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Monday, 8 August 2022

To All Councillors:

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday, 16 August 2022 at 6.00 pm** in the **Council Chamber, Town Hall, Matlock, DE4 3NN**

Yours sincerely,

James McLaughlin
Director of Corporate and Customer Services

This information is available free of charge in electronic, audio, Braille and large print versions, on request.

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AGENDA

SITE VISITS: Attached to the agenda is a list of sites the Committee will visit (**by coach**) on **Monday, 15 August 2022**. A presentation with photographs and diagrams will be available at the meeting for all applications including those visited by the Committee.

1. APOLOGIES FOR ABSENCE

Please advise the Democratic Services Team on 01629 761133 or email committee@derbyshiredales.gov.uk of any apologies for absence.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING (Pages 9 - 16)

12 July 2022

3. INTERESTS

Members 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 Member, 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.

5.1. APPLICATION NO. 22/00590/FUL (Pages 17 - 28)

Single storey rear and porch extensions, application of insulated render to exterior walls and new access and roadway to field at Holly Croft, Trough Lane, Hulland Village, Derbyshire, DE6 3EP.

5.2. APPLICATION NO. 21/00956/FUL (ITEM WITHDRAWN)

Erection of shower block / bin store and formation of access track (part retrospective) at Farley Meadows Camp Site, Bent Farm, Farley Hill, Farley.

5.3. APPLICATION NO. 22/00398/FUL (Pages 29 - 46)

Proposed extensions to create new dementia unit and reception area with associated landscaping works and creation of new parking area at Ivonbrook Residential Care Home, Eversleigh Rise, Darley Bridge, Matlock.

5.4. APPLICATION NO. 22/00409/FUL (Pages 47 - 62)

Demolition of existing dwelling and erection of building comprising of 15 no. retirement apartments with associated undercroft parking at 23 Chesterfield Road, Matlock.

5.5. APPLICATION NO. 22/00575/FUL (Pages 63 - 70)

Retention of change of use of land and building to mixed agricultural and equestrian use at Darwin House, Sydnope Hill, Darley Moor, Matlock.

5.6. APPLICATION NO. 22/00610/OUT (Pages 71 - 80)

Outline planning consent for the erection of 1no. dwellinghouse and removal of existing buildings onsite at Land at Bradbourne Lane, Brassington.

5.7. APPLICATION NO. 22/00616/FUL (Pages 81 - 92)

Two storey extension to side and rear at Whitebeam Cottage, Hillside Lane, Brassington, Matlock, Derbyshire, DE4 4HL.

5.8. APPLICATION NO. 22/00640/FUL (Pages 93 - 110)

Enlargement of existing ground floor retail unit, change of use and conversion of storage building to Use Class E(g)(i) office and 7 no. apartments and demolition of workshop building and erection of replacement building comprising of 4no. apartments at Stones Builders Merchants, Wood Street, Wirksworth, Derbyshire, DE4 4DW.

5.9. APPLICATION NO. 22/00651/FUL (Pages 111 - 126)

Change of use from Storage use to General Industrial (Use Class B2) or Light Industrial (Use Class E(g)(iii)) use at ALS Scaffolding Services Limited, Sunnyside Farm, Whitelea Lane, Tansley.

6. APPEALS PROGRESS REPORT (Pages 127 - 128)

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

BACKGROUND PAPERS (Pages 129 - 130)

Members of the Committee: Jason Atkin (Chair), Richard FitzHerbert (Vice-Chair)

Jacqueline Allison, Robert Archer, Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Helen Froggatt, David Hughes, Stuart Lees, Peter O'Brien, Garry Purdy and Peter Slack

Nominated Substitute Members:

Substitutes – Councillors Andrew Statham, Mark Wakeman, Paul Cruise, Matt Buckler, Dawn Greatorex, Colin Swindell and Steve Wain

SITE VISITS

Members are asked to convene outside Reception, at the front entrance of the Town Hall, Matlock at **9:50am prompt on Monday, 15 August 2022**, before leaving (**by coach**) at **10:00am** to visit the following sites.

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.

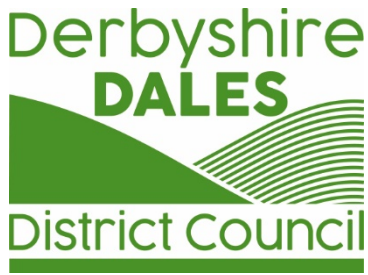
- g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers.
- h) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any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

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SITE VISITS

LEAVE OFFICE		10.00
22/00590/FUL	Holly Croft, Trough Lane, Hulland Village,	10.30
22/00616/FUL	Whitebeam Cottage, Hillside Lane, Brassington	11.00
22/00610/OUT	Land at Bradbourne Lane, Brassington	11.25
22/00640/FUL	Stones Builders Merchants, Wood Street, Wirksworth	12.00
22/00398/FUL	Ivonbrook Residential Care Home, Eversleigh Rise, Darley Bridge	12.40
22/00575/FUL	Darwin House, Sydnope Hill, Darley Moor	13.15
21/00956/FUL	Farley Meadows Camp Site, Bent Farm, Farley Hill, Farley	13.35
22/00409/FUL	23 Chesterfield Road, Matlock	14.00
22/00651/FUL	ALS Scaffolding Services Limited, Sunnyside Farm, Whitelea Lane, Tansley	14.30
RETURN		15.00

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Planning Committee

Minutes of a Planning Committee meeting held at 6.00 pm on Tuesday, 12th July, 2022 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Jason Atkin - In the Chair

Councillors: Sue Burfoot, Neil Buttle, Tom Donnelly, Richard FitzHerbert, Stuart Lees, Peter O'Brien, Garry Purdy, Peter Slack and Mark Wakeman

Chris Whitmore (Development Control Manager), Sarah Arbon (Senior Planning Officer), Tommy Shaw (Democratic Services Team Leader) and Angela Gratton (Democratic Services Officer)

Members of the Public –

Note:

"Opinions expressed or statements made by individual persons during the public participation part of a Council or committee meeting are not the opinions or statements of Derbyshire Dales District Council. These comments are made by individuals who have exercised the provisions of the Council's Constitution to address a specific meeting. The Council therefore accepts no liability for any defamatory remarks that are made during a meeting that are replicated on this document."

APOLOGIES

Apologies for absence were received from Councillor(s): Jacqueline Allison, Robert Archer, Graham Elliott and Helen Froggatt

48/22 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Jason Atkin, seconded by Councillor Tom Donnelly and

RESOLVED (unanimously)

That the minutes of the meeting of the Planning Committee held on 14 June 2022 be approved as a correct record.

49/22 - INTERESTS

Councillor Mark Wakeman declared a non-pecuniary interest in Item 5.7. Application No. 22/00383/FUL Derwent Gardens.

50/22 - APPLICATION NO. 22/00441/FUL

The Senior Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Tim Allen (Agent) spoke in support of the application. Ms Louise Redfern (Local resident), Mr William Hibbert (Biggin Parish meeting), Ms Geogina Geraghty (Kirk Ireton Parish Council) and Ms Wendy Whitbread (Local resident) spoke against the application.

Consultation responses were set out in section 5 of the report.

Following publication of the agenda:

A representation had been received from Kate Chubb and it is summarised below.

The original Georgian farmhouse ought to be preserved and enhanced, not razed just because VAT is not payable on new builds.

At no 80 of NPPF "Planning policies should avoid the development of isolated homes in the countryside unless one of 5 exceptions apply". Not one single exception applies.

The numerous car parking spaces show that carbon and climate change is not being addressed. Far from it. How do we know that all vehicles are carbon free and all visitors' cars too? Unless applications can demonstrate biodiversity net gain, they ought to be refused.

Huge swathes of fenestration due south, (like a light house or oil rig) will send wildlife, flora and fauna as far away as it can get. The light pollution will therefore quietly decimate a large area.

The justification to demolish the original Georgian farmhouse is absurd. Most Georgian structures do not comply with modern building regs either! Preservation of the original Georgian Farmhouse (which is fine) along with the original Georgian fireplace in uniquely distinctive Derbyshire stone ought to be left intact. (NPPF chapter 16)

Another absurdity: The report says the original Georgian farmhouse can be obliterated because it is "outside any framework boundary" as if again, it was the Georgians who were mistaken. The official address at Nether Hillside Farm is very much Biggin-based. Planners are completely wrong to arbitrarily conclude (like Colonial field Marshalls dividing up countries) who does or does not belong to which community. It is not their decision or call.

