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24 December 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, 11 January 2022 at 6.00pm** in the **Council Chamber, Town Hall, Matlock DE4 3NN**.

Yours sincerely,

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

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 10 January 2022**. 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 December 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. 21/00500/FUL (Presentation)	05 - 19
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.	
5.2 APPLICATION NO. 21/01100/FUL (Presentation)	20 - 29
Retention and improvements to access and access driveway at 1 The Flatts, Wyaston Road, Ashbourne.	
5.3 APPLICATION NO. 21/01245/FUL (Site Visit and Presentation)	30 - 54
Proposed demolition of existing buildings and erection of a care home (Use Class C2) with associated parking, access and landscaping at Leys Farm, Wyaston Road, Ashbourne.	
5.4 APPLICATION NO. 21/01278/FUL (Site Visit and Presentation)	55 - 62
Conversion of outbuilding to holiday let with raising of roof and associated alterations at South Barn, Overtown, Hognaston.	
6. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS	63 - 74
7. APPEALS PROGRESS REPORT	75 - 76
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, Peter O'Brien, Garry Purdy and Peter Slack.

Nominated Substitute Members:

Jacqueline Allison, Paul Cruise, Helen Froggatt, Chris Furness, Andrew Statham and Colin Swindell.

SITE VISITS

Members are asked to convene outside Reception, at the front entrance of the Town Hall, Matlock at **09.50am prompt** on **Monday 10 January 2022**, before leaving (**by coach**) at 10:00am to visit the following sites.

Page No.

10:25am	APPLICATION NO. 21/01278/FUL	55 - 62
	South Barn, Overton, Hognaston	
11:00am	APPLICATION NO. 21/01245/FUL	30 - 54
	Leys Farm, Wyaston Road, Ashbourne	

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
- h) 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.

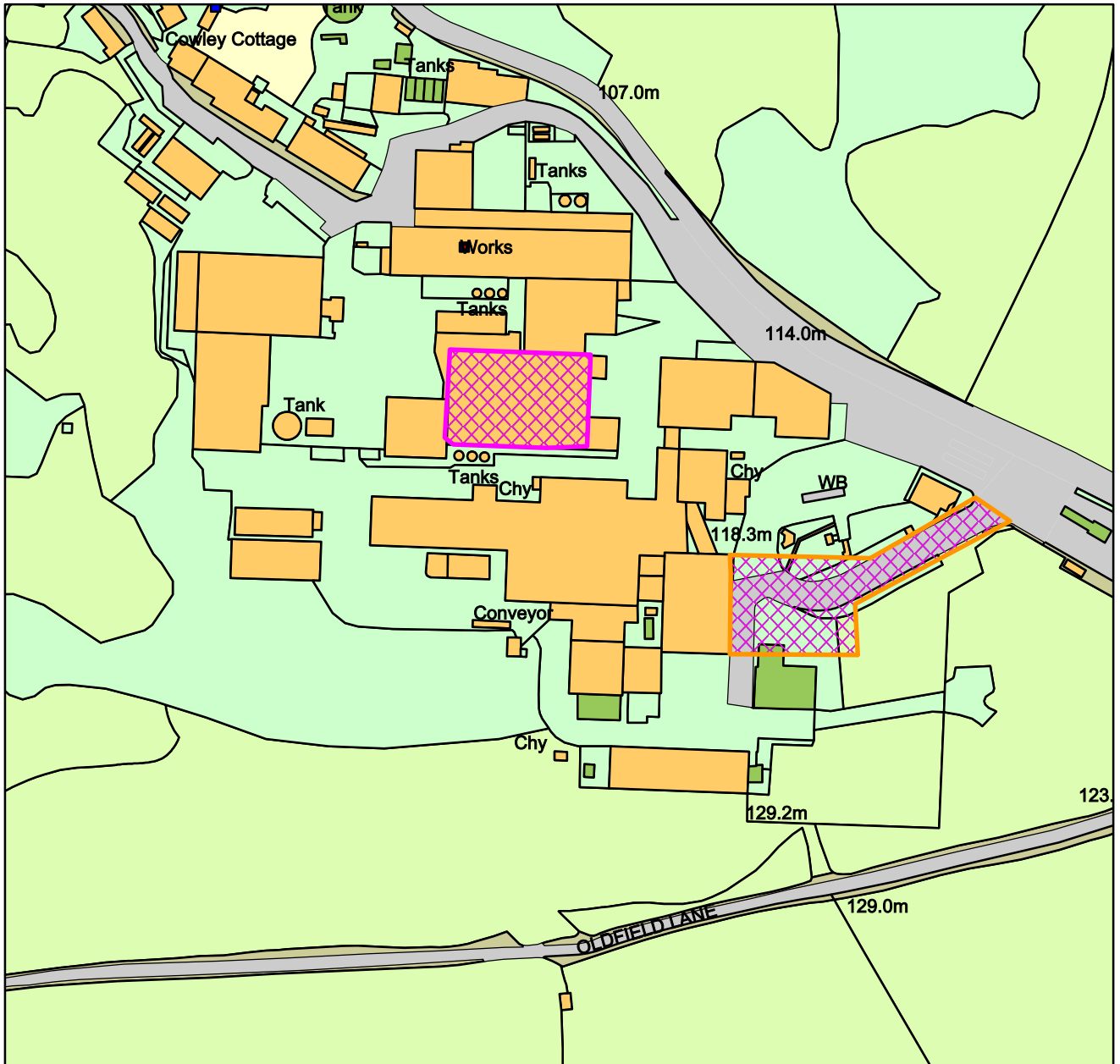
APPLICATION NUMBER		21/00500/FUL	
SITE ADDRESS:		Darley Dale Smelter, Oldfield Lane, Warren Carr	
DESCRIPTION OF DEVELOPMENT		Proposed extension to C-Bays building to accommodate relocated equipment (modifications to extension previously approved under planning permission 18/00919/FUL)	
CASE OFFICER	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	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	N/A – Members undertook a site visit on the 11 th October 2021

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

RECOMMENDATION
That the application be Granted Subject to Conditions

21/00500/FUL

H J Enthovens & Sons Darley Dale Smelter



Derbyshire Dales DC

1:2,500

Date: 29/09/2021

100019785

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

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application 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 approved under application code ref. 18/00919/FUL. The approved height was 7.6-10.8m to eaves and 12m to ridge. 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 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.
- 2.10 Following the resolution at planning committee on the 12th October to defer consideration of the application, the applicant prepared a document titled: *Response to Derbyshire Dales District Council Planning Committee comments and public concerns raised at Planning Committee hearing held on 12th October 2021*. This document sets out the need for the building and the impacts of the development on the local environment and reaffirms that H.J Enthoven's is not seeking a permit variation from the EA to increase the 150,000 tonne annual limit. The document was published online and all contributors, consultees and neighbours were made aware of its existence and invited to comment further on the 19th November 2021. The application was re-presented to planning committee on the 14th December 2021 and following the defeat of a motion to approve the application, the item was deferred *until the required information had been received and a proper conversation about a PCN had taken place*. These matters, which were raised and debated at the 14th December 2021 planning committee meeting are discussed in the issues section of this report.

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 (2021)
 - 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

5.1 South Darley Parish Council

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):

Original Comments:

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.

Comments on the additional information:

In response to re-consultation, Stanton in Peak Parish Council would note that the additional information provided in no way satisfies all the questions raised in either the public comments, councillors' questions at the 12 Oct planning meeting or published public concerns.

Council has one major response with reference to drawing dates.

The additional information makes no reference to the following 2 drawings which accompany this application 21/00500/FUL. Analysing the dates using the method provided by Enthoven/Norder into production dates given in the additional information letter:

Drawing 1

8471-NDA-XX-XX-DR-A-9002 revision P1 –3D Views- Site Plan as previously Approved.

The production date for this drawing is 20 – 4 – 18

Drawing 2

8471-NDA-XX-XX-DR-A-9003 REVISION P1 -3D views – Proposed Site Plan.

The production date for this drawing is 18 – 4 – 18

It is clear from these 2 drawings, that the current application drawing was drawn before the previous 2018 application.

The conclusion must be that the end requirement now being asked for was known in 2018 and the applications have been double staged – we understand that this is directly against the 2017 planning legislation.

5.3 Environment Agency

Original Comments:

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.

Comments on the additional information received and invitation to attend a future planning committee meeting:

In response to re-consultation the EA states that having discussed this case with their Regulated Industry team their response is linked to the permitting process and the regulation of this site through that permit. They do not have comments to make from a planning perspective.

They would like to thank the committee members for the opportunity to attend future committee meetings but we do not feel this would be beneficial as planning and permits are separate regulatory routes.

The Regulated Industry officer has responded as below;

Our position on this site has not changed. Regarding air quality – there are no new emission points. With regard to noise there will be reduced vehicle movements and therefore less vehicle noise. We also note that the permit has been recently varied to include these relevant areas so that we can regulate the applicable activities.

5.4 Derbyshire County Council (Highways)

Original Comments:

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

Comments on the additional information received and invitation to attend a future planning committee meeting:

In response to re-consultation it was stated that nothing within the original application documents suggested that the proposals would result in an increase in HGVs accessing the site. The submitted information attached confirms this, and that the proposals are a consolidation existing activities on the site, which remain with the previously agreed volume caps. The Highway Authority would only comment further if the agreed volume cap was to be increased/exceeded as a result of the proposals.

Unfortunately the Highway Authority does not have the resources to dedicate an officer to attend the planning meeting, however the additional information submitted by the applicant clearly confirms that the highway impact or volume caps are not increasing.

5.5 Derbyshire County Council (Flood team)

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.

5.6 Derbyshire Constabulary Designing Out Crime Officer

No objections.

5.7 Environmental Health (Derbyshire Dales)

Original Comments:

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 0.25µg/m³ 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.

Comments on the additional information received:

Regarding your enquiry about the planning committee on the 14th December, it is considered to be far more appropriate for the Environment Agency (EA) to attend as the regulator of the site. Whilst Environmental Health have some enforcement responsibility for light nuisance under the Statutory Nuisance legislation, the EA regulate the majority of the site by way of an Environmental Permit under the Environmental Permitting Regulations 2016 and this would cover all aspects of pollution from the site, including noise, air, water and land related issues. An Environmental Health Officer would be unable to offer comment at the meeting on behalf of the EA.

Nevertheless, from the information submitted, the change in height of the building is to accommodate a new more modern bag filter and reduce movement of vehicles and materials around the site. Whilst not the regulator, this would seem to be a positive development.

Current air quality data provided by site monitoring required by the permit would suggest the site is well below the national air quality objectives (AQO) and for 2019 the annual average was 0.13µg/m³ which is significantly under the national AQO of 0.25 µg/m³. More data from the site is expected and to update their records.

Response to the request to attend a future planning committee:

Further to the above request I feel it is important to reiterate the scope and extent of the Derbyshire Dales Environmental Health Department role as regards the regulation of this site. Environmental Health are not the lead enforcement agency for the site in the majority of respects, this sits with the Environment Agency (EA). We cannot therefore respond to matters that are outside of our legal remit nor respond or commit to matters as a substitute for the EA, as that would be misleading and unhelpful, hence we shall not be attending Committee.

In lay terms approximately 98% of the operational activity sits with the EA for regulatory purposes and ourselves merely 2%. The specifics are as follows:-

The EA regulate the site under the Environmental Permitting Regulations 2016. The permit is a prescriptive document which is site specific and covers all aspects of likely polluting

emissions from the site be that noise, air, water or land related. Essentially the permit should be viewed as a licence to operate which is audited against by the EA.

Derbyshire Dales Environmental Health regulatory scope is restricted to matters of light pollution (should they occur) under Statutory Nuisance, plus the consideration and inclusion of Lead Emission values from the site (as a valid point source), as part of a whole district approach to Air Quality matters, however the compliance levels for lead are prescribed within the EA site specific permit and 'policed' by the EA accordingly.

As regards the amendment application ref 21/00500/FUL - Raising of the previously approved roof height from 12 to 20m (to the ridge) in C-bay to accommodate the Cibel 6 equipment. We, as a consultee have no objections to raise. As a regulator looking in on the purpose behind the proposed works, it is our view that the installation of the new Cibel 6 bag filter and the associated streamlining of production activities must be seen as a positive improvement to the general workings of the site and accords with the general expectation placed upon all permitted processes to employ Best Available Techniques. To conclude – I trust this communication further explains our role and position on this matter.

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.

Responses received in relation to re-consultation undertaken on the 19th November 2021:

The website was not available on the 23rd, 24th and 25th November 2021, therefore the additional information for consultation was sent direct via email by the case officer. Responses to consultation are accepted up into the day before committee therefore the consultation period is sufficient.

- i. the 'additional comments' provided by the Company do not address the fundamental issues that we have raised (supported by members of the Planning Committee at the meeting on 12 October 2021) in respect of the ongoing intensification and diversification of the site and the implications of this for local residents.
- ii. These claims are despite the clear evidence that there has been incremental developments over the years that have led to an intensification and diversification of the site with an increase in processing from 100,000 tonnes in 2006 to 165,000 tonnes in 2019.
- iii. In terms of the new information, it does nothing to address the intensification of the site and the cumulative impact of its ongoing development. The planning committee clearly called for a review of the site, including understanding HGV movements, *air pollution and noise pollution from the facility and emissions from vehicles*.

