardstanding and glazing, particularly on the southern elevation that would be seen from various vantage points, including from the nearby footpath to the west of the site.
14. The appearance of the area would be unacceptably urbanised by extending built development into the countryside. Both main parties have referenced the Council's Landscape Sensitivity Study which identifies the site as being within an area of high landscape sensitivity. Indeed, the appellant's own Landscape Visual Impact Assessment acknowledges that there would be some harm to landscape character and adverse visual effects from a representative range of local viewpoints. The proposal would have a detrimental impact by eroding the linear development character of the area and by virtue of its protrusion into the open rural landscape.
15. I note the various mitigation measures proposed, including retaining hedgerows and new planting, including trees and the creation of a wildflower meadow. I have also considered the "rolling hill" design and the partially subterranean form of the dwellings. Whilst this design would soften the built form and to some extent reduce visibility, the development would however still be clearly visible and be seen as a prominent spur of development beyond the existing settlement limit, to the detriment of the rural character.
16. Local Plan Policy S4 seeks to ensure that outside settlement development boundaries the Council will ensure that new development protects and where possible, enhances the intrinsic character and distinctiveness of the landscape. For the above reasons it would fail to protect the intrinsic character and distinctiveness of the local landscape. This Policy sets out a list of circumstances where development will be granted in the countryside; the proposal does not comply with any of these circumstances. For these reasons it would fail to comply with this Policy and Local Plan Policy PD5, which seeks to protect landscape character.
17. Local Plan Policy PD1 requires development to respond positively to the local environment and contribute to local distinctiveness and sense of place. Again, for the above reasons, the proposal would fail to comply with this Policy. It would also be contrary to Paragraph 130 of the Framework, which seeks, amongst other matters, development that is sympathetic to local character, the surrounding built environment and landscape setting.

Other Matters

18. The proposal would be acceptable in relation to living conditions, highway safety and in other respects including flood risk. These are however neutral considerations and not matters which weigh in favour of the development.

¹ Ref: APP/P1045/W/17/3188285

19. Reference has been made to planning obligation, but I have not been provided with a S106 agreement and I do not need to consider this matter further given my above conclusions on the main issues of the appeal.

Planning Balance and Conclusion

20. The Council acknowledge that they are unable to demonstrate the supply of housing sites as required by the Framework. Paragraph 11 thereof sets out that, in this situation, the policies most important for determining the application are out of date and planning permission should be granted unless, amongst other things, the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.
21. I attach substantial weight to the benefits of increasing the supply of housing. I also acknowledge the importance of smaller sites in meeting local need and the development would be highly energy efficient and could provide ecological enhancements.
22. Local Plan Policy S4 i) accepts that new residential development on non-allocated sites on the edge of defined settlement development boundaries of first to third tier settlements in circumstances where there is no 5-year supply may be acceptable. This does include an assessment of both whether the site is on the edge of Hulland Ward as well as whether the development protects the local landscape's intrinsic character and distinctiveness. I have already concluded, for the reasons given above, that this development would fail to do the latter. The site does not abut Hulland Ward's settlement boundary. Even if I was to conclude that it did lie 'on the edge' of the settlement, it would still fail to comply with this Policy as a whole. This Policy itself is not out-of-date because it addresses the perennial issue of intrinsic character and distinctiveness
23. Even accepting that Policy S2 is out-of-date because the Council cannot demonstrate a 5-year housing supply, the adverse impacts of granting planning permission would, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.
24. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

F Rafiq

INSPECTOR



Appeal Decision

Site Visit made on 3 August 2021

by **M Russell BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 September 2021

Appeal Ref: APP/P1045/D/21/3273772

Cloud Barn, Clifton Road, Clifton DE6 2DH

- 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 Brent Tuffs against the decision of Derbyshire Dales District Council.
 - The application Ref 21/00096/FUL, dated 24 January 2021, was refused by notice dated 18 March 2021.
 - The development proposed is erection of a garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal has been lodged the revised National Planning Policy Framework (the Framework) has been issued on 20 July 2021. However, there have been no material changes to the relevant parts of the Framework's policies in terms of requirements for developments to be of a good design which recognise the intrinsic character and beauty of the countryside. Therefore, it has not been necessary to go back to the parties for further comments in this particular instance.