The application architects hope that the area is insensitive to change, obviously, but if we look at Kirk Ireton's Neighbourhood Plan we see a chapter called "Policy P2 Protecting

Views" and in the examiner's report, (pp13) he says, "it is evident that the situation of Kirk Ireton on high ground means that long-distance views assume a particular significance". This would include Nether Hillside Farm, "on high ground" and a mere 3 fields away from Kirk Ireton.

The new building is not on the original footprint but situated to cause as much light pollution as possible.

Officer Response:

The original farmhouse is later 18th Century and in the early 1980s the Government initiated a major national re-survey of historic buildings in England and during the re-survey all historic buildings were considered and those worthy of statutory listing were included on the national heritage list for England. For the outcomes of the national re-survey this building was not included on the national list. All other comments have been addressed in the committee report.

An additional condition is required that reads:-

Prior to first occupation or use of the hereby approved dwellings a scheme of measures to mitigate the effects of and adapt to climate change at the site and associated timetable shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be carried out in accordance with the approved details.

During debate, it was moved by Councillor Peter O'Brien and seconded by Councillor Sue Burfoot that planning permission be refused as the new development did not reflect the character of the local area and was not considered to make a positive design contribution.

This was then put to the vote as follows:

Voting:

4 For
6 Against
0 Abstention

The Chairman declared the motion **FALLEN**.

Members raised concerns regarding the amount of glazing and reflection.

Councillor Stuart Lees moved the Officer recommendations with an additional condition to use anti-glare glass, this was then seconded by Councillor Mark Wakeman and

RESOLVED

1. That planning permission be approved subject to the conditions set out in the report with the addition of a further condition as set out below:
That anti-glare glass to be utilised.

Voting:

3 For
6 Against

1 Abstention

51/22 - APPLICATION NO. 21/01455/FUL

The Senior Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site on the 13th June 2022 to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Dan Greenway (Agent) spoke in support of the application. Ms Teresa Hitchcock (Local resident) spoke against the application.

Consultation responses were set out in section 5 of the report.

Following publication of the agenda:

Teresa Hitchcock notified the LPA that a call in request has been made to the Secretary of State for determination at national level. The Planning Casework Unit of the Department for Levelling up, Housing and Communities are aware of the request and that the application is due to be determined at Planning Committee on the 12th July and advise the LPA not to issue the decision notice until such time as the SOS has considered whether it would be appropriate to call the application in. Delegated agreement is thus required as follows:

Authority be delegated to the Development Manager, to approve the application subject to conditions following confirmation from the Secretary of State that they do not wish to call in the application in for consideration by the end of the week commencing the 18th July 2022.

It was moved by Councillor Garry Purdy, seconded by Councillor Richard FitzHerbert and

RESOLVED (unanimously)

That authority be delegated to the Development Manager, to approve the application subject to conditions following confirmation from the Secretary of State that they do not wish to call in the application for consideration by the end of the week commencing the 18th July 2022.

The Chairman declared the motion **CARRIED**.

52/22 - APPLICATION NO. 22/00219/FUL

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Andrew Turner (Applicant) spoke in support of the application.

Consultation responses were set out in section 6 of the report.

The Development Manager confirmed that the Local Highways Authority had made a physical visit to site to review the vehicular access and as in point 8.6 of the report, their conclusion was that access would not be achievable for highway safety without making significant changes.

It was moved by Councillor Garry Purdy, seconded by Councillor Tom Donnelly and

RESOLVED

That planning permission is refused for the following reasons set out in the report.

Voting:

9 For
1 Against
0 Abstention

The Chairman declared the motion **CARRIED**.

There followed a short adjournment at **8.17pm**, returning at **8.30pm**.

53/22 - APPLICATION NO. 21/01246/OUT

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Jamie Foot (Agent) spoke in support of the application. Mr Stephen Brown (Local Resident) spoke against the application.

Consultation responses were set out in section 5 of the report.

It was moved by Councillor Peter Slack, seconded by Councillor Richard FitzHerbert and

RESOLVED

That planning permission be granted subject to the conditions set out in the report

Voting:

8 For
0 Against
2 Abstention

The Chairman declared the motion **CARRIED**.

54/22 - APPLICATION NO. 21/01412/OUT

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Jamie Foot (Agent) spoke in support of the application. Mr Stephen Brown (Local Resident) spoke against the application.

Consultation responses were set out in section 5 of the report.

The officer recommendations, as set out in the report, were moved by Councillor Stuart Lees and seconded by Councillor Richard FitzHerbert.

During debate, Members asked for clarification that, if outline permission were approved, the application would come back to the Planning Committee for approval of the final design.

The Development Manager informed Members that if outline permission were approved, this would be the design and it would not come back to the committee. He suggested that Members should defer consideration of the Item to a future meeting if they were not happy with the proposed layout.

Councillor Stuart Lees therefore withdrew his previous motion and moved a deferment, this was then seconded by Councillor Richard FitzHerbert and

RESOLVED

That consideration of the item be deferred to a future meeting of the Committee in order for negotiations to take place regarding the layout of the proposed development and its relationship with the junction of Malvern Gardens and Smedley Street.

Voting:

9 For
1 Against
0 Abstention

The Chairman declared the motion **CARRIED**.

55/22 - DURATION OF MEETING (MOTION TO CONTINUE)

At **8:30pm** it was moved by Councillor Jason Atkin, seconded by Councillor Tom Donnelly and

RESOLVED (Unanimously)

That, in accordance with Rule of Procedure 13, the meeting continue to enable the business on the agenda to be concluded.

The Chairman declared the motion **CARRIED**.

56/22 - APPLICATION NO. 21/01447/OUT

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Jamie Foot (Agent) spoke in support of the application. Mr Stephen Brown (Local Resident) spoke against the application.

Consultation responses were set out in section 5 of the report.

It was moved by Councillor Garry Purdy, seconded by Councillor Peter Slack and

RESOLVED

That planning permission be approved subject to the conditions set out in the report.

Voting:

9 For

0 Against

1 Abstention

The Chairman declared the motion **CARRIED**.

57/22 - APPLICATION NO. 22/00383/FUL

Councillor Mark Wakeman left the meeting during consideration of this application due to previously declaring a non-pecuniary interest in the application.

The Senior Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

Consultation responses were set out in section 5 of the report.

It was moved by Councillor Garry Purdy, seconded by Councillor Tom Donnelly and

RESOLVED (unanimously)

That planning permission be approved subject to the conditions set out in the report.

The Chairman declared the motion **CARRIED**.

58/22 - APPEALS PROGRESS REPORT

It was moved by Councillor Jason Atkin seconded by Councillor Tom Donnelly and

RESOLVED (unanimously)

That the report be noted.

The Chairman declared the motion **CARRIED**.

Meeting Closed: 8.40 pm

Chairman

22/00590/FUL

Holly Croft, Trough Lane, Hulland Village



Derbyshire Dales DC

1:1,250

Date: 04/08/2022

100019785

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Telephone: (01629) 761100.
website : www.derbyshiredales.gov.uk

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APPLICATION NUMBER		22/00590/FUL	
SITE ADDRESS:		Holly Croft, Trough Lane, Hulland Village, Derbyshire, DE6 3EP	
DESCRIPTION OF DEVELOPMENT		Single storey rear and porch extensions, application of insulated render to exterior walls and new access and roadway to field	
CASE OFFICER	Heaton Planning	APPLICANT	Mr Peter Sewell
PARISH/TOWN	Hulland	AGENT	Mr Darren Archer – Channel Design Ltd.
WARD MEMBER(S)	Cllr R Bright	DETERMINATION TARGET	14/07/22
REASON FOR DETERMINATION BY COMMITTEE	5 or more unresolved objections received	REASON FOR SITE VISIT (IF APPLICABLE)	To fully assess the issues raised.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - The principle of proposed development - Impact upon the local area - Impact upon Hulland Village Conservation Area - Impact upon the residential amenity of the occupants of neighbouring properties - Impact upon parking and highway safety.