Representations were also made to members ahead of the 12th October Planning Committee Meeting. These representations were set out in the late representations sheet and included in the minutes of the meeting.

7.0 OFFICER APPRAISAL

- 7.1 Members will recall visiting the site on the 11th October and the item being discussed at the planning committee meeting on the 12th October, where it was resolved that determination of the application be deferred to the next meeting of the Committee on 9th November 2021. The reason for deferral was to enable further consultation with Environmental Health and seek views from the Environment Agency on the environmental consequences of the development (including air quality monitoring, noise and incremental growth) and invite them to attend a future meeting. Further information was also sought on traffic movements to and from the site and for the Local Highway Authority to consider this information and potentially attend a future meeting.
- 7.2 Following deferral of the application at the 12th October 2021 meeting, the applicant sought to answer the questions / concerns raised in relation to the operations on site and the environmental consequences of the proposed development. In a document titled *Response to Derbyshire Dales District Council Planning Committee comments and public concerns raised at Planning Committee hearing held on 12th October 2021* the applicant made the following points:
- The proposal approved in 2018, involved a consolidation of existing storage and processing facilities on site.
 - Processing capacity of the site is governed by the environmental permit issued by the Environment Agency (EA). This permit was re-issued in 2020 and placed a cap on site activities at 150,000 tonnes / annum. All our current activities meet the EA permit requirements.
 - The C bay extension would not increase storage capacity on site. The number of HGV vehicles is governed by the EA permit.
 - The number of HGV vehicles coming to site to deliver raw materials or to collect finished lead products is dictated by this volume cap.
 - The new C Bay extension will allow us to operate in a more efficient manner, but it is not designed to increase either material throughput or total material storage on site and there will be no increase in HGV movements to and from the site as a result of the new building.
 - The C bay extension relates to the improving efficiencies on site. The revised drawings were not prepared in 2018 but were simply revised using the existing drawings with the revisions annotated which is standard practice.
 - The new Cibel 6 filter would be located within the C bay extension and would accommodate additional extraction, optimise filtration to reduce energy consumption and maintain compliance with existing and future air quality regulations.
 - The C bay extension would replace the A bay building and once constructed the A bay building shall be fully decommissioned and demolished.
- 7.3 Re-consultation on this document was undertaken on Friday 19th November 2021 for a 10 day period with the Parishes, Ward Councillor, contributors and neighbours. Bespoke consultations were undertaken with the EA, Local Highway Authority and the Environment Health Team. The EA, Local Highway Authority and Environmental Health Team were also invited to attend a future committee meeting as per the committee resolution. The responses received in relation to this re-consultation are included in section 5 of this report.
- 7.4 The application was re-presented to planning committee on the 14th December 2021. A motion to approve the application was defeated and the item was deferred for a second time on the basis that the required information was sought and a proper conversation about a Planning Contravention Notice takes place. With regard to the required information the

applicant has already explained that the 150,000 tonnes / annum processing capacity is controlled by the environmental permit issued by the EA and that the C bay extension would not increase storage capacity on site or result in increased HGV movements. The applicant has also clarified that the development will allow them to operate in a more efficient manner and enable the installation of a new filter and extraction system that will optimise filtration to reduce energy consumption and maintain compliance with existing and future air quality regulations. Concerns were raised with regard to the incremental growth of the site at the meeting. The applicant has explained that the C bay extension would replace the A bay building and once constructed the A bay building will be fully decommissioned and demolished. It would be reasonable, given the concerns raised at the 14th December 2021 meeting and ensure the removal of what would otherwise be a redundant building in the countryside (albeit surrounded by other industrial buildings) to secure a programme for the decommissioning and demolition of the A bay building prior to first use of the C bay building through a planning condition. Such a condition is included in the officer recommendation that is now being presented to members.

7.5 In this case the application involves increasing the height of a building that was approved planning permission in 2018. The site has a long established industrial use. The industrial processes on site are controlled by the EA and the amount of material that can be processed is capped. This will not change as a result of the development. Reference was made at the 14th December 2021 planning committee meeting to a high court case that supported the argument that an intensification of activity on site can be considered to constitute a material change of use requiring planning permission and that a Planning Contravention Notice should be served to establish whether a breach of planning control has taken place. The case referenced was the Hertfordshire County Council v The Secretary of State for Communities and Local Government, Metal and Waste Recycling Limited High Court case. In this case the throughput had nearly doubled, however, the judge could not see how the effects of this, whether on or off-site, could themselves constitute a material change in the use of the land. Notwithstanding that there is no reported case in which an intensification in existing use has been found to be a material change of use, the nature and intensity of the industrial processes at the application site have been consistent over a significant period of time. It cannot therefore be claimed that a material change of use of land has taken place, in planning terms, and it would not be reasonable or appropriate to serve a Planning Contravention Notice on this basis.

7.6 It remains that the following material planning issues remain relevant to the assessment of this application:

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

Principle of development

7.7 Planning permission has been previously granted for a C Bay building under planning application code ref. 18/00919/FUL. This application seeks permission for a building on the same footprint, but of an increased height to allow safe / improved access to the machinery / equipment that will be housed. 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

- 7.8 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.
- 7.9 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.
- 7.10 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 planning 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

- 7.11 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.
- 7.12 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

- 7.13 Concern has been raised by local residents regarding the potential impacts from the proposed development in terms of noise, smells and pollution.
- 7.14 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.

- 7.15 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.
- 7.16 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 screening the current proposal it has been concluded that it is also not EIA development based on the likely environmental effects and therefore no Environmental Statement is required.
- 7.17 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 in this case.

Conclusion

- 7.18 Having considered the impacts arising from the proposed development it is considered that the proposal would not result in any significant adverse impacts and the proposal is considered to accord with the development plan and national planning policies. Approval is recommended on this basis.
- 7.19 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.

3. Prior to first use of the building hereby approved the existing A bay building shall have been decommissioned and a programme for its demolition shall have been submitted to and approved in writing by the Local Planning Authority. The A bay building shall thereafter be demolished in accordance with the approved programme.

Reason:

For the avoidance of doubt and to ensure the removal of a redundant building in the countryside in accordance with the aims of Policy S4 of the Adopted Derbyshire Dales Local Plan (2017).

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
- 9.4 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.

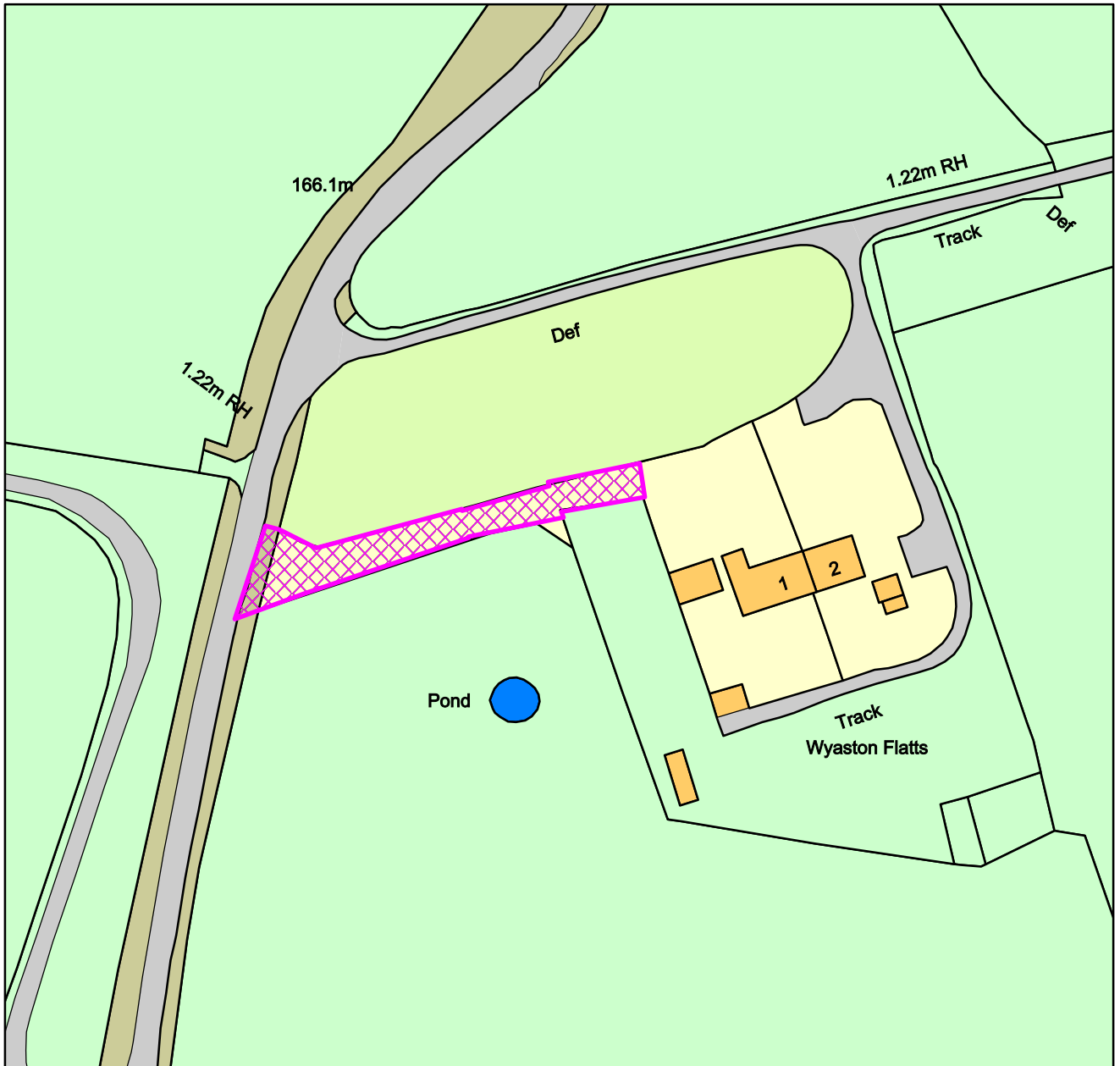
APPLICATION NUMBER		21/01100/FUL	
SITE ADDRESS:		1 The Flatts, Wyaston Road, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Retention and improvements to access and access driveway	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Ms L. Ford
PARISH	Osmaston	AGENT	Planning & Design Practice Ltd.
WARD MEMBERS	Cllr. Andrew Shirley	DETERMINATION TARGET	29.10.2021
REASON FOR DETERMINATION BY COMMITTEE	Conflict with the recommendations of the Local Highway Authority	REASON FOR SITE VISIT (IF APPLICABLE)	N/A. Members visited the application site prior to the Committee Meeting on 14 th December 2021

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Policy principle • Impact on the character and appearance of the open countryside • Impact on highway safety

RECOMMENDATION
Approval

21/01100/FUL

1 The Flatts, Wyaston Road, Ashbourne



Derbyshire Dales DC

1:1,250

Date: 02/12/2021

100019785

Crown Copyright and database rights (2018) Ordnance Survey (100019785)
Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
website: www.derbyshiredales.gov.uk

1. THE SITE AND SURROUNDINGS

- 1.1 The application site is an unauthorised access that has been formed from the applicant's dwellinghouse to Wyaston Road, through a paddock attached to the property. The access has been formed in lieu of using an existing, shared access to the highway, which is sited further to the north. The site is within the open countryside.

Proposed Access





2. DETAILS OF THE APPLICATION

- 2.1 This application is being re-presented to the Planning Committee further to the deferral of the application at the meeting of 14th December 2021. The reason for deferral was recorded as follows:

That consideration of the application be DEFERRED to a future meeting to allow further discussions about the options available to address the objections raised by the highway authority.

- 2.2 The applicant has since advised through their agent that they are very disappointed with the decision that was made on the basis of incorrect information and assumptions and make the following comments:

- 1. The highway authority agreed that the new access was an improvement on the existing access and that there would be an improvement in highway safety. We reject totally the assertion made by Cllr O'Brian that the second access would be detrimental to general road safety. This proposal does not increase the level of traffic generated and it is not connected with any additional development.*
- 2. The owner of No. 2 The Flatts does not want to use the new access and cannot be made to.*

3. *The existing access is not owned by the client or the neighbour, it serves other land and cannot be closed by the applicants.*

This information was available to the planning committee and they should have been corrected before a decision was made. I enclose the letter from Bancroft consulting which was sent to you by the applicants back in February which explained the situation and the fact that the applicants do not own the drive.

The traditional route to Wyaston Road from both properties is over an 'access road'. This access road is not owned by either property (issue within its self). The access road is owned by the owners of the adjacent field (North), the field is not registered at the land registry because (I believe) it purchase prior to 1977 and is currently in probate. The access is provided to both properties by a conveyance (dated 1955 by Sir Ian Walker of The Shirley Park Estate Company) and underpinned by a statutory declaration which was made in 1993 by previous owners of our property. There is a small fee paid each year which was originally to Dales Housing and subsequently to the owner of the field (with no formal arrangement in place from DDDC when they owned the properties).