Main Issue

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

Reasons

4. Cloud Barn is a red brick and tiled former barn which has been converted to a dwelling. The appeal site and the dwelling occupy an elevated position relative to the adjacent A515 Clifton Road. Mature vegetation exists to the roadside boundary. The settlements of Ashbourne and Clifton are located in relatively close proximity to the site. However, the land surrounding the appeal site predominantly consists of an undulating rural landscape including agricultural fields with sporadic farmsteads and cottages. Due its simple form and modest scale, Cloud Barn retains a relatively understated presence within the landscape which positively reflects the sparse built environment which characterises the countryside setting.
5. With regards to new detached garage buildings associated with converted farm buildings, The Derbyshire Dales District Council 'The Conversion of Farm Buildings' Supplementary Planning Document (2019) (SPD) includes amongst other things that such buildings will generally be resisted unless its design,

- scale, mass, form, detailing and location/orientation does not impede or detrimentally affect the character and setting of the existing farm building.
6. I acknowledge that the detached garage would incorporate materials and design features including pitched roofs and vertical boarded doors which seek to reflect the local rural vernacular. However, the substantial footprint and scale of the outbuilding would be larger than the host dwelling. Even accounting for the boundary vegetation and the separation distance between the proposal and the host dwelling, the bulk and scale of the building and its elevated position close to the boundary with the A515 means it would be prominent within the landscape and would evidently compete with the modest proportions of Cloud Barn for passers-by on this adjacent road. In those regards the building would detrimentally affect the character and setting of Cloud Barn and would not protect or enhance the intrinsic character and beauty of the prevailing rural landscape.
 7. I conclude that the development would result in significant harm to the character and appearance of the area. In that regard the development would conflict with Policies S4 (Development in the Countryside), HC10 (Extensions to Dwellings) and PD1 (Design and Place Making) of the Adopted Derbyshire Dales Local Plan (2017) which amongst other things require that new development is of a high quality design, that the design of outbuildings are in keeping with the scale and character of the original dwelling and the sites wider setting and location and that development protects and where possible enhances the landscape's intrinsic character and distinctiveness. The proposal would also be contrary to the requirements in Framework for development to recognise the intrinsic character and beauty of the countryside as well as the Council's 'The Conversion of Farm Buildings' SPD.

Other Matters

8. The appellant suggests that the building would provide covered storage which would enable vehicles and equipment to be housed out of public view. However, I am not persuaded by the evidence before me that a building of the scale proposed would be justified nor that it would result in visual benefits for the countryside when compared with the existing situation.
9. The appellant contends that the building would be marginally above the height of outbuildings which might in other situations be erected under permitted development rights. However, I must consider the proposal on the basis of its site-specific context within a countryside location on a site where permitted development rights have been removed. Therefore, I am not persuaded that a comparison with permitted development rights which might be utilised elsewhere justifies the site-specific harm identified under the main issue in this particular instance.

Conclusion

10. 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 11 August 2021

by **Andrew Owen MA BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **03 September 2021**

Appeal Ref: APP/P1045/W/21/3275783

Dunwood, 37 Buxton Road, Sandybrook, Ashbourne DE6 2AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Stewart Scothern against the decision of Derbyshire Dales District Council.
 - The application Ref 21/00134/VCOND, dated 1 February 2021, was refused by notice dated 30 April 2021.
 - The application sought planning permission for use of land as residential curtilage without complying with a condition attached to planning permission Ref 07/00621/FUL, dated 20 August 2007.
 - The condition in dispute is No. 3 which states that: *"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or any other means of enclosure shall be erected within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it."*
 - The reason given for the condition is: *"To ensure the satisfactory appearance of the development and to safeguard the openness of the countryside setting to comply with General Development Strategy Policies 2, 3 and 4 and Environment Policies 1 and 17 of the Derby and Derbyshire Joint Structure Plan and Policies SF4, SF5, H8, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005)."*
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Decision

1. The appeal is allowed and planning permission is granted for use of land as residential curtilage at Dunwood, 37 Buxton Road, Sandybrook, Ashbourne DE6 2AQ in accordance with the application Ref 21/00134/VCOND dated 1 February 2021, without compliance with the conditions previously imposed on planning permission 07/00621/FUL dated 20 August 2007.

Preliminary matter

2. The phrase 'residential curtilage' is used in the Council's decisions as describing the use of the land. Although 'curtilage' is not a use of land, the Council consider it sufficiently precise. I have therefore also used this description in my decision above.