RECOMMENDATION
<p>That the application be approved with conditions.</p>

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site is a bungalow in Hullah village. Hullah is a small village and consists of ribbon development along Trough Lane. The application site is located on the northern side of Trough Lane, from where direct access is gained via a private driveway. The property is formed of the main L-shaped building with a rear conservatory, and a detached double garage. The property rests on the existing topography and as a result is sited above Trough Lane. The site is adjacent to the Hullah Conservation Area and the Grade II Listed Glovers and Stone Wall.







2.0 DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for a single storey rear and side extension to form a study and garden room, the erection of a timber cladded front porch, the application of render to the whole of the main building, and the formation of a new access with Trough Lane in the southeast corner of the site and associated roadway to a field.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

Adopted Derbyshire Dales Local Plan 2017

S1 Sustainable Development Principles

S4 Development in the Countryside

PD1 Design and Place Making

PD2 Protecting the Historic Environment

HC10 Extensions to Dwellings

HC19 Accessibility and Transport

Other:

The National Planning Policy Framework (2021)

National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

0886/0549	AGRICULTURAL ACCESS	A	03/10/1986
1192/0851	FORMATION OF AGRICULTURAL ACCESS	A	14/12/1992
0495/0269	ERECTION OF DWELLING WITH GARAGE (APPROVAL OF RESERVED MATTERS)	A	16/06/1995

5.0 CONSULTATION RESPONSES

5.1 Hulland Parish Meeting – No Comment.

5.2 Cllr Richard Bright – No Comment.

5.3 DDDC Conservation Officer – Comments the following:

“The property is a modern residential dwelling adjacent to the Hulland Conservation Area. To the west of the property (within the Conservation Area) is the grade II listed ‘Glovers’ cottage and further west Hulland Hall (grade II).

The proposals are – a single storey rear extension, a porch extension, application of insulated render to exterior walls and a new access and roadway to field.

It is considered that the proposed alterations/extensions to the property would not be harmful to the setting of the Conservation Area or the setting of the listed buildings”

5.4 DDDC Highways – Comments the following:

“There appears to be an error on the submitted drawing – block plan ref: 04C that denotes the position of the proposed gully. This position is wrong, and we recommended that the gully or dish channel is laid across the access immediately behind the back edge of the highway (verge) within the applicant’s land, discharging to a drain or soakaway within the site.

Subject to the above amendment there are no objections to the proposal from a traffic and highway point of view.

Please append the following informatives to any consent for the applicant’s attention: -

Informatives:

1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department - Place at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council’s website <https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx>
E-mail highways.hub@derbyshire.gov.uk or
Telephone Call Derbyshire on 01629 533190.

2. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that

loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the owner.

3. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the highway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.”

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 12 representations have been received. A summary of the representations is outlined below:

- a) Removal of ancient mature hedge, affecting local environment and ecology.
- b) Change of landscape.
- c) Impact on Hlland Conservation Area.
- d) Concern over existing water apparatus.
- e) Steep gradient to the field from the highway will require major works to alter.
- f) No requirement for a new access in this location. Existing access is adequate.
- g) The block plan does not have sufficient detail.
- h) Trough Lane at this point not wide enough for maintenance vehicles.
- i) Removal of garden and verge will increase the amount of surface water flowing towards Trough Lane.
- j) Limited visibility for exiting vehicles.
- k) Is there an underlying reason to facilitate a separate access from the highway to the field?
- l) Proposed works would cause unnecessary disruption for the adjacent.
- m) The extension will present overlooking and intrusion of privacy of the occupiers of The Dumbles.
- n) No objection to the extensions, but strong objection to the proposed access – this is not required and will result in disturbance and noise and result in poor visibility onto Trough Lane.
- o) Privacy concerns.
- p) Modern development on the boundary of a Conservation Area.
- q) Road safety concerns.
- r) Concerns over the level of engineering works needed to facilitate the new access.
- s) Indicated soakaway would result in runoff water spilling onto the road.
- t) Impact on neighbouring Grade II Listed Properties.
- u) Proposed “Garden Room” protrudes beyond the existing build lines and has high visibility from the front of the property.
- v) The development could encourage a future Planning Application for a new house or houses sometime in the future.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- The principle of proposed development
- Impact upon the local area
- Impact upon Hlland Village Conservation Area
- Impact upon the residential amenity of the occupants of neighbouring properties.
- Impact upon parking and highway safety.

7.1 Policy HC10 of the Adopted Derbyshire Dales Local Plan (2017) supports proposals for the extension of residential properties provided: the plot size of the existing property is large enough to accommodate the extension or outbuilding without resulting in a cramped

or overdeveloped site; the height, scale, form and design of the extension or outbuilding is in keeping with the scale and character of the original dwelling (taking into account any cumulative additions), and the site's wider setting and location; and following construction of the extension, or outbuilding, sufficient space is available for the parking of cars.

- 7.2 Policy S4 supports development where it will have a safe access and will not generate traffic of a type or amount which cumulatively would cause severe impacts on the transport network, or require improvements or alterations to rural roads which could be detrimental to their character. Although the new access will be formed through the residential curtilage of the property, it will serve agricultural land beyond. Policy S4 is supportive of development that helps sustain existing agricultural and other rural based enterprises.
- 7.3 The application site is large and the proposed extensions can be accommodated on the plot without resulting in a cramped or overdeveloped site. Furthermore, the property would have appropriate parking provision following the development. In terms of dimensions, the rear extension would be 4.6m in depth and incorporates two dual pitched roofs irregular in scale, the highest reaching 5.45m. The extension would also protrude 3.5m to the side of the original building. It is considered the scale, form and overall design of the rear extension is in keeping with the scale and character of the original dwelling and is acceptable in this regard. The proposed porch entranceway is also considered suitable and would provide a focus to the frontage of the property. The application also proposes to render the property, however, further details are not submitted with the application. Nevertheless, this alteration is considered acceptable subject to a condition requiring full details of the proposed render.
- 7.4 Policy PD1 requires development to achieve a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, or an overbearing effect. The proposed side extension would introduce a new window to the east elevation of the property. However, given the proposed extension is set further back than the adjacent property, The Dumbles, and would be located over 37m from the neighbouring property, it is considered there would not be an unacceptable impact on neighbouring amenity and nor is it considered necessary to control the obscurity of glazing on the proposed extension.
- 7.5 Policy PD2 states that the District Council will conserve heritage assets in a manner appropriate to their significance. The application site is adjacent to the Hulland Conservation Area and a Grade II Listed Building, as well as being in proximity to other Grade II Listed Buildings on Trough Lane. As a result, the Council's Conservation Officer was consulted on all aspects of the application and concludes that the proposed developments would not be harmful to the setting of the Conservation Area or the Listed Buildings.
- 7.6 The application proposes to create a new vehicular access to the site in the south eastern corner adjoining Trough Lane. The access would link directly to the pastoral field east of the application site, with a new track running along the site's eastern boundary. As a result, the Highways Authority have been consulted on the proposed new access and through a desk-based assessment raise no objection to the formation of a new access in this location, subject to three informatives on any consent granted which require the applicant's attention. Notwithstanding the approved access, a number of concerns have been raised by residents regarding the difference in land levels between the site and Trough Lane, and the required works to construct an access and the ecological and visual impact of removing the hedgerow in this location.
- 7.7 After visiting the site, it is clear the new access would require engineering works to achieve a suitable gradient, likely similar to the existing access to the site, the ramp of which is approximately 15m. As a result, it is considered necessary to attach a condition to this

consent requiring the submission of additional details to ensure the approved access can be constructed in a satisfactory way.

- 7.8 It is understood the purpose of the access is to provide a direct link to the field to the rear, allowing maintenance and agricultural vehicles to access the field without using the existing access or traversing over the garden. Further, the approval of a new vehicular access has no bearing on the acceptability of new houses to the rear of the application site. The applicant has advised that the land has not undergone good land husbandry over many years, with the exception of hedge maintenance, resulting in the current state of it producing low quality sward (grassland). They go on to advise that in order to improve the grassland by aerating through harrowing and also maximise the nutritional value to increase biodiversity, action is required in the areas identified above. This will entail contracting agricultural services of a tractor with mower, rake, bailer and flail. This type of machinery requires a larger access than already available through the existing gate via the front garden.
- 7.9 The applicant advises that vehicles currently entering the field from the garden gate must cross the garden lawn under which Severn Trent Water (STW) Mains apparatus is buried. They advise that this is not sustainable neither is it suitable for larger machinery where other vehicles and people share the same access and that last season the rotary rake that gathers hay into windrows was unable to enter because the access was too narrow to accommodate the width of the vehicle. The justification for the access to provide a separate access so that STW's apparatus can be safely bypassed and to allow farming equipment to enter the field in a safe manner is considered to constitute appropriate justification for the development in this case.
- 7.10 Approximately 3.6m of hedgerow would be removed and as a result, it is not considered the proposed would have an unacceptable ecological or visual impact. The applicant has advised that this garden hedge has already been compromised by STW apparatus and loss and damage caused from the removal of two mature sycamore trees at the adjacent property.
- 7.11 Officers consider that the proposed development accords with the Adopted Derbyshire Dales Local Plan (2017). A recommendation to grant planning permission subject to conditions is made on this basis.