Unfortunately, the owner of the field (who never used it or accessed it) has died, the land is part of a large probate estate which is being unravelled but as I understand it there is (as was often the case) very little paperwork to support the purchase of the land in order to register it with the land registry. Obviously we would be looking to purchase it if there was option to but we can't as it can't be sold. Please note that in Bancroft's attached letter the caravan park and leisure facilities contrary to what Bancroft's have said DO NOT have access to the access road, they never have and I am unsure where that fact came from other than it being suggested because of how the land registry document looks.

- 2.3 Given the above, the proposals are set out again by Officers, as with the previous report to the Planning Committee. This application seeks part retrospective, full planning permission for the retention of the access from Wyaston Road to the dwellinghouse. The access has been constructed to a sub base course, measures some 75m in length by some 4-5m in width and has a bellmouth of some 15m in width adjacent to the highway. It is proposed that a base course be applied and the access finished with a cambered, tarmac surface, in accordance with cross section details submitted, that will facilitate surface water run off to either side of the access.
- 2.4 The applicant has submitted a Planning, Design and Access Statement. This advises that the property has been served by a very poor and substandard, shared access off Wyaston Road. The applicant refers to the development of over 1,000 dwellinghouses that have taken place on the south side of Ashbourne over the last 10 years and advises that the level of traffic using Wyaston Road has increased considerably as a result. The applicant advises that this has resulted in the shared access being more dangerous. As a result, and following some near misses, the applicant sought to improve the access arrangements by installing a new access and driveway.
- 2.5 The applicant approached the Local Highway Authority prior to works commencing and were advised, incorrectly, that Wyaston Road was not a classified road. The applicant also took the driveway to be within the curtilage of the dwellinghouse and considered the access to therefore be permitted development. The applicant advises that the new access is better but appreciates that it is still substandard. The applicant has therefore submitted a letter from Bancroft Consulting, with appended highway related assessments, to seek to justify this additional access as an improvement on the existing, which they do not own and pay an annual rent to use.

- 2.6 The applicant advises that the new access offers a significant improvement in the visibility splays. The shared access is advised to have 10m splays in both directions whilst the new access is advised to attain 27m distances in both directions. The applicant has advised that the comings and goings from their property has amounted to 136 movements and that these have been taken from the shared access to the north and the access is wide enough to allow for two vehicles to pass.
- 2.7 The applicant advises that the National Planning Policy Framework (NPPF) states that development should only be refused on highway grounds where the cumulative impacts would have a severe impact on the highway safety. The applicant contends that the access would not serve an increased level of development and that the access would be a betterment with no cumulative impacts. The applicant also contends that, given the number of pedestrians and cyclist accessing the open countryside along the unpedestrianised highway, that there is reason to justify a reduction in the speed limit to 30mph to the benefit of the wider community.
- 2.8 With regard to visual impact, Officers raised concern with regard to the current appearance of the access and the proposals to tarmac the existing surface. To this end, the applicant has advised of the following works that they propose to undertake should planning permission be granted:
1. *The area of land that has been stoned across the site entrance will be reduced and the areas of stone excluded from the new access and road will be replaced by pasture.*
 2. *The new access will be reduced to a 5m wide tarmac road with 3m radii. This will reduce the hard surface across the road frontage to 11m down from 15.5m. The access will join the public highway at right angles to the public road for highway safety and to ensure maximum visibility. The position of the road access accords with the supporting statement provided by Bancroft Consulting.*
 3. *After the first 10m the access drive will be narrowed to 3.5m. The width of 3.5m is required to accommodate emergency vehicles but it is also wide enough for a car or van to pass a pedestrian and a dog without the need for the pedestrian to step off the driveway.*
 4. *We do not propose a passing place. With 5m width for the first 10m, there is space for a car or van to wait off the public highway for a vehicle to pass. At the house end of the drive the existing parking and turning space provides plenty of room for vehicles to manoeuvre to allow them to enter and leave the site in a forward direction. Removing the passing place will reduce the amount of hard surface required.*
 5. *Across the site entrance, abutting the public highway and contiguous with the edge of the road, a new road drain will discharge surface water from the drive into a soakaway within land owned by the applicant.*
 6. *The proposals now include an avenue of trees to set back 3m from the driveway along the length of the drive. The landscape character guidance suggests Pedunculate Oak, Ash or Field Maple. It is proposed that the new trees are Pedunculate Oak (*Quercus pedunculata*) spaced every 5m. These will be heavy standards and approximately 3m high. These trees are native to the area and will improve biodiversity and will help to reduce any landscape impact.*

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1 Sustainable Development Principles
 - S4 Development in the Countryside
 - S9 Rural Parishes Development Strategy
 - PD1 Design and Place Making
 - PD5 Landscape Character
 - HC19 Accessibility and Transport

3.2 National Planning Policy Framework (2021)

3.3 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

4.1 None.

5. CONSULTATION RESPONSES

Parish Council

- 5.1 - no objection as long as the application is approved by DCC Highways.

Local Highway Authority (Derbyshire County Council)

- 5.2
- object
 - have consistently advised that proposals would not be supported
 - original access is closer to the bend where visibility is restricted but the proposed access is still substandard
 - was advised that unless new access could demonstrate appropriate visibility standards, the proposals would only be acceptable if the original access was permanently closed which the applicant is not in a position to undertake due to other landowners and vehicle access recommend refusal as access to and from the highway would be at a point where exit and forward visibility are restricted and against the best interests of highway safety.

6. REPRESENTATIONS RECEIVED

6.1 None.

7. OFFICER APPRAISAL

Officers' Response to Deferral

- 7.1 It was resolved at the planning committee meeting on the 14th December 2021 that the application be deferred to enable officers to seek further information about the options available to address the objections raised by the Local Highway Authority. The amendment to the motion to approve planning permission gave no opportunity for officers to explain to members that such matters had been previously explored with the applicant and that the supporting information submitted with the application indicated that the applicant currently relies on a separately owned access to their dwelling, which they pay rent annually to use. The applicant has confirmed their position at section 2.2 of this report. Any proposal to close up the existing access, which cannot be achieved for the reasons stated and to extend the proposed access, to make it available to the neighbouring dwelling would involve increasing the application site area and land outside of the applicant's control. Such works would fall outside of the scope of this application.

- 7.2 As it is not possible to extend the access so that it can be shared with the neighbouring dwelling or to close off the existing access for the reasons stated by the applicant and having regard to the inability to control such works as part of this application, the officers assessment of the proposal remains as previously presented and set out below. Members are advised to determine the application, as submitted, on this basis.

Policy Principle

- 7.3 The site is in the open countryside and therefore the application needs to have regard to policies S1, S4, S9, PD1 and PD5 with regard to the impact within the landscape. In addition, as this is a new access, regard has to be given to whether the access is a safe means of access onto the public highway, being Wyaston Road.

Impact on the Character and Appearance of the Open Countryside

- 7.4 The access has been provided across an area of land between the dwellinghouse and Wyaston Road and has resulted in the removal of a section of boundary hedge. To this end, there is a harmful impact in the landscape. Further to discussion with Officers, the applicant has also proposed a series of alterations to seek to alleviate the impact of the access within the landscape; these are considered appropriate in visual/aesthetic terms.

Impact on Highway Safety

- 7.5 The applicant advises that, prior to the development taking place, they were misinformed by the Local Highway Authority with respect to whether Wyaston Road was a classified road and assumed that the provision of the access was permitted development. Notwithstanding this, such an assumption would not have been the case as permitted development rights to form accesses onto unclassified roads, that have restricted visibility onto them, do not in any event constitute permitted development. The provision of an access across a paddock would also require the minimum of a submission of a prior notification to the Local Planning Authority; this was not submitted. As such, the access provision and the access road need retrospective consideration.
- 7.6 The Local Highway Authority has commented on the safety of the revised access and states that it has, since 2019, consistently advised both the District Council, and subsequently the applicant's Transport Consultant, that the proposals would not be supported.
- 7.7 The original, shared access to the property is located to the north, closer to the bend in Wyaston Road and at a point where, due to the lack of margin, visibility is restricted. The access that has been formed is further away from the bend but, nevertheless, is still substandard due to the alignment of Wyaston Road and the limited margins. It was previously advised by the Local Highway Authority that, unless the new access could demonstrate appropriate visibility standards, for either the posted or actual vehicle speeds of the road, the proposals would only be acceptable if the existing (original) access could be permanently closed. As the applicant has advised, it is not possible to close off the access given its ownership and the access required to other land/property it serves.
- 7.8 The applicant undertook a speed survey in March 2020 which demonstrated that vehicle speeds were reduced. However, the Local Highway Authority advised that it was still apparent that the achievable sightlines were inadequate when looking in each direction at a distance of 2.4m back from the highway edge (this is the standard distance by which to measure the driver's view onto the road back from the highway edge). Whilst the applicant has put forward an argument for using a lesser 2m distance from which the visibility splays can be viewed, Wyaston Road is a classified road and provides a link into Ashbourne from the villages to the south and, as stated in the applicant's Design and Access Statement,

traffic levels have increased as a result of nearby housing development. Therefore, the visibility splay 2.4m distance back from the highway edge for assessing visibility is considered to be appropriate by the Local Highway Authority.

- 7.9 The Local Highway Authority advise that the demonstrated sightlines were measured to the centre of the carriageway rather than the recommended nearside wheel track. They also advise that, with no centre line markings or physical restraint, there would be nothing to prevent approaching vehicles overtaking or passing slow moving vehicles and travelling within the nearside lane. In addition, and notwithstanding the above, they note that the applicant is not in a position to close the original access due to other landowners and vehicular access rights, and accordingly would have no control over any future use of that access.
- 7.10 It is apparent that the proposed access is substandard. However, Paragraph 111 of the National Planning Policy Framework (NPPF) advises that development should only be refused on highway safety grounds if there would be an unacceptable impact on highway safety. In this respect, it is considered by Officers that an assessment has to be made as to whether there are any advantages to creating this access. It is considered that, whilst substandard, the visibility from this access is better than that of the original access. In addition, with the original access being less trafficked as a result of the proposed access, there is less likelihood of cars being held up within the highway by a vehicle exiting the original access at the same time. This is considered by Officers to offer some improvements to highway safety. Therefore, on balance, it is the view of Officers that the benefits of the access outweigh the harm in terms of highway safety.

Conclusion

- 7.11 Given the above, it is recommended that the application be granted contrary to the recommendations of the Local Highway Authority. Whilst it is appreciated by Officers that the visibility is substandard, it is considered that this is nevertheless an improvement on that of the original access and, therefore, it is considered the proposal is in general compliance with the aims of Paragraph 111 of the NPPF. Whilst there would be some visual impact in the rural surroundings, it is considered that, subject to the alterations put forward by the applicant, the access will more readily assimilate into the landscape. On this basis, it is recommended that planning permission be granted subject to conditions.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The access hereby approved shall be completed in accordance with the approved Amended Drawing Nos.3468-03 Rev. A and 04 Rev. A, received on 28th October 2021, within 12 months of the date of this permission.

Reason:

The works are part retrospective and to ensure the satisfactory appearance of the development to comply with the aims of policies S1, S4, S9, PD1, PD5 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

2. The landscaping detailed on the approved Amended Drawing No.3468-03 Rev. A, received on 28th October 2021, shall be provided within the 2022/2023 landscaping period.

Reason:

To ensure the satisfactory appearance of the development to comply with the aims of policies S1, S4, S9, PD1, PD5 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

3. All trees shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees 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.

Reason:

To ensure the satisfactory appearance of the development to comply with the aims of policies S1, S4, S9, PD1, PD5, PD6 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

- 4 The access shall be provided with the sightlines as detailed on Amended Drawing No.3468-03 Rev. A. There shall be no obstruction between the sightlines and the adjacent carriageway edge exceeding 1 metre in height above the carriageway channel level (0.6m in the case of vegetation). The sightlines shall be so maintained in perpetuity to the satisfaction of the Local Planning Authority.

Reason:

In the interests of highway Safety.

NOTES TO APPLICANT:

1. The Local Planning Authority have, during the consideration of this application, engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to the impact of the access in the landscape.
2. This decision notice relates to the following documents:

Drawing Nos. 3468-01 and 02 received on 3rd September 2021

Amended Drawing Nos.3468-03 Rev. A and 04 Rev. A received on 28th October 2021

Planning, Design and Access Statement received on 3rd September 2021

Letter from Bancroft Consulting with appended highway related assessments received on 3rd September 2021

Additional information received on 28th October 2021.