Main Issue

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

Reasons

4. The appeal site accommodates a detached dwelling set centrally in a substantial plot. Neighbouring houses along this part of Buxton Road are similarly detached and, with the land opposite being largely agricultural, the vicinity primarily has a rural character. The houses to the rear, on Windmill Lane, are set out in a distinctly linear form and are at a higher density lending a more urban aspect.
5. The site itself is well screened from the road by trees and bushes, and there is also significant vegetation on the side boundaries. The rear boundary is hedged and although it varies in height as it borders a number of back gardens, it is generally over two metres in height. Most notably, the site is sloped with the land at the rear being significantly higher than the part on which the house sits, which is higher than the front of the site.
6. The forms of permitted development restricted by the current condition fall into three groups: extensions to the existing buildings; the erection of means of enclosure; and the construction of new building or structures. The appellant seeks to remove this condition completely with the effect that the dwelling would have the full range of rights under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (hereafter the 'GPDO') available to it.
7. Any extensions to the dwelling, or the existing outbuildings, that would ordinarily fall within the limits of permitted development would be limited in scale by virtue of the limitations set out in the GPDO, would mostly be concentrated in the centre of the site, and so would most likely be imperceptible beyond the site boundaries.
8. Similarly, the provision of any means of enclosure that would fall within permitted development limits would be shorter than, and most likely be overdominated by, the existing vegetation along the boundaries. The visual impact on the area of such development would be limited.
9. Given the terms of the GPDO, the effect on the character and appearance of the area of any outbuildings erected under permitted development rights could be greater than the other forms of development detailed above. However, under the limitations of the GPDO, no outbuildings could be forward of the house, and any to the rear or alongside the dwelling would be limited in their height and most likely, practicably, the topography of the site. Consequently, the effect of any outbuildings on the rural character of the area would not be harmful.
10. The national Planning Practice Guidance (PPG) states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. For the reason given above, I consider it is not necessary to withhold permitted development rights from the property to maintain the rural character and appearance of the area. As such the development accords with policies S4, PD1 and PD5 of the Derbyshire Dales Local Plan which all aim to ensure development protects the character of the landscape.

Other Matters

11. Although the reason for refusal refers to the impact on residential amenity the Council provide no further detail on this in their officer report or Statement of Case. However, concerns have been raised from neighbours on Windmill Lane and St Monica's Way towards the rear. One such concern is that the appellant may erect outbuildings in connection with his motor trade business, as demonstrated by the recent history of applications for a garage/store on the property. However, to constitute permitted development, any outbuildings must be for purposes incidental to the enjoyment of the house, which would prohibit any large scale commercial operation.
12. Furthermore, any permitted development building would be limited in height and/or distance from the boundaries. So although outbuildings would possibly be visible from neighbouring properties towards the rear, they would be single storey, on a lower ground level, and so would be unlikely to impact on neighbours living conditions, such as their outlook or privacy, unacceptably.

Conditions

13. The guidance in the PPG makes it clear that decision notices for the grant of planning permissions under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. The Council advise that it is not necessary to impose the other two conditions from the original planning permission which relate to the commencement of development and the planting of replacement trees. I agree that it is not necessary to require replacement trees to be planted and that, as the development has already commenced, it is not necessary to add a commencement condition.

Conclusion

14. The development accords with the development plan taken as a whole and there are no other material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is allowed.

Andrew Owen

INSPECTOR



Appeal Decision

Site Visit made on 11 August 2021

by **Andrew Owen MA BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/P1045/W/21/3274559

Crystal Springs Farm, Cuscas Lane, Brailsford DE6 3BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter 'the GPDO').
 - The appeal is made by Brooklyn Ellis Ltd against the decision of Derbyshire Dales District Council.
 - The application Ref 21/00149/PDA, dated 4 February 2021, was refused by notice dated 22 April 2021.
 - The development proposed is change of use of agricultural building to 2 no. larger dwellinghouses (Use Class C3) and associated building operations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development used above is taken from the appeal form and the Council's decision as no description was provided on the application forms.
3. The Council have already granted prior approval under Schedule 2, Part 3, Class Q (a) of the GPDO for the change of use of the building and land within its curtilage for Class C3 Use. As such, although this submission (under Class Q (b)) technically covers the change of use and the associated building operations reasonably necessary to convert the building, my assessment focusses on the associated building operations.