8.0 RECOMMENDATION

That the application be granted subject to conditions.

CONDITION(S):

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

Reason:

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans to which this decision notice relates.

Reason:

For the avoidance of doubt and to establish the scope of the permission granted.

3. Details of the render colour shall be submitted to and approved in writing by the Local Planning Authority before being applied to the external surfaces of the approved development. The development shall thereafter be undertaken and retained in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development in accordance with Policy S4 and of the Adopted Derbyshire Dales Local Plan (2017).

4. Notwithstanding the approved plans, details of the construction, engineering work, gradient, and landscaping of the approved access shall be submitted to and approved in writing by the Local Planning Authority before work to construct the access is commenced. The submitted details shall include cross-section drawings of the approved access from the point of egressing from the public highway to a point at least 15m into the site, or where the gradient is level, whichever is sooner. The development shall thereafter be undertaken and maintained in accordance with the approved details.

Reason:

In the interests of highway safety and in accordance Policy S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
2. This decision notice relates to the following documents received by the Local Planning Authority:
Planning Application Forms;
2108-01A – Existing Plans and Elevations (1:50 and 1:100)
2108-02H – Proposed Plans and Elevations (1:50)
2108-04E – Location Plan and Block Plan (1:1250 and 1:500)
3. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department - Place at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website <https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx> E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190.
4. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the owner.
5. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway²⁷, measures shall be taken to ensure that surface

water run-off from within the site is not permitted to discharge across the highway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

6. 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.
7. The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the development would disturb any protected species. For further advice, please contact Natural England.

22/00398/FUL

Ivonbrook Residential Care Home, Eversleigh Rise, Darley Bridge



Derbyshire Dales DC

1:2,500

Date: 04/08/2022

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

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APPLICATION NUMBER		22/00398/FUL	
SITE ADDRESS:		Ivonbrook Residential Care Home, Eversleigh Rise, Darley Bridge, Matlock	
DESCRIPTION OF DEVELOPMENT		Proposed extensions to create new dementia unit and reception area with associated landscaping works and creation of new parking area	
CASE OFFICER	Sarah Arbon	APPLICANT	Mrs C Wright – Ivonbrook Properties Ltd
PARISH/TOWN	South Darley	AGENT	Mr J Hutton – Thinking Buildings Ltd
WARD MEMBER(S)	Cllr C Swindell	DETERMINATION TARGET	2 nd June 2022
REASON FOR DETERMINATION BY COMMITTEE	Called in by Cllr Swindell	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES

- Principle of development
- Impact on residential amenity
- Character and appearance
- Highways issues
- Trees and Ecology

RECOMMENDATION

Approval

1.0 THE SITE AND SURROUNDINGS

1.1 The site is located in Darley Bridge, south of Darley Dale. The two storey building sits behind the large detached properties that front Eversleigh Rise with access along Lime Kiln Lane to the north. The building is modern with various additions over time and the main entrance is on the southern part of the building with the car park to the south west. The building is set within the bank and is two storey to the north and single storey to the south. A grassed area at a higher land level is to the south which is enclosed by fencing and there is tree screening and woodland to the south west. There is a paved external courtyard between the different wings of the building. The main car park is located to the west of the building and woodland slopes down to the west adjacent to this boundary.



2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for extension to the existing care home on the raised grassed area to the south of the main building. The proposed extension would provide a dementia unit linked to the care home with 16 additional en-suite bedrooms together with a dining / lounge, kitchen prep room, office, staff room, separate lounge, laundry room, medication room, lobby, equipment room and bathrooms. The proposed additional 16 bedrooms would increase the total bedrooms to 56. Currently 45 full time and 16 part time staff are employed. The increase of 16 bedrooms requires 4 additional staff.
- 2.2 The proposed building would be single storey and dug into the bank between 1- 2.4m to the south. Its ridge height would be 0.5m higher than the existing main nursing home building. A central enclosed courtyard is proposed adjacent to the southern boundary. External materials are stone faced walls, slate roof and zinc cladding on the link and boxed feature windows.

- 2.3 The existing car park to the west of the building would be formalised with 16 spaces laid out and an additional car park with 11 spaces is proposed to the east of the building utilising an existing access.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017

S3 Development within Defined Settlement Boundaries
 S4 Development within the Countryside
 PD1 Design and Place Making
 PD3 Biodiversity and the Natural Environment
 PD6 Tree, Hedgerows and Woodlands
 PD7 Climate Change
 PD9 Pollution Control and Unstable Lane
 HC15 Community Facilities and Services
 HC19 Accessibility and Transport
 HC21 Car Parking Standards
 HC10 Extensions to Dwellings

3.2 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)

3.3. Other:

The National Planning Policy Framework (2021)
 National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

13/00481/FUL	Erection of metal shed	PERC	28/08/2013
21/00004/FUL	Ground floor extensions to create sun room and store and the creation of a bin store area	PERC	17/03/2021
1293/0892	EXTENSIONS AND ALTERATIONS TO OFFICES AND GARAGE TO FORM RESIDENTIAL HOME FOR ELDERLY PEOPLE	A	07/02/1994
1190/0974	CHANGE OF USE TO RESIDENTIAL INSTITUTION (CLASS C2)	A	04/02/1991
1190/0973	Residential development including conversion of offices to flats (Outline)	W	21/09/1992
0797/0423	CONVERSION OF OFFICES TO DWELLINGHOUSE AND TWO HOLIDAY FLATS, AND ERECTION OF DETACHED GARAGE AND CONSERVATORY	A	08/08/1997

5.0 CONSULTATION RESPONSES

- 5.1 South Darley Parish Council objects to the application in terms of its scale, impact on adjacent properties and the environment. The proposed development is considered too large for the location, taking up almost all of the grounds surrounding the existing care home. The extension would increase the footprint of the care home buildings by about 80% and would eliminate the area of grassland south of the existing home. Only a thin strip of trees would be left around the building, providing inadequate screening. In its elevated position, the new building would be visible from many surrounding viewpoints.

The proposed development would have severe impacts on adjacent properties, especially Nos. 22 to 32 Eversleigh Rise. Although proposed finished ground and floor levels are not stated on the planning application documents, it is clear that the new building would be considerably above the ground floor levels of the nearby properties on Eversleigh Rise. Due to its height and proximity, it would be overbearing and oppressive and there would be a lack of privacy both for the unit's residents and the house holders.

There would be an increase in traffic to and from the site, both staff and visitors, adding to the already heavy requirement for parking. Although additional parking would be provided, this is unlikely to be sufficient. The suggestion that the new dementia unit would only require four additional staff to look after 16 residents with dementia day and night seems to be a gross underestimate. The new staff car park would be extremely close to No. 22 Eversleigh Rise, with cars parked about 1m from the back wall of the house and higher than the ground floor of the house. There is no scope for screening, so the occupants of the house would be subjected to noise and lighting from the use of the car park. The Design and Access statements refers to the use of movement sensitive lighting, which would, therefore be flashing on and off at intervals throughout the night whenever anyone came or went to the car park. The arrangement appears totally unsatisfactory.

Properties in Lime Kiln Lane already suffer from run-off arising from the Ivonbrook site: this would only be made worse by an increase in the area of hard landscaping. They would also be subject to additional traffic. During the construction phase, adjacent properties in Eversleigh Rise would be subject to considerable noise, disruption and loss of privacy. Meanwhile, properties in Lime Kiln Lane would be subject to extensive construction traffic.