APPLICATION NUMBER		21/01245/FUL	
SITE ADDRESS:		Leys Farm, Wyaston Road, Ashbourne, DE6 1NB	
DESCRIPTION OF DEVELOPMENT		Proposed demolition of existing buildings and erection of a care home (Use Class C2) with associated parking, access and landscaping	
CASE OFFICER	Mrs Sarah Arbon	APPLICANT	BP 2017 (Ashbourne) Ltd And Priory CC92 Ltd
PARISH/TOWN	Ashbourne	AGENT	Gillings Planning
WARD MEMBER(S)	Cllr T. Donnelly Cllr R. Archer	DETERMINATION TARGET	18 th January 2022
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	To appreciate the proposal in the context of its surroundings

MATERIAL PLANNING ISSUES

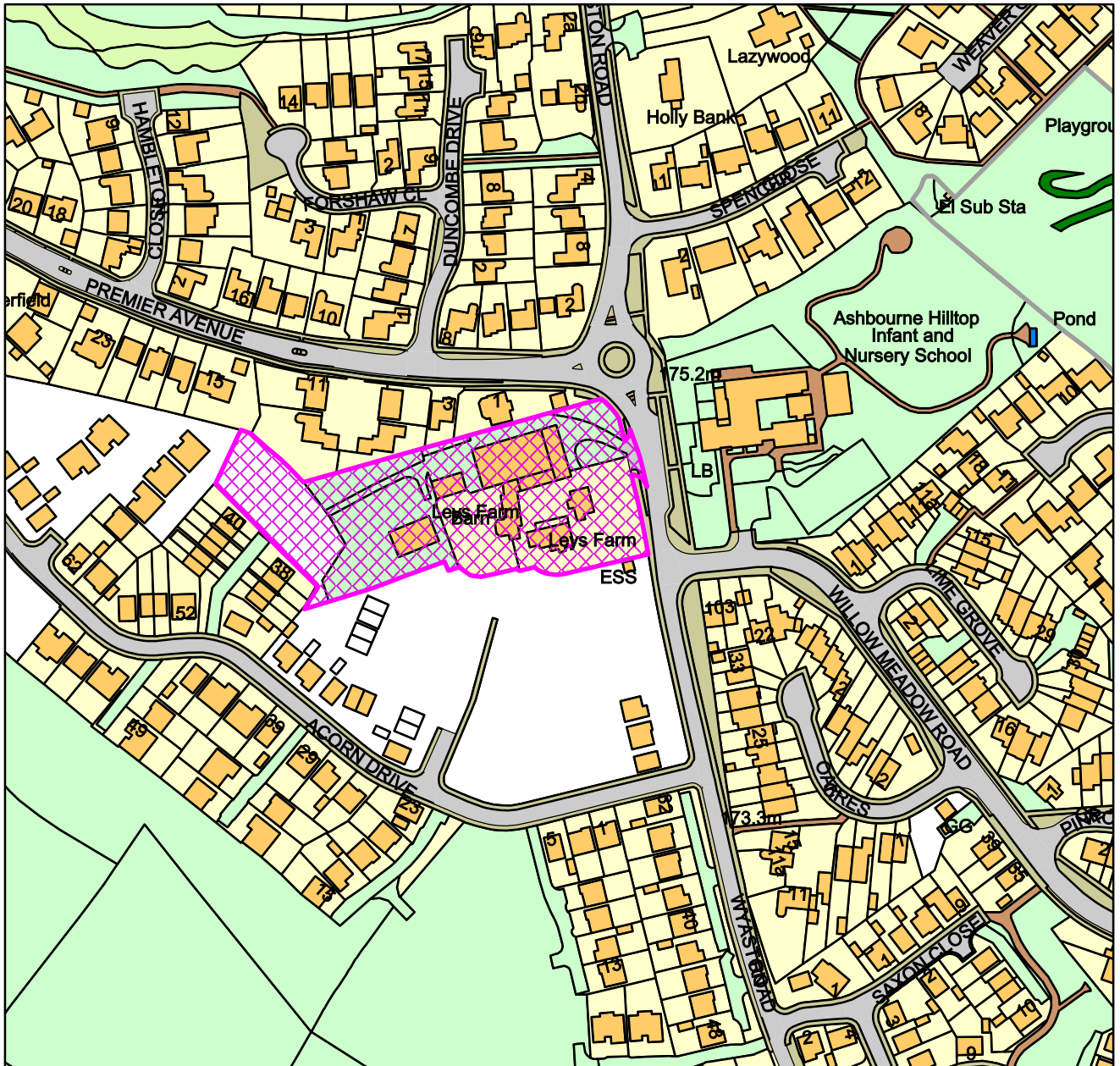
- Principle of development, having regard to its location;
- The loss of a non-designated heritage asset and the impact on character and appearance of this part of the settlement,
- Impact on residential amenity;
- Highway safety, and;
- Ecological impacts.

RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject conditions on completion of a Section 106 Agreement to secure a health contribution of £13,440 for the closest practices of Ashbourne Surgery and Ashbourne Medical Practice.

21/01245/FUL - Leys Farm, Wyaston Road, Ashbourne

Not Set



Derbyshire Dales DC

1:2,500

Date: 21/12/2021

100019785

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1. THE SITE AND SURROUNDINGS

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



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the demolition of the existing buildings and erection of a care home (Use Class C2) with associated parking, access and landscaping.
- 2.2 The care home would contain 70 bedrooms with en-suites for the elderly with associated amenity facilities including a café, dining rooms, lounges, a cinema and a hairdresser. The care home will be dual-registered for nursing and residential care. The accommodation and amenity facilities would be set over two floors with a section of service rooms set within the roofspace at the north eastern corner. The care home building is linear in the centre of the site with two wings extending to the south west. The main entrance would be adjacent to the northern boundary in the centre of the building leading to a lobby and reception area where the café is proposed. Gable features with canopies identify the access points. The ground floor would contain 38 bedrooms and the first floor would have 32 bedrooms. The building is one and a half storeys with dormers set within the roof slopes. There are varying ridge heights of 6.3m to 11m with the highest section in the north eastern part of the site. The building would be set back 34m from the Wyaston Road frontage with existing high category trees retained. The proposed building is to be constructed in a combination of a red and buff brick with slate effect tiles.
- 2.3 A comprehensive landscaping proposal accompanies the application which proposes the creation of formal courtyards to the south of the building with an areas of seating and pockets of planting. A row of trees are proposed to be planted along the northern boundary specified to be planted at a height of 4 – 5.5m high with a wider planting scheme proposed throughout the development.
- 2.4 An Energy and Sustainability Statement accompanies the application which states that a comprehensive energy strategy has been devised to reduce the energy use and improve the performance of the new development against Building Regulations Part L baseline. The strategy is based on passive design measures utilising building form, massing and glazing ratios to exploit the natural surroundings of the site to help reduce energy demand: these measures include improved U-values for the floor, roof and glazing; active design measures to reduce the demand for energy at the new care home: space heating via heat pumps alongside gas boilers, hot water delivery via stand-alone hot water boiler with assumed delivery efficiency of 91%, high efficiency LED lighting, etc; and low carbon and renewable energy: 65m² of roof mounted photovoltaic panels to meet a proportion of the site's electricity requirements. The design proposal incorporates many sustainability measures where it has the potential to secure performance to BREEAM 'Very Good' standard.
- 2.5 A substation and pumping stations are proposed to be sited towards the north-east corner of the site, north of the access.
- 2.6 A single vehicular access point into the site is proposed directly off Wyaston Road to serve the care home. Twenty two car parking spaces are proposed with the majority in the north eastern part of the site.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
 - S1 Sustainable Development Principles
 - S2 Settlement Hierarchy
 - S4 Development in the Countryside
 - S8 Ashbourne Development Strategy
 - S10 Local Infrastructure Provision and Developer Contributions

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

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

- 3.3 Other:
National Planning Policy Framework (2021)
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- 4.1 20/01189/FUL - Hybrid planning application comprising of a full planning application for the demolition of existing buildings and erection of a care home (Use Class C2) with associated parking, access and landscaping and an outline planning application for the erection of up to 9no. dwellinghouses with approval being sought for access – REFUSED
- 4.2 0798/0455 Conversion of agricultural buildings to dwelling – GRANTED

5. CONSULTATION RESPONSES

5.1 Ashbourne Town Council

No Objection - Members welcome the revised application.

5.2 Derbyshire County Council (Local Highway Authority)

The Highway Authority provided comments on the previous application that included residential dwellings to the rear of the site. Following discussion with the applicant, an amended access into the site was agreed and the current proposals reflect the agreed layout. The scale of parking (including cycle parking) proposed is considered appropriate for the number of bedrooms proposed and space has been provided to enable service and delivery vehicles to turn.

5.3 NHS Derby and Derbyshire Clinical Commissioning Group

A S106 contribution of £13,440 for the closest practices of Ashbourne Surgery and Ashbourne Medical Practice is required.

5.4 Head of Housing (Derbyshire District Council)

Comments on the previous application were that there appears to be no specific link to the provision of affordable housing given the class of the main development. I note that Derbyshire County Council have previously provided comments specifically relating to elderly care needs. My only suggestion would be for the developer to seek the input of local GP and primary care services.

5.5 Environment Agency

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

5.6 Environmental Health Team (Derbyshire Dales District Council)

The same comments are made as per the previous application and these were:-

No objections in principle. However the following comments/recommendations are made:

- Full details of the plant room and kitchen equipment should be provided for consideration in regards to noise, in order to agree suitable mitigation to prevent excess noise having an impact on existing residential properties and the proposed development itself.
- A condition should be applied to this application regarding permitted hours of work i.e. no works, including vehicle movement/deliveries to or on site are to take place before 8am and after 6pm Mon - Friday and 8am - 1pm Saturday with no working on Sundays or Bank Holidays for the duration of the demolition / construction period.

The information provided regarding the bin store, proposed allotment and that the asbestos and contaminated land reports shall be adhered to; although it is recommended that the contaminated land conditions are applied so that a full remediation scheme followed by a verification scheme shall be submitted.

5.7 Trees and Landscapes Officer (Derbyshire Dales District Council)

The submitted LVIA by the Landscape Partnership, dated September 2021 concludes that 'the proposals are assessed as being appropriate in relation to landscape and visual matters' and there is no reason to disagree. The proposed tree removals are necessary to accommodate to proposed development and these are acceptable in my opinion. The best trees in the site are retained as are those which are subject to TPO in the north-west part of the site. The proposed soft landscape proposals (as shown on Landscape Masterplan dated 23/10/2020, by The Landscape Partnership), are considered acceptable.

5.8 Derbyshire Fire and Rescue

No objections to the application but will be recommending that the proposed care home consider the provision of an automatic sprinkler system.

5.9 Force Designing Out Crime Officer

As with the previously refused hybrid application for a care home and a small amount of housing on this site, there are no objections in principle to the erection of a care home here. There are no comments regarding the majority of the detail which is appropriate in context from a community safety perspective. The pedal cycle store proposed should be provided

with full height 'sheffield' type hoops for each two allocated spaces to enable the securing of both frame and wheels.

In respect of the southern boundary treatment there is mention within the supporting design and access statement of the possible removal of some fencing associated with the existing neighbouring development to open up views to the south. This is accepted in principle for any part of the site overlooking open space, but should not compromise the privacy of any existing residential boundaries, and any finished external boundary height should be no lower than 1.8m, which for sections where existing walls and railings are proposed is not totally clear.

5.10 Derbyshire County Council (Strategic Planning)

No response has been received and this shall be reported in late representations.

5.11 Derbyshire Wildlife Trust

It is considered that the bat survey work is sufficient to inform the planning application, however update survey work will be required by Natural England for the licence application as it is now over a year old. It is also essential that lighting is well-considered at the site to support the suitability of the new bat roosting features. A lighting plan may be required as part of the licence application but should certainly be required by a planning condition. Prior to determination, it should be confirmed by the applicant how the recommended bat mitigation will be incorporated within the scheme (see Section 5 of the Bat Activity Survey Report). A figure should be produced with the location and dimensions of the bat loft space, along with bat boxes, access features etc. When designing the mitigation, the location of the existing bat roosts should be considered, along with orientation, lighting and links to foraging habitat.

With regards to Biodiversity Net Gain, it is advised that a metric is provided to quantify losses and gains. It may be necessary to incorporate flowering lawns/wildflower grassland within the landscape masterplan, along with native scrub in suitable areas. The northern boundary would be a good location for planting as this was also identified within the Bat Activity Survey Report as a corridor for foraging/commuting bats. A Net Gain Plan should be submitted explaining how this would be achieved and referencing the BNG Best Practice Principles.

5.12 Lead Local Flood Authority (Derbyshire County Council)

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application and has no objection to the application, subject to conditions in relation to surface water management and maintenance.

5.13 Archaeologist (Derbyshire County Council)

The housing site to the south of Leys Farm was subject to archaeological evaluation in 2016, with no archaeological significance identified. The applicant has submitted a heritage impact assessment for the farm site, establishing that farm originated before 1846 – the style of house and the older range of outbuildings is consistent with a late 18th or early 19th century date. The buildings are not of special significance having no designation or entry on Derbyshire HER, and are much altered. The survival of the original farmyard arrangement is perhaps minor interest but in general the farm site is of very low importance in terms of both built heritage and archaeology, and I advise that there is no need for further archaeological input under the policies at NPPF chapter 16.

6. REPRESENTATIONS RECEIVED

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

Impact on residential amenity:

- Construction disturbance
- Dust nuisance
- Location of pumping station and substation
- Overlooking
- Loss of privacy due to the balcony on the north western elevation.
- Noise and disturbance due to the access road and main entrance being adjacent to the northern boundary.
- Noise and odours from the kitchen
- Shadowing of gardens by the proposed trees
- Light pollution from the access road lighting
- Would the Pine trees be retained?