Reasons

4. As set out above, part Q (b) allows for building operations reasonably necessary to convert the building to a dwellinghouse. In terms of defining 'building operations reasonably necessary', the case of *Hibbitt v SSCLG* [2016] EWHC 2853, which both parties refer to, held that this simply means that any such works are not superfluous and unnecessary. In the case before me it is not suggested by the parties that the proposed works are beyond what is needed to create two dwellinghouses. I concur.
5. The main issue therefore is whether the extent of the works proposed constitute a conversion, or are so extensive that they effectively comprise a new build and so would go beyond what is permitted by the GPDO. This, as recognised in *Hibbitt*, is a matter of planning judgement depending on the particular circumstances of the case.

6. In this case the proposal seeks to convert an existing steel framed agricultural building to two dwellings. The development would involve the retention of the steel structural frame, the pre-cast concrete panels which partially line the front and rear sides of the building, the timber cladding above those panels, the fibre cement roofing panels and the hardcore floor. From my site visit, the condition of most of these existing elements appeared generally good; the steel frame did not appear corroded, the pre-cast concrete wall panels and cement fibre roofing panels were generally intact, and the timber eaves, purlins and cladding were not weathered, although some of the cladding was loose.
7. New works would include the provision of the side gable walls. These sides are currently mainly open with some timber cladding at roof level. However the gable ends of the proposed dwellings would be set back under the roof and so would be constructed afresh, albeit the timber cladding would be reused in the new walls. Other new elements would include a concrete floor, fixing cedar cladding on to the concrete wall panels and repair of the existing timber cladding.
8. The new gable walls would be significant in size and it is not clear how these walls would be supported given that, as stated in the Construction Methodology Statement (CMS), they would be independent of the existing steel frame so as to not increase loading. This would suggest that some sort of new foundation would be necessary for the gable ends. This also applies to the walls separating the houses from the central communal area. Furthermore, from the details in the CMS, the floor appears to be little more than a hardcore sub floor. New sand blinding, a damp proof course, insulation and concrete screed to cover the whole building's floor would therefore be necessary. Also as there are gaps between the cladding timbers and gaps between the cement roofing panels, some additional construction works, and not just internal insulation, would be necessary here. In addition, the provision of doors and windows at ground floor level into the rear wall would involve cutting into almost every concrete panel along this side which would reduce their contribution to the finished dwellings and the usefulness of their retention.
9. Overall, although the existing elements would contribute much to the new dwellings, I consider the totality of all the alterations is significant and would mean that the works go beyond mere conversion.
10. In addition to the above, paragraph Q.1(i) says that development would not be permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse. The proposed works to the floor are so substantial that they would effectively comprise the provision of a new concrete floor, which is an operation not listed as permitted.
11. Therefore, overall, the development would not constitute permitted development under Class Q of Part 3 to Schedule 2 of the GPDO.
12. The appellant draws my attention to two appeals¹ where the works proposed were considered to amount to permitted development. I do not have the full details of those cases, but from a reading of the decisions it is clear that in both cases the agricultural buildings included a concrete floor. Also in one of the examples three of the walls were constructed of concrete blocks, so is more

¹ Refs APP/J3720/W/17/3179581 & APP/K1128/W/18/3199823

substantial than the case before me. In the other example the existing structural elements, including the floor, would have supported the new walls, whereas in this current case both gable ends plus the walls dividing the two houses would be independent of the existing structural frame.

13. The Council also refer to paragraph Q.1(h) in their reason for refusal. This states that development is not permitted if it would result in the existing building being extended beyond its external dimensions. The addition of cladding to the existing pre-cast concrete panels would minimally increase their thickness. However this would be by such a negligible degree that the walls would remain to be contained under the existing roof and the building would not appear to be any larger whatsoever. In my view, the development would therefore meet paragraph (h). This does not however affect the fact that the development would not constitute permitted development.

Other Matters

14. The appellant advises that the development has already been included in the Council's housing figures and hence makes a contribution to the Council's housing supply. Nonetheless, this has no bearing on my assessment as to whether the development meets the criteria in Class Q.