The proposed development would have an adverse impact on the environment of the site and surroundings. The grassed area at the site of the building is frequently used by red deer for grazing and is known to be a route for amphibians heading to or from a nearby pond. Little thought appears to have been given to the protection of the stream running along the North-West boundary of the site. There will be only a narrow band of trees around the new unit, the roots of many of which are likely to be adversely affected by the necessary excavations.

Whilst South Darley Parish Council is in favour of a dementia unit being built in the parish, it considers that the current proposal is out of scale and would have severe detrimental impacts. The Parish Council therefore requests that the application be refused.

Environmental Health

- 5.2 No objection subject to a condition requiring a contaminated land assessment. The Commercial Team has no objection in principle, however this is subject to the commercial site complying with all relevant Food Hygiene and Health and Safety at Work legislation in respect of the proposed development and the scales of provision of sanitary facilities with respect to the proposed development (for staff and residents, etc.) needs to comply with the latest edition of BS 6465.

- 5.3 The only arboricultural impact of significance is the proposed removal of T13 Ash which is categorised as high quality according to the guidance of BS5837:2012 within the submitted Arboricultural Impact Assessment. This tree should be considered a constraint on development and the site layout design should allow its retention. However, because this particular tree is an ash it is likely to succumb to ash dieback disease within the next 5 years and die and this will necessitate its removal anyway. Its removal should therefore be considered acceptable to facilitate the proposals. The submitted Tree Protection Plan is acceptable. The position and specification of temporary tree protection it provides should be required to be followed. The submitted Arboricultural Method Statement is acceptable. All guidance and recommendations it contains should be required to be followed. From an arboricultural point of view therefore there are no objections to the proposal.

Derbyshire Wildlife Trust

- 5.4 They have reviewed the Preliminary Ecological Appraisal prepared by Arbtech December 2021. The development site does not support habitats of high nature conservation value and there are no known nature conservation designations directly associated with or immediately adjacent to the site. The PEA has identified that the site comprises amenity grassland, tall ruderal, trees and shrubs and areas of hard standing. The site is surrounded by mixed woodland to the west and south. The PEA has concluded that there are unlikely to be any impacts on protected species at the site due to the nature of the habitats present and the likely impacts from the development. Whilst this is considered to be a reasonable conclusion for most species there is potentially a greater risk to great crested newt.

The assessment includes a partial desktop study, but it has not consulted the Derbyshire Biological Records Centre for more comprehensive information on species. As a result, the PEA has not been able to fully consider the potential likelihood of impacts on great crested newt at the site. The development site lies within the buffer zone for a pond from which there is a 2014 record for great crested newt. This pond lies 150m to the north-east of the main development. There is also another pond present 80m to the west and, although there are no records for great crested newt in this pond, it has not been surveyed or visited in order to inform the PEA. Further to the south-west at around 1km distance there are more recent confirmed records for great crested newt.

The overall suitability for great crested newt, (and other amphibians and reptiles) is low, but these habitats do offer some potential and even amenity grassland is sometimes used by great crested newts and can probably not be discounted altogether. There is a risk that great crested newt could be moving between ponds locally and crossing part of this site between more favourable patches of habitat. This needs to be taken into account in the mitigation measures to be applied at the site during the construction phase of the development.

Impacts on habitats are considered to be very low, but there is a small loss of modified grassland and tall ruderal and possibly an area of scattered trees. The ecological assessment has not included a Biodiversity Metric calculation, but it looks like there could be a baseline value of around 0.5 to 1 habitat unit. The proposed landscaping and ecological garden could potentially provide a net gain, but the supporting evidence for this has not been provided at this stage. Given the low value and small extent of the habitat affected and the reasonable expectation that a small gain can be achieved through the proposed landscaping and enhancements it is considered that the details could be submitted via a condition. They conclude there is a low risk of impacts on some protected species such as bats and/or great crested newt as well as some species of conservation concern such as hedgehog. Mitigation measures to avoid and minimise any risk of impact

should be in place throughout the development. Conditions in respect of birds, submission of a CEMP and Biodiversity Enhancement Plan (BEP) and lighting scheme.

Lead Local Flood Authority (DDC)

- 5.5 There is no comment, however, it should be noted that in the Drainage Strategy the climate change allowance is referred to as 30%, however, the climate change allowance for developments is 40%.

Highways Authority (DDC)

- 5.6 There are no highway objections to the proposals subject to all use remaining ancillary to the existing care facilities on site subject to a condition securing parking prior to occupation of the extension / unit.

6.0 REPRESENTATIONS RECEIVED

- 6.1 Seven letters of objection have been received and the concerns are summarised below:-

- a) An increased number of residents will lead to an increase in traffic along Lime Kiln Lane both day and night of staff and visitor traffic. Ambulances also travel to and from the care home at literally all hours of the day and night and it is not uncommon for us to be woken up in the middle of the night by ambulances with their blue lights flashing.
- b) The surface of Lime Kiln Lane is already in a terrible state with exposed metalwork and potholes all the way along which increases the noise of vehicles using it.
- c) Their property 'Willow Grange' currently has an attractive view between The Barn and the care home out to the grassed area and woodland beyond where wild deer roam all year round.
- d) The distance of the unit and the car parking to existing residential properties is a concern due to amenity impacts.
- e) The proposed car park is very close to No's 22 and 24 Eversleigh Rise and staff will use it 24/7 365 days a year with activity impacts of noise and lights on neighbours.
- f) Light pollution from the lighting of the car park.
- g) The windows of the unit would be open for ventilation and noise from staff and residents would impact on the enjoyment of neighbour's properties and gardens.
- h) Loss of privacy as windows would overlook No 24 Eversleigh Rise.
- i) The Ecology Report was undertaken in November and did not take account of reptiles.
- j) Construction would damage tree roots and change the water table due to the existence of natural springs causing stability issues.
- k) Noise and disturbance for existing residents and loss of an area for them to watch the deer.
- l) The proposal is not an extension but a new building complex.
- m) Increase in traffic using Darley Bridge.
- n) No. 30 Eversleigh Rise has direct views of the land without tree screening.
- o) They often hear resident's screaming and shouting and this will be increased as the building is closer.
- p) It is unclear how much higher the building is in relation to the existing building.
- q) The land is used as a highway for amphibians making their way to the pond and lake.
- r) The number of new staff required is low compared to the 16 extra bedrooms proposed.
- s) The garden of No.26 becomes waterlogged and an increase in built development would exacerbate the problem.
- t) The resident of No.26 works from a home office at the bottom on the garden which has a window 17m from the nearest window of the proposed building with increased noise inevitable.
- u) There are staff welfare areas to the east of the existing building which already cause noise and disturbance.

- v) Light pollution from the rear car park and staff areas have already meant the installation of blackout blinds to the rear bedrooms of No.26.
- w) The trees on the rear boundaries of Eversleigh Rise only provided screening for 6 months and are an important habitat for birds.
- x) No.12 Eversleigh Rise has a right to erect ladders and scaffold on Lime Kiln Lane and an increase in traffic would make this difficult and plan submitted does not match their deed plan.
- y) The plans are obtrusive and grossly oversized in scale.
- z) The impact on No.22 Eversleigh Rise is not included in any application documentation.
- aa) The land is advertised as an asset for use by residents.
- bb) No, 22 is right adjacent to the land and subsidence and damage is a concern.
- cc) Loss of privacy of 8 windows of No.22 with only a 6ft wall on the boundary.
- dd) The removal of a fence at Ivonbrook House may be a future plan for access.
- ee) The drainage of No.22 runs through the land proposed for the car park and should be included on the plans.
- ff) The roof of the new building would be 1.75m above the roof of No.22.
- gg) The proposed car parking is only 90cm from the rear of No.22 and if a fence were erected at the higher land level it would blackout 8 of the windows.
- hh) There are already 7 dementia care units within 1 mile of the site with one currently under construction on the A6.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact on residential amenity
- Character and appearance
- Highways issues
- Trees and Ecology

Principle of development

- 7.1 The existing care home is located within the settlement boundary of Darley Dale, however, the proposed extension would be outside the settlement boundary. The application involves the extension to an existing Registered Care facility and Policy HC11 supports schemes for registered care accommodation (use Class C2) provided the type of provision meets identified District needs. The Housing Needs Report September 2021 indicates projections for changes in those with dementia and a 74% rise from 2017 to 2040. Table 7.8 indicates a need for 298 residential care bed spaces and 225 nursing care bed spaces to 2040 with a total requirement of 522. Therefore there is a clear need identified within the District for the proposed development.
- 7.2 The applicant has provided the following evidence in terms of the viability of the home and the demand for dementia care in the area.