Highway Safety:

- Construction traffic restrictions by condition
- Lack of on-site parking which may lead to parking on Premier Avenue
- Increase vehicular movements of at least 136 movements per day.
- Conflicts with school traffic

Character and appearance:

- Scale of building which is 3m higher than adjacent properties.
- Not in keeping
- The three storey building is still in place at the end of the development which would be out of place.
- The balcony would cause overlooking.

Other matters:

- Removal of asbestos from site
- Lack of street lighting details
- Lack of security details
- Negative result on the value of homes locally
- The protection zones for all 4 of the Scots Pine trees are not shown as well as the ancient hedge.

7. OFFICER APPRAISAL

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

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

Principle of the development, having regard to its location

7.2 In accordance with Policy S2 of the Adopted Derbyshire Dales Local Plan (2017), proposals for new development will be directed towards the most sustainable locations and the use of

previously developed land will be encouraged. Ashbourne is identified as being a first tier settlement, a location of primary focus for growth and development and is defined by a Settlement Framework Boundary, which intends to direct development to the most sustainable locations.

- 7.3 Tier one settlements are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres. They will continue to provide significant levels of jobs and homes, together with supporting community facilities and infrastructure to meet their economic potential in the most sustainable way, consistent with maintaining or enhancing key environmental attributes.
- 7.4 Settlement boundaries for First, Second and Third Tier settlements are defined on the Policies Maps and it is advised that new development should be focused within the settlement boundaries of these settlements in accordance with their scale, role and function unless otherwise indicated in the Local Plan. In this case, the application site lies outside the defined Settlement Development Boundary for Ashbourne and therefore, regard has to be given to policy S4 of the Adopted Derbyshire Dales Local Plan (2017), even though the site is surrounded by historic and recent residential development.
- 7.5 The Settlement Development Boundary in this location was defined by the criteria set out in Paragraph 4.24 of the Local Plan. The primary reason for its exclusion at the time of drafting was the agricultural nature of the existing use at the time and the relationship of the site with surrounding open land uses. It is, however, recognised that the granting of housing on what was open land to the south of the site has changed the character of this locality.
- 7.6 With regard to the provision of a care home (Use Class C2) Policy HC11 of the Adopted Derbyshire Dales Local Plan (2017) advises that schemes which provide registered care accommodation (Use Class C2) will be supported provided that the type of provision meets identified District needs. It is acknowledged that in regard to residential care bedspaces, there is a recognised need for 500 bedspaces to be provided in Residential Care Homes (Within Use Class C2) over the plan period to 2033. Whilst the Annual Monitoring Report does not include any data on bed spaces provided for C2 developments the Councils Planning Policy Team have confirmed that there is some emerging evidence which suggests that there still remains a need for over 500 bed spaces for the plan period. As such there is a recognised need for such a facility in accordance with Policy HC11.
- 7.7 In this respect whilst the development would conflict with parts of Policy S4, concerning new development in the 'countryside' there is a recognised need for registered care accommodation with the Derbyshire Dales area, given the location of the site on the edge of the defined settlement boundary of Ashbourne, the principle of residential accommodation in the form of a C2 use in this location, close to public transport, public amenities, shops and community facilities is considered to be acceptable.

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

- 7.8 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) relates to design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development so as not to cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.9 Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) deals with protecting the historic environment which states the District Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals

contribute positively to the character of the built and historic environment.

- 7.10 Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017) seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement.
- 7.11 Policy DES1 of the Ashbourne Neighbourhood Plan (2021) advises that planning permission will be granted for new developments where they incorporate high quality sustainable design and are proportionately to the scale and nature of the development.
- 7.12 The existing farmstead at Leys Farm (dating from 1830) is deemed to be a non-designated heritage asset. A 'heritage asset', as formally defined in the National Planning Policy Framework can comprise a building, identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. As a designed building of early 19th century origin retaining a large amount of original fabric, form and layout and its socio-historic interest its identification as a non-designated heritage asset recognised a degree of significance to this historic building complex. The application is accompanied by a Heritage Impact Assessment (HIA) whereby the building itself, its attendant buildings, its social and cultural history have all been assessed. The Heritage Impact Assessment identifies some modest heritage significance, it opines that Leys Farm 'is neither remarkable as a domestic dwelling nor farmstead. With its landscape setting, which is key to its appreciating significance, so eroded, the level of significance that can be attributed to it is minimal'. Furthermore, the HIA states that the buildings do 'not lie within the minority of buildings that merit material consideration in the planning process' and concludes that 'should the local authority still be minded to consider the building a non-designated heritage asset, in accordance with Paragraphs 184 and 197 of the National Planning Policy Framework, and accounting for its modest heritage significance, little if any weight can be afforded to its demolition in the planning balance'.
- 7.13 The Local Planning Authority does not dispute the findings that the farmhouse/farm buildings are 'neither remarkable as a domestic dwelling nor farmstead'. However, that does not equate to them having no significance or heritage interest. As the Heritage Impact Assessment concludes, the complex does have 'modest heritage significance' which could equate to a 'degree of significance' as identified as a requirement, by the National Planning Policy Framework (2021). Notwithstanding the above, based on the findings of the Heritage Impact Assessment it is acknowledged that appropriate redevelopment of the site in terms of the scale, form, massing, design, detailing, materials and impact of any buildings on their surrounding could be demonstrated to outweigh the loss of the farmhouse/farm buildings.
- 7.14 The application proposes the erection of a 70 no. bed car home building set predominantly over one and half storeys with rooms with the roof-space. The application is accompanied by a Landscape and Visual Impact Appraisal and Heritage Impact Statement which provides some appraisal of the land and how the proposal would sit within its immediate context.
- 7.15 The application site occupies an elevated position within the landscape. The wider more immediate context is a relatively low density comprising of 2 storey suburban development. It is recognised that the granting of housing on what was open land to the south of the site has changed the character of this locality.
- 7.16 Planning permission for a care home and 9 dwellings on the site was refused by committee in June 2021 with the first reason for refusal stating:-

"The proposed development, by reason of its siting, size and scale would introduce an incongruous form of development on this visually prominent site that does not respect the character, identity and context of this part of the settlement. As such it would represent an intrusive and uncharacteristic form of development, contrary to policies S1, S2, S4, S8, PD1,

- 7.17 This proposal seeks to overcome this reason for refusal as extensive changes to the building have been made and the 9 dwellings removed from the scheme. The building is proposed predominantly with one and half storeys utilising the roof space with the insertion of pitched roof dormers set into the roof slope. The scale and mass of the building has been significantly reduced removing the majority of the three floors of accommodation to two floors utilising the roof space, apart from in the north eastern section where there are two floors of accommodation together with the roof area fully utilised. The mass of the building is broken up by both changes to the roof heights, the gable feature of the entrance to the north and balcony to the south and differing materials. The ridge heights vary from 11m in the north eastern part to lower ridges in the central part of 6.3m.
- 7.18 The linear building reads as a series of one and half storey sections lying centrally within the site and separated from the existing dwellings by the extensive garden areas that surround it with the retention of high quality trees in the north eastern part adjacent to Wyaston Road and the dominant Scot Pines in the western part. The design is considered high quality and there is confidence that with specific conditions controlling the details such as materials, windows, eaves details and the entrance canopies that the building would assimilate within its context and provide a positive contribution to the locality. The proposal reflects the design advice given at the pre-application stage in relation to materials, the eastern elevation addressing Wyaston Road and its height reduced adjacent to the northern boundary and the walkways surrounding the building being connected.
- 7.19 It is considered that extensive amendments have been made to the scheme that have taken on board the refusal reasons and pre-application advice given which has resulted in a building that would sit comfortably within its context. The landscaping is considered high quality and would create a high quality environment for future residents, maintaining open areas to the east and west framed by existing trees. On this basis, it is considered that the previous refusal reason 1 has been overcome and the loss of the existing farmhouse and farmbuildings is outweighed by the creation of a high quality building fit for its context in accordance with Policies PD1, PD2 and PD5.

Impact on residential amenity

- 7.20 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development so as not to cause unacceptable effects by reason of noise or other adverse impacts on local character and amenity.
- 1. The proposed development by reason of its site, scale and elevated position would have an overbearing impact on immediate neighbours and would afford direct views into the front and rear gardens of neighbouring properties resulting in a significant loss of amenity and privacy, contrary to the aims of Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017) and the guidance contained with the National Planning Policy Framework (2019).*
- 7.21 The application site is bounded by a number of residential properties including nos 1, 3, 5, 7 and 15 Premier Avenue to the north and at present 18 Wyaston Road, 38 and 40 Acorn Drive and 10 Bluebell Close which forms part of the recently approved and partially completed development of 113 no. dwellinghouses (application ref: 17/00250/REM and 19/00073/REM) to the south and east of the application site. The immediate context is a relatively low density of 2 storey suburban fringe residential development which has

continued through to the new development of 113 no. dwellings, known as Henmore Gardens.

- 7.22 The relationship with the surrounding properties has been significantly improved through the scaling down of the building by reducing it to predominantly one and half storeys. Distances between the existing dwellings on Premier Avenue are considered acceptable with sections provided to aid the assessment. It is acknowledged that the highest section of the building would be adjacent to the boundary with No. 1 Premier Avenue, however, as the section illustrates that the proposed building would extend to the high of 10.5m to the ridge at a distance of 19m. The ground floor bedroom windows would be screened by the existing boundary wall and this property has its side gable adjacent to the boundary with non-habitable room windows on the ground and first floor. The proposed first floor windows of the kitchen would be high level and obscure glazed to minimise any overlooking. No. 3 Premier Avenue has its rear elevation and conservatory facing the boundary, however, distances of 20-21m are achieved between the proposed building and the rear elevation which is considered an acceptable relationship. No's 7 and 9 Premier Avenue are set at an angle with the southern boundary and distances of 24-25m are achieved between windows to minimise any adverse overlooking impact.
- 7.23 Comments have been made with regard the location of the main entrance adjacent to the northern boundary and the noise and disruption that would ensue. It is considered that the majority of activity at the entrance would be during the day with limited use in the evenings, however, due to the nature of the care home use, hours of use of the building once operational cannot realistically controlled as ambulances and staff would require 24 hour access. It is considered that the boundary wall and proposed tree screening would act as a sufficient buffer to minimise disturbance to properties on Premier Avenue.
- 7.24 The development of Henmore Gardens is under construction, however, any occupied properties have been consulted on the proposal and an assessment of impacts in terms of residential amenity impacts has been undertaken. The majority of properties constructed or approved within this development have blank elevations adjacent to the boundary and where there are habitable room windows the proposed scheme does not propose habitable room windows adjacent to avoid any adverse overlooking impacts. Existing trees adjacent to this boundary would be retained which would help soften the building from this direction. Concern has been expressed about the impact of the proposed balconies but these are either set well within the site or are designed to look into the site such that any impact on the amenity of neighbours will be minimal.
- 7.25 It is considered that the proposal due to its lower height and reduction in levels of accommodation to be contained to two floors would have an acceptable relationship with existing residential properties to the north and south and more in keeping with the scale of these properties at two storey. Whilst, there would be some degree of impact on the amenity of these properties, it is not considered significant and thus the second refusal reason previously issued is overcome. On the basis of the above assessment the proposal is considered to accord with Policy PD1.

Highway safety

- 7.26 The Local Highway Authority considers the proposed access to be acceptable. The scale of parking (including cycle parking) proposed is considered appropriate for the number of bedrooms proposed and space has been provided to enable service and delivery vehicles to turn.
- 7.28 The Local Highway Authority conclude that no objections are raised against the application, subject to conditions.