Conclusion

15. For the reasons given above, and having had regard to all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR



Appeal Decision

Site Visit made on 11 August 2021

by **Andrew Owen MA BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 September 2021

Appeal Ref: APP/P1045/W/21/3273688

St. Elphins Cottage, Blind Lane, Hackney, Matlock DE4 2QE

- 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 K White against the decision of Derbyshire Dales District Council.
 - The application Ref 21/00030/FUL, dated 7 January 2021, was refused by notice dated 19 March 2021.
 - The development proposed is change of use of agricultural building to holiday cottage.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council's first reason for refusal asserts that the existing building is unlawful as it is in breach of a condition, and therefore the proposal should be considered as the erection of a new building. It is not for this appeal to determine the legality of the existing building. In any case, this issue is not determinative as policy S4 of the Derbyshire Dales Local Plan (the 'Local Plan') referred to in this reason for refusal refers to conversions as well as new buildings with regard to their effect on the character of the area.
3. The Council's reasons for refusal refer to Local Plan policies SF4 and SF5. The Council have confirmed these are topographical errors and are not current policies.

Main Issues

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

Reasons

Character and appearance

5. The development is sited on the west side of Blind Lane and sits above pastoral land which falls away to the west. Hackney is small settlement on the hillside and contains a limited number of dwellings. There is no uniformity in their general form and design.
6. The building on the site is of a basic form and design with a simple pitched roof and gable ends. It has unfinished render on the east and north sides, which are the two sides mainly visible from Blind Lane. Furthermore, aside from a small rooflight on the roof slope facing the road, which is not shown on the existing

or proposed plans, there are no windows on these two elevations. The lack of windows and the unfinished appearance of the most prominent elevations combine to result in the existing building having a rather functional appearance, fitting for an agricultural use.

7. Part n) of policy S4 relates to the re-use of buildings and requires conversions to involve buildings that positively contribute to an established local character. Policy HC8 of the Local Plan also refers to the conversion of buildings for residential accommodation and states that permission for such conversions will only be granted where, among other criteria, the general design of the existing building makes a positive contribution to the character and appearance of its surroundings. Due to its functional design and unfinished appearance, the existing building does not make a positive contribution to the local character. The development would therefore conflict with these policies.
8. Its basic appearance would be sustained when in use as holiday accommodation, albeit the render would be finished. Although its simple design is appropriate for an agricultural building, its lack of detailing would not represent good design for a residential building. There would be little about the proposal which would portray a residential use when seen from Blind Lane, with even the access and hardstanding not inconsistent with an agricultural holding. There are no significant openings on the roadside elevation of the adjacent dwelling, but it is clearly residential when seen from Blind Lane due to its south side elevation and the facing detached domestic garage. Furthermore, the other dwellings in the area all have more active and detailed frontages than the proposal. As a result, the development would appear incongruous in its surroundings. Therefore, even if considered as a new build property, it would conflict with policy S4 which seeks to ensure all development preserves the character of the landscape.
9. My opinion is not inconsistent with the Inspector of the previous appeals for this building. The previous planning appeal¹ related to the erection of the building as an agricultural building and the Inspector concluded it respected the character and appearance of the area. I agree that, as an agricultural building, it would not harm the character and appearance of the area. However, as a residential building, it is necessary to consider it in different terms. Though its general form, scale and materials would not be harmful to the prevailing character and appearance of the area, the lack of openings would mean it would not represent good residential design when seen from Blind Lane and so in this respect it would detract from the character and appearance of the area.
10. Consequently, in addition to failing to accord with policies HC8 and S4 as stated above, the proposal would also fail to comply with Local Plan policies S1 and PD1 which both seek to ensure high quality design.
11. The proposal would also fail to accord with policy NP17 of the Darley Dale Neighbourhood Plan because that policy states that development should be high quality, positively contribute to the character of the setting, and should front the street. I see no reason why that policy should only apply to new-build development. I understand that a building at Grove Farm, a short distance to the north, was recently converted to a dwelling and yet does not front the road. However, its front is clearly visible in the street scene and therefore, it makes a greater contribution to the rural surroundings.