“The wider Matlock area (including Darley Dale, Tansley, Hackney and Matlock Bath) has a population of around 20,000 people. Referring to the CQC website, there are only 5 residential facilities with a specialism in Dementia / Alzheimer's serving the 20,000 community. Only 4 care homes offer completely separate units for Dementia Care. Ivonbrook Care Home already has long serving local staff that are trained to carry out Dementia Care. By being able to increase the number of residents with Dementia they would be able to offer more employment and training in an industry where it is critically required. Derbyshire County Council is currently consulting on and expected to approve the closure of 7 care homes in the local area. Ivonbrook Care Home, as with all care homes, has a requirement for a proportionally high number of staff. The home currently operates with 45 full time and 16 part time staff, a total of 53 FTE (Full Time Equivalent)

staff and 40 residents. This equates to 1.3 staff members for each resident. In addition to this high staff cost, the new owners have invested substantially into the upgrading of the home. Recently extending the kitchen and building a new sunroom / residents lounge. Providing an additional 16 dedicated dementia unit would only require 4 additional members of staff and changes the simple ratio to 1 member of staff to 1 resident. From a financial perspective this is much closer to the 'normal' care home ratios and would allow a more sustainable commercial future for the facility at a time of substantial rising costs and into the future. This would in no way reduce the level of care provided to residents. Many smaller care homes (especially those in older buildings) are closing due to rising costs and inefficiencies. By allowing a further 16 residents to be at Ivonbrook Care Home it is working towards 'future proofing' the business for years to come and guaranteeing the continuation of high quality care for the elderly in the local area".

- 7.3 The District Council has a modest short fall in its supply of housing and there is a recognised need for registered care accommodation within the area. Furthermore, the proposal is an extension to an existing facility and as such cannot be located within the settlement boundary and is adjacent to the settlement boundary of the third tier settlement of Darley Bridge where there is no 5 year supply of housing. On this basis, the principle of the proposed development is acceptable and in accordance with Policies S4 and HC11.

Impact on residential amenity

- 7.4 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development so as not to cause unacceptable effects by reason of noise or other adverse impacts on local character and amenity.
- 7.5 The proposal is to be located on a raised grassed area to the south of the existing care home. The existing building is two storey to the north and single storey to the south as it utilises the contours of the land. This proposal seeks to minimise its impact by also utilising the difference in land levels by digging the new building into the ground level to the south which involves reducing land levels by 1 – 2.4m. The proposed building would be a total height of 4.7m
- 7.6 The properties on Eversleigh Rise are adjacent to the eastern boundary and No.22 is set to the rear of the plot adjacent to the retaining wall on the boundary. Properties 24, 26, 28 and 30 Eversleigh Rise would be 33m to 34m from the proposed extension with intervening tree screening. The proposed dementia unit would be 16m to 17m from the rear boundaries of these properties. Whilst it is noted that No. 26 has a home office adjacent to the rear boundary of the property, the proposal would be 17.6m from the boundary where there is retaining wall and tree screening between which is considered an acceptable relationship to a non-habitable building.
- 7.7 The applicant has provided sectional drawings to show the relationship of the development with No.22. The rear elevation of No.22 is adjacent to the north western boundary where there is an existing 2.2m high retaining wall that increases in height to the south west to 3.7m. Direct views of the proposed development would therefore be obscured from the ground windows. No 22. has a bedroom window in the first floor rear elevation which would look over the boundary wall and towards the development.
- 7.8 Officers have therefore carefully assessed whether occupants of the proposed bedrooms would be overlooked by occupants of the bedroom to No.22. The nearest facing window bedroom window is within a 45 degree angle relative to the facing bedroom window and therefore would need to be obscure glazed to prevent overlooking and loss of privacy for occupants. However, the other windows including the larger bedroom window on the facing elevation is outside a 45 degree angle and therefore occupants are unlikely to

overlook. Therefore despite the distance between the proposed development and No.22 of 16.4m there would be no direct overlooking between windows or loss of privacy for occupants provided that the nearest bedroom window on the south east elevation is obscure glazed. A planning condition is reasonable and necessary to secure this.

- 7.8 The proposed car park would be in close adjacent to the boundary shared with No.22 at a distance of 3m. There is a retaining wall on this boundary and the land levels of the car park adjacent to this wall would be higher than the ground level of the wall. Officers are satisfied that the wall would prevent undue disturbance from headlights. We have however requested a reduction in the number of parking spaces to bring the car park away from the boundary wall and to facilitate additional landscaping to mitigate any impact from noise as far as is practicable.
- 7.9 The proposed car parking has been calculated using 1 space per additional 3 bed spaces which equates to 6 spaces required where 11 are proposed. An amended plan has been provided that reduces the car park to 9 spaces and means that the nearest car parking space would be 3.4m from the wall as opposed to 0.9m in the original proposal. A 1.8m close boarded fence is also proposed adjacent to the wall and buffer planting can be secured through the landscaping scheme. This amendment involves a betterment to the relationship with No.22 and as such no further consultation with neighbours is required and the proposal is considered to accord with Policy PD1 in terms of amenity impacts.

Character and appearance

- 7.9 Policy PD1 requires all development to be of high quality that respects the character, identity and context of the townscape, contributes positively to an area's character in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings.
- 7.10 The existing building is a split level brick building with a mix of pitched and hipped roofs. The brick is light brown in colour at the level adjacent where the extension is proposed and the lower part of the two storey element is red brick with surrounding properties in stone with slate roofs. The design of the building with two wings and a central courtyard all single storey and utilising differences in land levels by digging into the bank is considered to significantly reduce the scale of the building and ensure it is in keeping with the existing building. The extension would be in stone with zinc elements such as the box windows and link section which serve to improve its appearance and design quality. The extension would be viewed in context with the existing building and its woodland setting retained. Trees would screen the building from both neighbouring properties on Eversleigh Rise and from the open land to the south. Long distance views are also obscured from the west and even though land levels reduce there is extensive woodland screening.
- 7.11 The proposed new entrance and reception area for the existing car home building is considered to be of a scale and design in keeping with the existing building together with picking up elements from the proposed extension in terms of external materials of stone and zinc. The location would be much more accessible and is obscured from any neighbouring properties by the existing building. The proposed design is therefore considered to be of a high quality and respect the character of the area in accordance with Policy PD1.

Highways Issues

- 7.12 The Local Highway Authority considers the proposed access to be acceptable. The provision of 1 car parking space per additional three bed spaces is required and the 16 additional bedrooms would therefore require 6 additional car parking spaces. The revised scheme proposes an additional 9 spaces increasing the total to 25 spaces. The scale of parking

proposed is considered appropriate for the number of bedrooms proposed and space has been provided to enable service and delivery vehicles to turn. The Local Highway Authority conclude that no objections are raised, subject to the use remaining ancillary to the nursing home.

Trees and Ecology

- 7.13 Five trees would be removed as part of this proposal and the only arboricultural impact of significance is the proposed removal of an Ash which is categorised as high quality. Whilst this tree should be considered a constraint on development as this particular tree is an ash it is likely to succumb to ash dieback disease within the next five years. On this basis, its removal is considered acceptable to facilitate the proposals. The submitted Tree Protection Plan and Arboricultural Method Statement are acceptable and the guidance and recommendations they contain should be followed with a condition to secure this. The proposal is therefore considered to be in accordance with Policy PD6. Replacement planting will be secured through the landscaping scheme.
- 7.14 The Wildlife Trust has confirmed that sufficient survey work has been undertaken and given the low value and small extent of the habitat affected and the reasonable expectation that a small gain can be achieved through the proposed landscaping and enhancements measures can be secured through a condition the proposed is considered to accord with Policy PD3.

Climate Change

- 7.15 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. The Council's Climate Change SPD includes a checklist for development. The building would be constructed utilising high levels of insulation, good levels of air tightness to limit heat loss through conduction and uncontrolled air infiltration. A roof plan indicates 24 PV solar panels on the south roof slope and the use of a low carbon heating system will be explored, such as an Air Source Heat Pump system. A condition requiring the specific details of the measures to mitigate the effects of and adapt to climate change is required in accordance with Policy PD7.