Ecological Impacts

- 7.29 The application is accompanied by a Preliminary Ecological Appraisal, Bat Activity Survey Report, Tree Survey Report and Biodiversity Enhancement Plan. Derbyshire Wildlife Trust considers that the bat survey work is sufficient to inform the planning application, however update survey work will be required by Natural England for the licence application as it is now over a year old. It is also essential that lighting is well-considered at the site to support the suitability of the new bat roosting features. A lighting plan may be required as part of the licence application and shall be secured by a planning condition. Further details of the bat mitigation was requested and has been received confirming that the bat loft is proposed to be located on the second floor, as shown on the second floor plan which includes the dimensions of the bat loft. The locations of bat boxes (to be placed upon the interior gable end walls on a ply-board lining) and the area of roof where dormer vents would be placed to allow bat access to the bat loft are now also indicated on the plan. This information has yet to be reviewed by the Trust and their comments shall be reported at committee.
- 7.30 With regards to Biodiversity Net Gain, the Trust advised that a metric should be provided to quantify losses and gains, stating it may be necessary to incorporate flowering lawns/wildflower grassland within the landscape masterplan, along with native scrub in suitable areas. The northern boundary would be a good location for planting as this was also identified within the Bat Activity Survey Report as a corridor for foraging/commuting bats. A Net Gain Plan should be submitted explaining how this would be achieved and referencing the BNG Best Practice Principles.
- 7.31 In response to this request, the agent considers that a metric to quantify losses and gains and a Net Gain Plan explaining how this will be achieved do not need to be provided in this instance. Local Plan Policy PD3 Biodiversity and the Natural Environment does not require the use of a metric, nor does it stipulate a required gain percentage. The policy only *'encourages development to include measures to contribute positively to the overall biodiversity of the Plan area to ensure there is an overall gain to biodiversity'*. The National Planning Policy Framework advises that when determining planning applications, local planning authorities should apply the following principles: *a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*. In this case the Preliminary Ecological Appraisal sets out a number of ecological enhancement measures, which would improve the quality of the site for native flora and fauna, including habitat piles, hedgehog tunnels, bird boxes and native planting, including native shrubs and wildflower areas providing food, nectar and nesting opportunities. Furthermore, native shrubs, wildlife friendly planting and tree planting is proposed at the boundaries of the site, including the northern boundary, to improve connectivity around the site and provide foraging resources for wildlife. In addition to the proposed mitigation measures (set out in the PEA), the delivery of these enhancements would lead to an overall Neutral-Minor Beneficial impact. The proposed development would therefore comply with Policy PD3 and deliver adequate compensation for any habitat loss so as to comply with national planning policy.
- 7.32 The applicant acknowledges that the Environment Act, which received royal assent in November 2021, sets out a mandatory 10% biodiversity net gain to be calculated using the Biodiversity Metric and approval of a net gain plan. However, this will require secondary legislation to come into force and therefore it is not a legal requirement yet. In a recent planning appeal decision (Ref. APP/Y0435/W/20/3251121, Land at Brickhill Street, South Caldecotte, Milton Keynes MK17 9FE, October 2020), where Milton Keynes Council refused planning permission partly due to a failure to achieve a 10% biodiversity net gain, the Inspector attached greater weight to the adopted Plan:MK Policy NE3, which does not set

out any specific level of biodiversity net gain, stating that '*while the Environment Bill [now Act] is a material consideration, it is not yet law*'. On this basis, it is considered that the requirement for 10% net gain cannot be required in this case.

7.33 The application is accompanied by a Tree Survey Report which identifies approximately 43 trees on site, many of which are located along the Wyaston Road frontage. It is noted that the development is affected by 4 no. Scots Pine trees protected by Derbyshire Dales District Council TPO/107/G5, one of which is located within the application site. An updated Arboricultural Impact Assessment and Arboricultural Method Statement was submitted for consideration which has been reviewed by the Councils Trees and Landscapes Officer who acknowledges that the application proposes the removal of a significant amount of trees, but confirms that they appear to be relatively small specimens and have been assigned to a low quality category – category C of BS55837:2012 which do not represent a constraint to development. A number of trees within the site are of particular importance, including T2, T12, T46, T48, T54 and T56, as set out on drawing number B18095-TLP-601. The use of no-dig construction in root protection area has been put forward by the applicant which the Councils Trees and Landscapes Officer welcomes and concludes that revised proposal is considered to be acceptable, subject to conditions.

Other Matters

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

7.35 There would be a need to mitigate the impact of the development on health facilities and as such a contribution to local NHS GP Practices shall be secured in line with the requirement outlined in the NHS Derby and Derbyshire Clinical Commissioning Group response to consultation by way of a S106 agreement or unilateral undertaking.

7.36 Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design.

7.37 The sustainability measures set out in the Energy and Sustainability Statement which have been incorporated within the design of the care home include;

- Waste: a Site Waste Management Plan has been prepared (by Virtus Consult) to ensure that a high proportion of construction waste is diverted from landfill either through re-use or recycling;
- Water: the development will seek to reduce water use where possible, for example through the use of low and dual flush WCs, water efficient wash hand basins and sinks, aerated or low flow shower heads;
- Materials: these will be sourced locally where possible or preferably from manufacturers who participate in responsible sourcing scheme;

- Adaptation to climate change: flexible building envelope to allow extension and contraction of the building form as required for future use, inclusion of green infrastructure to reduce the urban heat island effect and provide passive cooling.
- Solar gain: The orientation of a building together with a proportion and positioning of glazing areas will control thermal comfort to ensure that additional mechanical ventilation is not required for future weather scenarios. Photovoltaic (PV) panels will be incorporated into the development to meet a proportion of the site's electricity requirements.

7.38 As a result of those passive, active and renewable measures, Energy and Sustainability Statement confirms that the care home will achieve a 16% reduction in carbon emissions, against its Building Regulations Part L baseline. Having read the supporting Sustainability and Energy Statement the use of sustainable design principles, sustainable construction techniques and sustainable materials throughout the development in terms of its design, construction and materials will help minimise the effects of the new development on the environment.

7.39 The application site lies within Flood zone 1 - land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%). The application is accompanied by a Flood Risk Assessment which has been reviewed by the Lead Local Flood Authority who conclude following further clarification from the applicants with regard to the adoption of the attenuation tank, impermeable area plan and drainage calculations that subject to conditions to ensure adherence to National Planning Policy Framework (2019), DEFRA's Non-statutory technical standards for sustainable drainage systems no objection is raised to the application. The prospect of achieving BREAM very good standard accords with Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

Conclusion

7.40 The Local Planning Authority acknowledges that there is a recognised need for registered care accommodation with the Derbyshire Dales area. The proposal will make a significant contribution to addressing this need with a 70 bed high quality care home with associated environmental and sustainability enhancements and accords with policies S1, S2, S4, S8, PD1, PD2, PD5, HC1 and HC11 of Adopted Derbyshire Dales Local Plan (2017), Policy DES1 of the Ashbourne Neighbourhood Plan (2021) and the guidance contained within the National Planning Policy Framework (2019). A recommendation of approval is put forward on this basis.

8. RECOMMENDATION

8.1 That authority to grant planning permission for the demolition of existing buildings and erection of a care home (Use Class C2) with associated parking, access and landscaping be delegated to the Development Manager or the Principal Planning Officer on completion of a Section 106 Agreement to secure a contribution of £13,440 for the closest practices of Ashbourne Surgery and Ashbourne Medical Practice and subject to the following conditions:

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

Reason:

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

2. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking or re-enacting those Orders with or without modifications), the accommodation shall be used for Class C2 'Residential Use' only and shall be used for no other purpose, including any other activity within the same class of the schedule to that Order.

Reason:

The application proposes register care accommodation and has been assessed on this basis. Alternative use of the accommodation may not be acceptable in accordance with the aims of Policies S4 and HC11 of the Adopted Derbyshire Dales Local Plan (2017) and may result in the need to make developer contributions in accordance with the aims of Policy HC11

3. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials/ site accommodation/ loading and unloading of goods vehicles/ parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason:

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

4. Throughout the construction period of the development vehicle wheel cleaning facilities shall be provided and retained within the site.

Reason:

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

5. The premises the subject of the application shall not be taken into use until the existing vehicular access to Wyaston Road has been modified in accordance with the revised application drawing.

Reason:

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

6. In association with condition 3 there shall be no gates within 15m of the highway and any such gates shall be hung so as to open into the site only.

Reason:

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

7. The premises the subject of the application shall not be taken into use until the internal access road, parking (including cycle parking) and turning space has been provided in accordance with the application drawing and maintained thereafter free from any

impediment to its designated use.

Reason:

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

8. Access to the site shall be via the proposed access as shown on the application drawing and any other access to Wyaston Road shall be formally closed in a manner to be agreed by the Local Planning Authority, with the highway margin and kerb being fully reinstated.

Reason:

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

9. 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. FAIRHURST. 01/10/2021. *Flood Risk Assessment*. 129583-200 issue 1. Including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team, and
- b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

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

Reason:

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

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

Reason:

To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

11. Prior to commencement of the development, the applicant shall submit for approval to the LPA 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.

Reason:

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

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

Reason:

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

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

Reason:

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

14. Prior to the works beginning on the superstructure a programme for the delivery of the measures to mitigate the effects of and adapt to climate change shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be carried out in accordance with the approved programme.

Reason:

To ensure the delivery of measures to address the requirements of Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

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

16. Prior to being installed, the following details, and samples where necessary, shall be submitted to and agreed in writing by the Local Planning Authority:

- 1:20 plan or similar details of the eaves including the finished colour of any soffit or fascia detail.
- Details of the siting, appearance and finished colour of any meter boxes, alarm boxes or external pipes.
- Details of all external lighting of the site.

- Details, including the pattern, recess, type, finish and colour of all windows and doors.
- Details of the verges which shall be given a plain mortared finish without the use of bargeboards.
- Details of all rainwater goods which shall be of a black finish.
- 1:20 plan or similar of all canopy details including the materials and finishes.

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

Reason:

To ensure an appropriate appearance in accordance with policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

17. Prior to erection, details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with the approved details prior to the development being first brought into use.

Reason:

In the interests of visual amenity and the character and appearance of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

18. The first floor window(s) in the north elevation serving the kitchen hereby permitted shall be glazed in obscure glass prior to the first occupation of the building and thereafter retained in perpetuity.

Reason:

To preserve the amenity of nearby residential properties in accordance with in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

19. The details of the screening of the balcony on the western elevation shall be erected in accordance with the details which shall have been previously submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building hereby permitted and shall be retained and maintained as such at all times thereafter.

Reason:

To prevent overlooking and loss of privacy to neighbouring property in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

20. The development hereby permitted shall be carried out in accordance with the Phase II Ground Investigation Report and Asbestos Management Survey. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and proposals for how the remediation works will be verified once completed. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with PD9 of the Adopted Derbyshire Dales Local Plan (2017).

21. The development hereby permitted shall be implemented in accordance with Tree Survey Report/ Arboricultural Impact Assessment/Arboricultural Method Statement (September 2021).

Reason:

To ensure the retention of trees in accordance with Policy PD6 of the Adopted Derbyshire Local Plan (2017).

22. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority within 56 days of the commencement of development, the details of which shall include :-
- a) measures for the protection of retained vegetation during the course of development;
 - b) soil preparation, cultivation and improvement;
 - c) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - d) grass seed mixes and sowing rates;
 - e) finished site levels and contours;
 - f) car park layouts;
 - g) other vehicle and pedestrian access and circulation areas;
 - h) hard surfacing materials;
 - i) minor artefacts and structures (e.g. furniture, refuse and other storage units, signs etc), and;
 - j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc)

Reason:

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

23. 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 accordance with the aims of Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017).

24. The pedal cycle store shall be provided with full height 'sheffield' type hoops for each two allocated spaces to enable the securing of both frame and wheels prior to first occupation of the care home.

Reason:

For the provision of secure cycle parking in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

25. Full details of the plant room and kitchen equipment should be submitted and approved in writing by the Local Planning Authority prior to installation and implemented in accordance with the agreed details.

Reason:

To ensure suitable mitigation to prevent excess noise having an impact on existing residential properties and the proposed development itself in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

26. Construction work, deliveries and other activities on or to the site shall only be carried out between the hours of 0800 and 1800 on Mondays to Fridays; 0900 to 1300 on Saturdays and no working on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason:

To protect the amenity of the occupants of nearby dwellings in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

27. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason:

In the interests of preserving the amenity of the area and in order to minimise light spillage beyond the development site, in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

This planning permission shall be read in conjunction with the accompanying legal agreement under Section 106 of the Town and Country Planning Act 1990 dated.....

The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the type and amount of development and the scale and appearance of the care home.

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.

Highway Footnotes:

Pursuant to Sections 184 and 127 of the Highways Act 1980, prior notification shall be given to the Highway Authority before any works commence in highway on either the modified or closed vehicular accesses. Email Highways.hub@derbyshire.gov.uk

LLFA Footnotes:

The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

The applicant should provide a flood evacuation plan which outlines:

- The flood warning procedure
- A safe point of extraction
- How users can safely evacuate the site upon receipt of a flood warning
- The areas of responsibility for those participating in the plan
- The procedures for implementing the plan
- How users will be made aware of flood risk
- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan

Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

I. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.

- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

On Site Surface Water Management:

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

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.

Volume Control

- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.
- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

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

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

- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

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

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.

Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.