¹ Ref APP/P1045/W/18/3198590

Highway safety

12. Access to the property would be taken from a point adjacent to the building where a section of the front boundary wall, which otherwise runs along the edge of the highway, has already been removed.
13. This section of Blind Lane is narrow and primarily only serves the appeal site and the adjacent house. Although a through road, it is unlikely to be well trafficked and I would anticipate that its narrow width means the speed of traffic along it would be lower than the 30mph limit as advised by the Council.
14. Visibility from the proposed access to the right is generally good as it is possible to see over the retained low front boundary wall. Visibility to the left is restricted by the boundary wall which is taller than that section to the right of the access. However, the narrowness of the road combined with the very low number of vehicles likely to be using it and the likely limited number of movements from the access, leads me to consider that the sub-standard visibility to the left would not unacceptably prejudice highway safety.
15. I note the objection from a third party that an increase in traffic would be prejudicial to the safety of pedestrian using the road. However as the proposal is for just one unit, any increase in traffic would be minimal and unlikely to render Blind Lane dangerous for pedestrians.
16. As a result the proposal would, in this respect, accord with policy S4 which requires development to have safe access, and policy PD1 which seeks to achieve development which provide safe private spaces.

Other Matters

17. The appellant states that the growth of tourism is a key issue, which the proposal would support. The Council also consider the development to be an employment generating use. I give moderate weight to this matter.
18. The appellant advises that the building would be left vacant were it not converted to residential use. Nonetheless, although I understand the agricultural building is no longer needed by the appellant, I have no evidence to demonstrate that it is not needed by the tenant of the adjacent fields which the building was originally intended to serve.

Conclusion

19. Although the proposal would not be harmful to highway safety and would support tourism and the local economy, it would not accord with the development plan taken as a whole and there are no other material considerations to suggest the decision should be made other than in accordance with the development plan.
20. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

Andrew Owen

INSPECTOR



Appeal Decision

Site Visit made on 11 August 2021

by **Andrew Owen MA BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/P1045/W/21/3274742

9 Snitterton Road, Matlock, DE4 3LZ

- 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 Ben Wardman against the decision of Derbyshire Dales District Council.
 - The application Ref 21/00185/FUL, dated 10 February 2021, was refused by notice dated 21 April 2021.
 - The development proposed is the change of use from agricultural to leisure for the installation of two concrete pads to site to two timber glamping pods.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner above I have used the address given on the application and appeal forms. However, the appeal site actually comprises a piece of land on the far side of the field behind No. 9.

Main Issue

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

Reasons

4. The field in which the appeal site is located is pasture and rises steeply from directly behind No 9 up to Salters Lane. The field is crossed by a public footpath which runs from a point adjacent to No. 9 to the access to Greenhills Farm from Salters Lane. From this footpath spectacular views across Matlock, the Derwent valley and to the countryside further east draw the eye. However, pedestrians going up the hill would have, in front of them, views of the trees lining Salters Lane. Whichever direction one faces, the openness of the field dominates the foreground and is a strong positive characteristic.
5. The two pods would be accessed from Salters Lane using an existing access and, the appellant advises, they would be 2.4m in height. They would largely be hidden from views from Salters Lane by the trees and bushes along the roadside verge and by being on slightly lower land. They would also not likely to be visible from sections of the footpath nearest to No. 9 due to an undulation in the slope of the field. However, from the upper half of the footpath, the proposed pods would appear very prominently. In the absence of any other visible buildings in their immediate setting, they would appear from the footpath as isolated and incongruous built features.

6. As such, the pods would cause unacceptable harm to the character and appearance of the area. They would therefore conflict with Derbyshire Dales Local Plan policies S4 and PD5 which both seek to ensure development protects the character of the landscape. The development would also fail to comply with Local Plan policy EC9 which seeks the same and also specifically requires camping development to be well screened by landscape features from areas outside the site to which the public has access.

Other Matters

7. I acknowledge that tourism, including camping, is an important and established part of the local economy, and that this development would contribute to the supply of tourist accommodation. However, the contribution of just two pods would be of minimal benefit, even at the current time when domestic holidays are particularly popular. In any case, it does not outweigh the need for this development to protect the character and appearance of the area.
8. The appellant refers to other intrusive development, but I saw no other development nearby that appeared intrusive and without specific examples, this can have no bearing on my decision. The lack of any objections from the public does not add positive weight to the planning balance.

Conclusion

9. The development does not accord with the development plan taken as a whole and there are no other material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

Andrew Owen

INSPECTOR

BACKGROUND PAPERS

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

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

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

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

BACK TO AGENDA