Conclusion

- 7.16 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 specialised dementia unit to increase the viability of an existing good quality care home adjacent to the third tier settlement where the Council cannot demonstrate a 5 year supply of housing and thus accords with policies S1, S2, S4, PD1, PD6, HC11 of Adopted Derbyshire Dales Local Plan (2017), and the guidance contained with the National Planning Policy Framework (2019). A recommendation of approval is put forward on this basis.

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. The development shall not be carried out other than in complete accordance with the following approved plans: 0020 P02, 0050 P09, 0055 P05, 0056 P04, 0060 P04, 0065 P06 and 0066 P02.

Reason:

For the avoidance of doubt.

3. 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

4. A. No development shall commence until an assessment of the risks posed by any contamination has been submitted in writing to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.

B. Submission of remediation scheme

Where the approved risk assessment (required by part A) identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted in writing to and approved in writing by the local planning authority.

C. Implementation of approved remediation scheme

Unless otherwise agreed in writing with the local planning authority, the approved scheme (required by part C) shall be implemented and a verification report submitted in writing to and approved in writing by the local planning authority, before the development (or relevant phase of the development) is first brought into use.

Reason:

To protect the health of the public and the environment from hazards arising from previous uses of the site and/or adjacent land which might be brought to light by development of it, recognising that failure to address such matters prior to development commencing could lead to unacceptable impacts even at the initial stages of works on site in accordance with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

5. Prior to the first occupation of the Dementia Unit hereby approved the parking (including secure cycle parking) shall be provided in accordance with the approved plans 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).

6. 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).

7. Prior to the commencement of any works to construct 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 development 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).

8. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Local Planning Authority. The works shall then not be carried out other than in complete accordance with the approved survey and mitigation measures.

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts in accordance with Policy PD3 of the Adopted Derbyshire Local Plan (2017).

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

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

Reason:

In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain in accordance with Policy PD3 of the Adopted Derbyshire Local Plan (2017).

10. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The BEP should include recommendations set out in the Preliminary Ecological Appraisal section 4.2 Table 5 (Arbtech December 2021) and clearly demonstrate how a biodiversity net gain will be achieved. It should include the following:

- a) Details of enhancements for species including hedgehog, bats, birds and amphibians
- b) Details of habitat enhancement or creation together with a Biodiversity Metric demonstrating a biodiversity net gain.
- c) Details of management of habitats for wildlife including aims, prescriptions and schedules

The development shall thereafter not be carried out other than in complete accordance with the approved Biodiversity Action Plan.

Reason:

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

11. No external lighting shall be installed other than in complete accordance with until a detailed lighting strategy which shall have first been submitted to and approved in writing by the Local Planning Authority. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018).

Reason:

In order to safeguard the amenity of neighbouring properties and safeguard protected and/or priority species from undue disturbance and impacts in accordance with Policies PD1 and PD3 of the Adopted Derbyshire Local Plan (2017).

12. The development hereby permitted shall be implemented in accordance with Arboricultural Impact Assessment drawing No. Arbtech AIA 01 Arboricultural Method Statement by Arbtech dated 18th February 2022.

Reason:

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

13. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority before the completion or first occupation of the development, the details of which shall include :-

- a) soil preparation, cultivation and improvement;
- b) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- c) grass seed mixes and sowing rates;
- d) finished site levels and contours;
- e) other vehicle and pedestrian access and circulation areas;
- f) hard surfacing materials;
- g) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

The development shall thereafter not be carried out other than in complete accordance with the approved landscaping scheme.

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).

14. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or first occupation 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 be carried out before the completion or first occupation of the development.

Reason:

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

15. 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).

16. The development hereby permitted shall only be occupied or used in connection with, and ancillary to, the occupation of the existing Ivonbrook Nursing Home and shall at no time be severed and occupied as a separate independent unit or business.

Reason:

To prevent the undesirable establishment of a separate independent unit and in the interests of amenity and highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

17. Details of the obscure glazing to be used in the smallest window serving bedroom 8 on the south eastern elevation shall be submitted to and approved in writing by the Local Planning Authority. The obscure glazing shall thereafter be installed as approved prior to the first occupation of the development and maintained in throughout the lifetime of the development in accordance with the approved details.

Reason:

In the interests of preserving residential amenity and privacy in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant which required the submission of detailed sections to inform the assessment of impacts.

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

This permission relates solely to the application plans and documents below:-

plan no's 0020 P02, 0050 P09, 0055 P05, 0056 P04, 0060 P04, 0065 P06 and 0066 P02

Preliminary Ecological Appraisal
Arboricultural Impact Assessment Plan No. Arbtech AIA 01
Tree Protection Plan Arbtech TPP 01
Tree Survey by Arbtech dated 3rd December 2021
Drainage Strategy Report M-166 Nov 2021

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22/00409/FUL

23 Chesterfield Road, Matlock



Derbyshire Dales DC

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Date: 04/08/2022

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APPLICATION NUMBER		22/00409/FUL	
SITE ADDRESS:		23 Chesterfield Road, Matlock	
DESCRIPTION OF DEVELOPMENT		Demolition of existing dwelling and erection of building comprising of 15 no. retirement apartments with associated undercroft parking	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr S Ali
PARISH/TOWN	Matlock	AGENT	Mr D Oulsnam – Oulsnam Design
WARD MEMBER(S)	Cllr S Burfoot Cllr M Burfoot Cllr S Wain	DETERMINATION TARGET	08/07/22 – EOT agreed up to 19 th August 2022
REASON FOR DETERMINATION BY COMMITTEE	Major Application	REASON FOR SITE VISIT (IF APPLICABLE)	To consider the impact of the development on its surroundings

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> – Principle of development – Impact on character and appearance – Impact on this part of Matlock Bank Conservation Area – Impact on residential amenity – Impact on trees – Highway safety – Drainage and stability

RECOMMENDATION
That the application be refused.

1.0 THE SITE AND SURROUNDINGS

1.1 The site is partly within the Matlock Bank Conservation Area and partly outside. The modern house, known as No. 23, together with its associated curtilage, is outside the Conservation Area but immediately abutting its boundary. The remainder of the proposed development site is within the Conservation Area, including the adjacent historic buildings of 'Lilybank' care home (1867) to the west and the Assembly of God Church (1901) to the north with both un-listed. The site of No. 23, and the other modern houses, is the former site of a mid-19th century Congregational Church (demolished in about 1900). Some of its former stone boundary walls/piers that are stepped/staggered to respect the land topography, to the roadside have remained. The site includes the curtilage of No.23 together with the car parking area to the north. The whole application site is steeply sloping both in a north/south and an east/west orientation with the nursing home approximately 4.5m lower than the site frontage and the church 4.2m higher than No.23. There is a Beech tree in the centre of the site's frontage on Chesterfield Road which is protected by a Tree Preservation Order (DDDC No.183).

2.0 DETAILS OF THE APPLICATION

2.1 The proposed development which comprises the demolition of an existing later 20th century dwelling and the erection of a new building containing 15 retirement apartments and associated parking. The proposed building would be two storey from the Chesterfield Road boundary and three storeys to the rear adjacent to the existing nursing home with accommodation a mix of eight two-bed and seven one-bed apartments. Nineteen car parking spaces are proposed within the site with 8 spaces within an undercroft car park. Five spaces would be retained for the care home.

2.2 The previous approval (not implemented, and lapsed) had been granted for a small building of eight apartments on the site immediately south of the church (i.e. within the Conservation Area). Previous applications (20/00259/FUL and 20/00970/FUL) for a 21 retirement apartment development have both been submitted and withdrawn.

2.3 The proposed new apartment block is to be a large rectangular building with two forward projecting wings on the eastern elevation (i.e. its principal elevation to Chesterfield Road). In the centre of the eastern elevation is a single-storey projecting 'Residents Lounge'. The form of the proposed building includes two principal ranges to the north and south (with dual pitched roofs over) and a central or infill part being flat roofed with a sedum covering. The two principal ranges are to be stone clad with slated roofs (and stone coped verges to each end). The central section is to be rendered. Windows vary from a large number of tripartite glazed doors, large areas of 'feature' glazing, sash type window openings and recessed area (forming balconies with balustrading).