- Drawing details including sizes and material.
 - Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.
- Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

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

The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

This Decision Notice relates to the following documents:

4408-WRD-XX-ZZ-DR-A-0080 Rev.P06 Site Location Plan
 4408-WRD-XX-00-DR-A-0200 Rev.P011 Proposed Ground Floor Plan
 4408-WRD-XX-01-DR-A-0201 Rev.P010 Proposed First Floor Plan
 4408-WRD-XX-XX-DR-A-0203 Rev.P08 Proposed Roof Plan
 4408-WRD-XX-ZZ-DR-A-0300 Rev.P010 Proposed North-East and North-West Elevations
 4408-WRD-XX-ZZ-DR-A-0302 Rev.P05 Proposed North-East and South-West Sectional Elevations
 4408-WRD-XX-ZZ-DR-A-0302 Rev.P011 Proposed South-East and South-West Elevations
 4408-WRD-XX-ZZ-DR-A-0303 Rev.P05 Proposed Site Sections
 4408-WRD-XX-00-DR-A-0500 Rev.P022 Proposed Masterplan
 B18095-101J Landscape Masterplan
 129583/2000 Rev.D Proposed Drainage Strategy
 129583/2001 Rev.B Impermeable Area Plan
 129583/2002 Rev.C Flood Exceedance Plan
 Updated Preliminary Ecological Appraisal (September 2021)

Bat Activity Survey Report (June 2020)
Bat access tile set specification
Landscape and Visual Appraisal Addendum (April 2021)
Tree Survey Report/ Arboricultural Impact Assessment/Arboricultural Method Statement
(September 2021).
Construction Management Plan
Landscape and Visual Impact Assessment
Planning Needs Assessment
Site Waste Management Plan
Flood Risk Assessment
Energy and Sustainability Assessment
Asbestos Management Survey
Archaeological Assessment
Heritage Impact Assessment
Energy and Sustainability Statement Oct 2021
Phase II Ground Investigation Report

APPLICATION NUMBER		21/01278/FUL	
SITE ADDRESS:		South Barn, Overtown, Hognaston, Derbyshire, DE6 1NR	
DESCRIPTION OF DEVELOPMENT		Conversion of outbuilding to holiday let with raising of roof and associated alterations	
CASE OFFICER	Mr J Baldwin	APPLICANT	Mrs Phillips Moul
PARISH/TOWN	Hognaston	AGENT	Mr J Imber
WARD MEMBER(S)	Cllr Lewis Rose Cllr Richard FitzHerbert Cllr Dermot Murphy	DETERMINATION TARGET	17.12.2021
REASON FOR DETERMINATION BY COMMITTEE	Requested by Cllr Richard FitzHerbert	REASON FOR SITE VISIT (IF APPLICABLE)	For members to assess the contribution the building makes to its surroundings and to assess the impact of the works on the character and appearance of the building and adjacent dwelling.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> – The acceptability of converting the outbuilding to holiday accommodation – The impact on character and appearance of the existing building and its surroundings – Highway safety – Impact on protected species

RECOMMENDATION
That Planning Permission be Refused

21/01278/FUL - South Barn, Overtown, Hognaston

Not Set



Derbyshire Dales DC

1:1,250

Date: 21/12/2021

100019785

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

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located to the north of Hognaston and south of Carsington. South Barn is a former agricultural building converted to a dwelling, following planning permission being granted in 1988 under application ref. code 0788/0476. This application relates to an existing double garage building located to the south of the property which was approved in 1996 under application ref. code 0296/0102. The existing garage is of stone construction with a plain clay tiled roof.



2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the conversion of an existing detached garage building to a holiday let with associated external alterations as shown on the submitted plans received by the Local Planning Authority on 22nd October 2021. In order to provide accommodation at first floor level it is proposed to raise the ridge height and construct a dormer to the rear elevation.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017):
 - S4: Development in the Countryside
 - PD1: Design and Place Making
 - PD3: Biodiversity and the Natural Environment
 - PD7: Climate Change
 - HC8: Conversion AND Re-Use of Buildings for Residential Accommodation
 - HC19: Accessibility and Transport
 - EC8: Promoting Peak District Tourism and Culture
2. National Planning Policy Framework (2021)
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

0788/0476	CONVERSION OF OUTBUILDINGS TO 2 DWELLINGS	A	16/08/198 8
0296/0102	ERECTION OF DETACHED GARAGE	A	11/04/199 6

5.0 CONSULTATION RESPONSES

Hognaston Parish Council

- 5.1 The access to the site is on a narrow lane and through a working farmyard, increased traffic, especially from those unfamiliar with the road and rural workings of the farmyard will cause issues for the existing properties and farm business. There is just one formal passing place. The proposed use is for a holiday let so there would be a (at least) weekly turnover of occupants.

The roof to the building requires raising for it to be suitable for a domestic property, this will alter the height and profile of the existing building affecting the roofline. The conversion cannot therefore be achieved within the existing building.

Details of the sewage provision is not in the application, this could have implications for the existing properties as mains sewage is not available to the proposed holiday let but relies on a Septic tank and run off to fields.

Derbyshire County Council (Highways)

- 5.2 No objection.

Derbyshire Wildlife Trust

- 5.3 The proposed works will directly impact upon the existing roof of a barn, along with conversion internally to a holiday let. As such, there is potential for roosting bats and nesting birds to be adversely affected by the works, if present. To determine the suitability of the building for these species, a Preliminary Bat Roost Assessment should be undertaken by a suitably qualified ecologist. This work should be undertaken prior to determination of the planning application to ensure that the LPA can discharge their duty under the Habitats Regulations 2019 (as amended) and give proper regard to the requirements of the Habitats Directive in the exercise of their functions i.e. they must demonstrate their consideration of the 'three tests' with regards to roosting bats. No works of any kind should be undertaken to the building until this assessment has been undertaken and a decision has been made by the LPA.

The results of the assessment should be presented in accordance with current guidelines, such as Ecological Report Writing (CIEEM, 2017), British Standard BS 42020: 2013 and Bat Conservation Guidelines (Collins, 2016). The report should make clear the requirement for any further survey work and it should be noted that if further survey is required, this should also be completed prior to determination of the planning application. The report should include any requirement for licensing and details of mitigation and enhancement measures appropriate to the site to result in a net gain for biodiversity.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of four representations have been received in objection to the proposed development, a summary of these representations is set out below:

- The number of properties along the lane has increased from four to nine and the addition of a further property would feel increase traffic and pedestrian movements along the narrow lane to an unacceptable level and ultimately compromising safety for all concerned.
- The submitted statement states that the lane is lightly trafficked and that there are ample opportunities along the lane for vehicles to pass without causing congestion. This is not the case, the lane is far from lightly trafficked and the "passing places" referred to do not exist without going onto or into private property.
- The submitted statement states that proposals will not prejudice the safe or efficient use of the highway. Over recent years both traffic and pedestrian movements have increased dramatically to the point where the safe and efficient use is already compromised. We feel that the slightest increase of traffic will only serve to intensify the problem
- The statement states that the proposals constitute sustainable development. We would suggest that a one bedroomed holiday let is likely to contribute in a minimal way
- The property in question is situated adjacent our farmland with fields to the rear, side and opposite. We are already struggling with dog attacks on our livestock which have happened mainly during the holiday season. We are very concerned that we may see an increase in these sort of incidents.
- It should also be noted that there are already existing drainage issues with regards to the septic tank/soakaway to the main property (South Barn) which frequently overflows and floods the surrounding area. This suggests that the tank is already inadequate and our concern is that too add other toilet/shower/washing machine facilities will only serve to make the problem much worse.
- Concerns regarding the safety of children and pedestrian due to the increased traffic along the lane.
- There are existing issues with access to properties along the lane.
- The proposed new dormer is out of keeping with the style of rural buildings along the lane.
- Concerns that this application would set a precedent for other conversions along the lane.
- The proposal indicates that surface water will be dealt with by a soakaway. It appears that currently water from the washing machine housed in the garage discharges straight into the field below through a pipe in the wall. The form also states that it is unknown what will happen to the associated sewage and that it is unknown whether it will connect into existing facilities. This seems entirely unsatisfactory given the current arrangements.
- South Barn has been used as a holiday let by the previous owners. In such a small community this inevitably led to noise and nuisance for the neighbours. It is believed that given the buildings proximity to Overdales Barn, Overdales Farm, Firethorn Cottage and Overtown Farm that this will once again create disruption to the residents.
- The Carsington area is already well catered for in terms of holiday accommodation with at least 4 caravan sites currently and numerous other forms of holiday accommodation.

7.0 OFFICER APPRAISAL

- 7.1 The following material planning issues are relevant to the assessment of this application:
- The acceptability of converting the outbuilding to holiday accommodation
 - The impact on character and appearance of the existing building and its surroundings
 - Highway safety considerations, and
 - The impact on protected species.
- 7.2 The site is located outside of a defined settlement boundary and as considered to be located in open countryside. The principle of development should therefore be considered against Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) which lists a number of circumstances new forms of residential development may be supported. Criterion (i) of Policy S4 supports the conversion and re-use of buildings for new residential development in accordance with Policy HC8. Paragraph n) of Policy S4 states that in the case of proposals to re-use an existing building or buildings that are capable and worthy of conversion, they should positively contribute to an established local character and sense of place.
- 7.3 Policy HC8 of the Local Plan deals specifically with the 'conversion and re-use of buildings for residential accommodation'. Although self-contained holiday accommodation is a type of residential accommodation, falling under the C3 use classification, where appropriate an occupancy restriction would be imposed to ensure that the building was used as a holiday let. In this respect, such accommodation would not count towards the Council's housing needs requirement and there is no need to apply a tilted balance in favour of the development, as the policies within the development plan which deal with new tourism development align with national guidance and are not considered to be out of date.
- 7.4 Policy PD1 of the Adopted Derbyshire Local Plan 2017 deals with design and place making and requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales landscapes and contribute positively to an area's character, history and identity in terms of scale, height, density, appearance and materials and relationship to adjacent buildings.
- 7.5 In this case, the application relates to a recently (relatively) constructed freestanding garage building which is of permanent and substantial construction. It is a simple domestic building that is secondary in form, scale and appearance to the main dwelling (a former barn). The building does not make a positive architectural or historic contribution to its surroundings and its conversion and associated extensions and alterations to create a holiday let would result in an incongruous built form and relationship with this principal building on site.
- 7.6 The Adopted Conversion of Farm Buildings SPD highlights that proposals to construct new garage buildings within the curtilage of former farm buildings would 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 buildings or farm group". Whilst the permission granted for the garage building pre-dates the adoption of the SPD, it remains the case that the building was designed with a simple, rectangular plan form, of a modest scale and of stone construction with a clay tiled roof to appear as modest, secondary outbuilding associated with the adjacent buildings. It makes a neutral contribution to its surroundings. In this regard, there are significant concerns, which have also been raised by local residents that the installation of the dormer to the rear would be detrimental to the buildings appearance and relationship with the main dwelling on site. There would be no agricultural justification for such an alteration to the building and as a result the proposal appears overly domestic in its appearance which would be harmful to the character and appearance of the existing building and its surroundings. The proposal is therefore considered to be contrary to Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

- 7.7 Policy EC8 of the Adopted Derbyshire Dales Local Plan seeks to promote Peak District Tourism and Culture and states that this will be achieved by supporting tourism and provision of visitors which is appropriate to the settlements and countryside and consistent with environmental objectives. On the basis that the development will not involve a building that positively contributes to its surroundings and the level of alteration and extension would be harmful to its appearance and surroundings, such development, which would be remote from basic services and facilities and public transport connections would constitute an inherently unsustainable and harmful form of development in the countryside. It is recommended that the application be refused for the reasons set out above.
- 7.8 The concerns raised by neighbouring residents regarding the additional traffic along the lane are recognised however, given that no objections have been received from the Local Highway Authority regarding the impact of the development on highway safety, it is considered that a recommendation of refusal on this ground could not be sustained at appeal.
- 7.9 Derbyshire Wildlife Trust have requested that a Preliminary Bat Roost Assessment be carried out in order to establish the suitability of the roof of the out building for roosting bats. Without this information, the Local Planning Authority is unable to consider the presence or otherwise of protected species and the extent to which they may be affected by the proposed development. In the absence of adequate information, the Local Planning Authority is unable to discharge its duties in respect of the Habitats Regulations (2019) as amended and as such the development would be contrary to the aims of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017). It is recommended that the application be refused for this reason also.

8.0 RECOMMENDATION

8.1 That planning permission be refused for the following reasons

1. The proposed development involves the conversion of a domestic outbuilding that sits within the curtilage of a barn conversion dwelling in the countryside, remote from basic services and facilities for use as a holiday let. The outbuilding does not make a positive contribution to its surroundings and the degree of extension and alteration proposed to facilitate the use would have a detrimental impact on the character and appearance of the outbuilding and adjacent dwelling. The proposal would therefore result in an unsustainable and harmful form of development in the countryside that would be contrary to the aims of Policies S4, PD1 and EC8 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2021).
2. The application as submitted is not accompanied by sufficient information to demonstrate the presence or otherwise of protected species and the extent to which they may be affected by the proposed development. In the absence of adequate information, the Local Planning Authority is unable to discharge its duties in respect of the Habitats Regulations (2019) as amended and the development would be contrary to the aims of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework 2021.

9.0 NOTES TO APPLICANT:

- 9.1 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.

This decision notice relates to the following documents:

Planning Statement

Location Plan

Block Plan

Plans and Elevations as Existing

Plans and Elevations as Proposed

Ashbourne North

ENF/18/00020	Unauthorised signage and changes to shop front	Diamond Geeza Barbers 3 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
ENF/19/00082	Siting of caravan and alterations to associated access track	Land To The Rear Of Woodcock Delph And Adjacent To Herdsman Close Farm Ashbourne Road Fenny Bentley Derbyshire	Pending Consideration
ENF/19/00154	Breach of Conditions 19 and 20 of Planning Permission 09/00496/FUL (Allowed on appeal)	The Mount 4 North Avenue Ashbourne Derbyshire	Pending Consideration
ENF/20/00003	Installation of solar panels to roof	13 Church Street Ashbourne Derbyshire DE6 1AE	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/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/18/00196	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	Without planning permission a) unauthorised building and engineering operations comprising a wider access, hard surfaced track to a newly created hardstanding area, the formation of a raised deck area and surfacing upon which children's play equipment has been sited on the land edged blue b) the material change of use of the land edged blue from agricultural to recreational use and c) the use of the land edged red as a caravan and camping site	Land North West Side Of Manystones Lane Brassington Derbyshire	Pending Consideration

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 Knockerdow Inn Knockerdow Ashbourne Derbyshire	Pending Consideration
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Clifton And Bradley

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
ENF/21/00078	Rear Boundary Fence in excess of 2m in height	West View Church Road Churchtown Darley Dale Derbyshire DE4 2GG	DM Application Received
ENF/21/00107	Extension allegedly not being built to the approved plans.	46 Hill View Hackney Road Hackney Derbyshire DE4 2PX	Pending Consideration
ENF/21/00182	The level of foundation for the garage is now much higher than originally proposed. No drainage solutions possible if walls are completed.	Lilac Cottage Holt Road Hackney Derbyshire DE4 2QD	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/18/00177	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
ENF/21/00101	Erection of timber pergola with pvc corrugated roof in rear garden of Grade 2 listed building. Unsympathetic to the area and poorly constructed.	53 The Hill Cromford Derbyshire DE4 3QR	Pending Consideration

Matlock All Saints

ENF/18/00042	Unauthorised alteration of shop frontage	Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT	Notice Issued
ENF/19/00044	Erection of verrandah to top of shed	133 Smedley Street Matlock Derbyshire DE4 3JG	Notice Issued
ENF/21/00140	Erection of a fence around land at the address which is above 1m in height adjacent to a highway	69 Victoria Hall Gardens Matlock Derbyshire DE4 3SQ	Pending Consideration
ENF/21/00162	Dwelling being let out as holiday accommodation for larger groups	65 Cavendish Road Matlock Derbyshire DE4 3HD	Pending Consideration

Matlock St Giles

ENF/13/00084	Unauthorised erection of workshop	Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY	Notice Issued
ENF/17/00020	Unauthorised use of land for the storage and stationing of caravans.	Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ	Notice Issued
ENF/18/00178	The development is not in accordance with the approved plans.	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Pending Consideration
ENF/19/00008	Use of land for the parking of vehicles, unloading and storage of aggregates, unloading and storage of domestic and business waste and as a personal allotment with a greenhouse	Land To The Rear Of Sunnyside Farm Riber Road Riber Matlock Derbyshire DE4 5JU	Pending Consideration
ENF/19/00015	Formation of access onto a classified road (A615)	The Cottage Alfreton Road The Cliff Matlock Derbyshire DE4 5EZ	Notice Issued
ENF/19/00168	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/21/00007	Unauthorised building works at rear of property to create a raised decking area and boundary fence.	12 Portway Drive Matlock Derbyshire DE4 3TS	Pending Consideration
ENF/21/00015	Unauthorised erection of banner sign on front facia of shop.	Bow Boutique 8 - 10 Causeway Lane Matlock Derbyshire DE4 3AR	Pending Consideration
ENF/21/00029	Alleged unauthorised caravan in front garden of property	6 Mooredge Drive Matlock Derbyshire DE4 5LW	Pending Consideration

ENF/21/00033	The developer is digging footings and undertaking other groundworks for the new housing contrary to the requirements of his planning conditions. Footings were being dug on 1st and 2nd March, Prior to discharge of conditions 6 and 12. Waste arisings are being stocked on site. No precautions are being taken to address the presence of contamination within these materials.	Land At Pump Close Matlock Derbyshire	Pending Consideration
ENF/21/00068	Unauthorised engineering works to facilitate new roadway at Thornberries, Land South of Bentley Bridge	Access Track Off Old Stone Lane Matlock Derbyshire	Notice Issued

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/19/00034	Erection of Building	The Orchard Audishaw Lane Boylestone Derbyshire	Notice Issued
ENF/20/00018	Unauthorised change of use of garage block to independent dwelling	Coton Wood Lodge Muse Lane Boylestone Derbyshire DE6 5AB	Pending Consideration
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
ENF/21/00089	unauthorised use of land for the storage of stall buildings, cabins and trailers	Whitehall Farm Hales Green Yeaveley Derbyshire DE6 2DS	Pending Consideration
ENF/21/00091	Unauthorised use of land for recreational purposes (keeping of horses)	Springfields Farm Cubley Lane Marston Montgomery Derbyshire DE6 2FJ	Notice Issued
ENF/21/00104	Building allegedly not in keeping with the plans and conditions of 17/00376/FUL- Currently being used as a dwelling and having been built with a second storey.	Rosemount Mill Lane Roston Derbyshire DE6 2EE	Pending Consideration
ENF/21/00106	Horse exercise area extended without planning permission.	Old House Farm Can Alley Roston Derbyshire DE6 2EF	Pending Consideration
ENF/21/00181	Change of use to pet shop (Use Class E)	Outbuildings At Long Chimneys Farm Darley Moor Ashbourne Derbyshire DE6 2ET	Pending Consideration
ENF/21/00213	Static Caravan	Wheatsheaf Farm Yeaveley Derbyshire DE6 2DT	Pending Consideration

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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Wirksworth

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/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
ENF/21/00009	Operation of logging business on agricultural land	Land To The North East Of West View New Road Middleton By Wirksworth Derbyshire	DM Application Received

ENF/21/00017	Without planning permission the change of use of the agricultural building and associated land to HGV and vehicle repair workshop (Use Class B2) use unconnected to agriculture.	Arm Lees Farm Ryder Point Road Wirksworth Derbyshire DE4 4HE	Pending Consideration
ENF/21/00219	Unauthorised excavations to create a flat level vehicular access onto a classified road	19 Oakerthorpe Road Bolehill Derbyshire DE4 4GP	Pending Consideration

Total Open Cases

92

Enforcement Investigations Closed

In the Month Prior to 21/12/2021



Ashbourne South

ENF/21/00218	Units being erected in the lorry park. Breach of permission 20/00254 regarding height.	Lorry Park Adjacent To Snipesmoor Lane Wellington Place Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire	Duplicated Case	06/12/2021
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Clifton And Bradley

ENF/21/00201	Brewery Lorry knocked over gate post and wall. On rebuilding they have used modern light coloured bricks that don't match the existing.	Saracens Head Church Lane Shirley Derbyshire DE6 3AS	Not in the Public interest to pursue	26/11/2021
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Darley Dale

ENF/18/00121	Unlawful externally illuminated advertisements on land adjacent to Molyneux Business Park and A6 for Creating Spaces Ltd	Creating Spaces (Derbyshire) Ltd Unit 20A Molyneux Business Park Whitworth Road Darley Dale Derbyshire DE4 2HJ	Complied Voluntarily	13/12/2021
ENF/21/00035	Property has been built higher than it should. Not in keeping with the bungalows on either side. 20/00766/FUL	Homecroft Old Hackney Lane Hackney Derbyshire DE4 2QJ	Complaint Unfounded	02/12/2021
ENF/21/00167	Erection of an Extension in Part Retrospect of approved plans	Meadowcroft 8 Hall Rise Darley Dale Derbyshire DE4 2HD	Complied Voluntarily	22/11/2021

Doveridge And Sudbury

ENF/21/00110	Breach of planning application 20/01037/FUL - Owner is storing a large number of heavy metal items within and beside the barn and running a large concrete/stone crushing machine.	Land Opposite Ley Hill Farm Brocksford Doveridge Ashbourne DE6 5PA	Complied Voluntarily	15/12/2021
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Hulland

ENF/21/00173	Obstruction of Path By a Barbed Wire Fence and Considerable Earth Works For A Possible Access Route.	Footpath 8 Hulland Ward SK 249 470	Complaint Unfounded	26/11/2021
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Masson

ENF/19/00138	Siting of shipping containers that are being used as hotel accommodation	Gullivers Kingdom Temple Road Matlock Bath Derbyshire DE4 3PG	Not in the Public interest to pursue	24/11/2021
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ENF/21/00056	Unauthorised engineering works to facilitate track/roadway across a designated wildlife site on land near to Manor Farm, Bonsall.	Manor Farm Pounder Lane Bonsall Derbyshire DE4 2AT	Planning Application Received	07/12/2021
ENF/21/00208	A large workshop approx 6 x 5 metres has been built in July/August 2021. It is in the defined Bonsall Conservation Area.	Land To The East Of Alpine Cottage Bankside Bonsall Derbyshire DE4 2AX	Complaint Unfounded	21/12/2021

Matlock All Saints

ENF/18/00082	Banner signage above main entrance	Harveys Wine Bar And Cafe 119 Dale Road Matlock Derbyshire DE4 3LU	Justification from Officer	13/12/2021
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Matlock St Giles

ENF/21/00070	Signage has been attached to the building, it is a holiday let so not sure if it qualifies as a commercial premises. Doesn't believe an application has been submitted.	45 Matlock Green Matlock Derbyshire DE4 3BT	Not in the Public interest to pursue	02/12/2021
ENF/21/00092	Area of development believed to be within the landscaping plan has been left bare and littered with rubbish.	Land South Of Bentley Bridge Chesterfield Road Matlock Derbyshire	Complied Voluntarily	02/12/2021
ENF/21/00117	Unauthorised shed in front garden of property.	99 Matlock Green Matlock Derbyshire DE4 3BX	Complied Voluntarily	02/12/2021
ENF/21/00185	Conversion of garage may not be compliant with conditions of 19/00077/FUL and query regarding drainage	Park House Matlock Green Matlock Derbyshire DE4 3BX	Complaint Unfounded	29/11/2021
ENF/21/00220	Engineering works to remove large quantities of earth and to change the levels.	Land Off Thatchers Croft Thatchers Lane Tansley Derbyshire	Complaint Unfounded	08/12/2021

Norbury

ENF/18/00142	Siting of shipping container	Land Off Rodsley Lane Yeaveley Derbyshire	Justification from Officer	13/12/2021
ENF/18/00147	Siting of a shipping container	Land Off Rodsley Lane Yeaveley Derbyshire	Justification from Officer	13/12/2021
ENF/21/00112	Possible change of use from agricultural field to garden/domestic use with work carried out appearing to include boundary changes.	Primrose Bank Audishaw Lane Boylestone Derbyshire DE6 5AE	Planning Application Received	01/12/2021

Stanton

ENF/18/00075	Engineering work construction of retaining wall within the curtilage of Grade II listed building	Midland Cottages 1 - 2 Dale Road North Rowsley Derbyshire DE4 2EL	Not in the Public interest to pursue	13/12/2021
ENF/21/00147	Unauthorised erection of garage building to the rear of 45 Northwood Lane.	Access Road At The Back Of 45 Northwood Lane Darley Dale Derbyshire DE4 2HQ	Complied Voluntarily	22/11/2021

ENF/21/00221	Vehicles arriving as early as 6.07AM to set up market stalls. Breach of condition on 21/00986/FUL.	Peak Village Estates Chatsworth Road Rowsley Derbyshire	Complied Voluntarily	10/12/2021
Wirksworth				
ENF/17/00023	Breach of conditions on planning permission 14/00891/FUL	Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS	Justification from Officer	08/12/2021
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	Not in the Public interest to pursue	08/12/2021
ENF/18/00023	Unauthorised erection of fence	Land At Cromford Road Wirksworth Derbyshire	Not in the Public interest to pursue	13/12/2021
ENF/21/00072	Multiple signs advertising the same businesses.	Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS	Complied Voluntarily	02/12/2021

Total Closed Cases **26**

NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 11th January 2022

PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
18/00662/LBALT	Brook Cottage, Pethills Lane, Kniveton	WR	Appeal being processed
20/99972/FUL	87 Belper Road, Ashbourne	WR	Appeal being processed
19/01213/FUL	Four Lane Ends, Gibfield Lane, Hulland Ward	WR	Appeal being processed
20/01289/FUL	Agnes Meadow Farm, Agnes Meadow Lane, Kniveton	WR	Appeal being processed
20/01073/LBALT	Agnes Meadow Farm, Agnes Meadow Lane, Kniveton	WR	Appeal being processed
ENF/21/00025	Land north west side of Manystones Lane, Brassington	WR	Appeal being processed
21/00455/OUT	36 Windmill Lane, Ashbourne	WR	Appeal being processed
21/00229/FUL	Land And Buildings West Of Fernley Hulland Ward	WR	Appeal being processed
21/00969/FUL	Brackendale, Ashbourne Road, Brassington	HH	Appeal being processed
Central			
ENF/20/00120	North Park Farm, Whitworth Road Darley Dale	IH	Appeal being processed
20/00581/FUL	5 Asker Lane, Matlock	IH	Appeal being processed

ENF/20/00164	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed
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20/01247/CLEUD	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed
20/01275/FUL	158 Derby Road, Cromford	HOUSE	Appeal being processed
20/00854/FUL	Darley Hillside Methodist Church, Moor Lane, Darley Dale	WR	Appeal being processed
20/01332/FUL	8-10 Snitterton Road, Matlock	WR	Appeal being processed
21/00441/FUL	Derwent Reach, Aston Lane, Oker, Matlock	HH	Appeal being processed
ENF/21/00017	Armlees Farm, Ryder Point Road, Wirksworth	IH	Appeal being processed
21/01027/FUL	34 Steeple Grange, Wirksworth	HH	Appeal being processed

WR - Written Representations

IH - Informal Hearing

PI – Public Inquiry

LI - Local Inquiry

HH - Householder

OFFICER RECOMMENDATION:

That the report be noted.

BACKGROUND PAPERS

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

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

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

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