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - S2: Settlement Hierarchy
 - S3: Development within Defined Settlement Boundaries
 - S7: Matlock/Wirksworth/Darley Dale Development Area Strategy
 - S10: Local Infrastructure Provision and Developer Contributions
 - PD1: Design and Place Making
 - PD2: Protecting the Historic Environment
 - PD6: Trees, Hedgerows and Woodlands
 - PD8: Flood Risk Management and Water Quality
 - HC4: Affordable Housing
 - HC11: Housing Mix and Type
 - HC14: Open Space and Outdoor Recreation Facilities

HC19: Accessibility and Transport

2. Matlock Bank Conservation Area Appraisal
3. Derbyshire Dales Developer Contributions Supplementary Planning Document
4. National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

20/00970/FUL	Demolition of existing dwelling and erection of 21no. retirement apartments and associated parking	Withdrawn	
20/00259/FUL	Demolition of existing dwelling and erection of building comprising of 21no. retirement apartments and associated parking	Withdrawn	05/08/2020
19/00727/FUL	Proposed single and two storey extensions, extension to form lower ground floor family room with patio above	REF	14/08/2019
18/01351/VCOND	Removal of conditions 10 and 11 (occupancy restrictions) of planning permission 18/00796/FUL	PERC	29.01.2019
18/00796/FUL	Erection of 8 retirement apartments and associated access improvements	PERC	10/10/2018
17/01131/FUL	Amalgamation of two dwellings into one and associated alterations and extensions	PERC	02/01/2018
09/00580/FUL	Erection of 7 no. new build assisted living apartments including associated access alterations (renewal of planning permission 03/09/0677)	PERC	29/10/2009
09/00145/VCOND	Occupation of assisted living accommodation without compliance with Condition 2 of planning permission 03/04/0316 (age restriction)	PERC	29/06/2009
06/00389/FUL	Change of use and conversion of dwelling to 2 no. dwellings	PERC	05/07/2006
03/09/0677	Erection of 7 no. new build assisted living apartments, including access alterations (Amended Scheme)	Allowed at appeal	

5.0 CONSULTATION RESPONSES

Matlock Town Council

5.1 No objection.

Environment Agency

5.2 There are no objections as the site lies fully within Flood Zone 1 with no fluvial flood risk concerns of other environmental constraints associated with the site.

Derbyshire County Council (Highways)

5.3 The original sightlines in the previous application were drawn incorrectly as they were taken from the rear of the footway which meant they crossed over adjacent gardens. The latest amended plan no. 27E shows them taken from 1m into the carriageway and as such the visibility from the access is now demonstrated.

Undercroft Parking - the increased width of access, and of parking spaces is noted, and whilst still considered a somewhat tortuous arrangement, it is not considered that highway objection to this could be sustained. The new path along the egress drive emerges immediately adjacent to a wall (height unclear) which could restrict pedestrian intervisibility - a demarked pedestrian route within the shared space, leading into the parking area and undercroft, would improve pedestrian safety and also provide the 'segregated' route into the undercroft.

The level of care home parking is as previously agreed. A swept path analysis of the access arrangements for service/delivery vehicles is required and provided that it this is satisfactorily demonstrated, it is considered that the Highway Authority would be in a position to recommend conditions.

Derbyshire County Council (Strategic Infrastructure and Services)

5.4 In their response to the previous application it was considered that as the dwellings proposed would have restricted occupancy (aged 55 and over) they are excluded from the County Council's Developer Contributions Protocol (2019) and would not attract an education contribution. No comments have been received in respect of this application.

Design and Conservation Officer (Derbyshire Dales)

5.5 It is considered that the proposed new building has an expansive footprint and its proposed form and design has no intrinsic rationale or narrative to its context and setting. The 'design' of the building is confusing, restless and prosaic incorporating features/elements that are out of place and inappropriate. It is considered that the proposal would not preserve or enhance the character and appearance of the Matlock Bank Conservation Area. In this regard, under the NPPF (2021) there is a finding of harm. It is considered that the level of harm would not be substantial and, in that regard, paragraph 202 of the NPPF states that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset (conservation area), that harm should be weighed against the public benefits of the proposal.

Historic England

5.6 No comments.

Archaeologist (Derbyshire County Council)

5.7 The proposed development area is recorded within the Derbyshire HER as lying within the Matlock Conservation Area. The dwelling to be demolished is 20th century in date and stands, at least partially, over the footprint of the former congregational chapel and associated outbuilding (MDR12632). Based on the Ordnance Survey of 1892 it appears that there is some sequence to the construction of houses (earlier 19th cent villas?)

known as “The Gables” and “Dalefield”, their gardens, the terraces recorded adjacent to the southwest and the building of the Congregational Chapel.

We have previously replied to five applications regarding the site and have advised that there will be no archaeological impact but that you should seek the advice of your conservation officer. This advice is reiterated.

Landscape and Arboriculture Officer (Derbyshire Dales)

- 5.7 The submitted Design and Access Statement recognises the importance of the retention of the TPO protected beech tree to the front of the site and its successful long term incorporation into the scheme. The tree should be retained and protected to prevent harm during works. To achieve this it is important that the tree – including its aerial parts, its rooting system and the soil volume containing its rooting system - receives appropriate treatment during development works. An Arboricultural Method Statement condition is recommended that provides details of the tree protection measures to be used.

Lead Local Flood Authority (Derbyshire County Council)

- 5.8 No objection subject to a conditions requiring a management and maintenance plan for surface water drainage, management of run-off during construction and a verification report.

Environmental Health (Derbyshire Dales)

- 5.9 There are no objections, however, conditions relating to hours of construction work, dust mitigation, electric vehicle recharge points are recommended.

Strategic Housing (Derbyshire Dales)

- 5.10 No comments received.

NHS Derby and Derbyshire Clinical Commissioning Group

- 5.11 No contribution is requested for this development as it falls under our threshold.

6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 5 representations have been received. A summary of the representations is outlined below:
- a) The section 106 requirements on health need to be considered.
 - b) The extra traffic and noise and disruption during construction would have a significant impact on the wellbeing of their partner.
 - c) There are safety issues with regard their child and the associated construction traffic and materials.
 - d) The apartments would impact on their privacy and overlook their garden.
 - e) Construction traffic may block their driveway.
 - f) The provision for visitor, disabled parking and mobility scooters is not sufficient.
 - g) There is a lack of communal outdoor open space.
 - h) Has due consideration been given to the provision of sources of renewable energy.
 - i) It is dangerous to have two vehicular access roads running parallel to one another.
 - j) Visibility out of the access would be difficult due to on street parking.
 - k) The parking proposed is not sufficient.
 - l) The proposal is on a blind bend opposite solid white lines there has already been to accidents around there in the last 12 months, one involving school children as there is a school just up the road.
 - m) We are already having a new fire station built within a short distance on chesterfield road and the surrounding residents don't want the 15 apartment retirement complex built.

- n) It would block light to my property 1 Turnpike Close, I don't think anything on the site should be authorised higher than the current residential dwelling.
- o) The development is not in keeping with the surrounding area.
- p) Concerns regarding the safety of pedestrians especially schoolchildren.
- q) Loss of green natural land to be replaced by concrete.
- r) The one way system is not adhered to at present.
- s) More retirement flats are not needed in Matlock.
- t) Noise and pollution impacts during construction.

Matlock Civic Association

The Association commented on the earlier applications for this site on 10 May 2020 and 9 November 2020. This new application is presumably intended to overcome the objections which led to the withdrawal or refusal of the previous applications. The new application is a not as large and dominating and is set back further from Chesterfield Road - these are welcome improvements. However the new scheme is now of a design that is completely inappropriate to the location on the edge of a Conservation Area. It still fails to recognise the consequences of the large Copper Beech tree. It cannot be approved as it fails to meet the Local Plan policies on design and tree protection. A new design more in keeping with the area and recognising the need to allow the tree space to grown is needed. The new application should be refused.

Below our previous criticisms have been updated by reference to our earlier objections. As can be seen many still apply virtually unchanged and the new, inappropriate design is an added reason for refusal

1. The character of the locality is predominantly pitched roof buildings - the main element of the front elevation of the proposal is now a large flat roofed structure. It does not meet the Local Plan policy that new development should be in character with, and enhancing, the Conservation Area.
2. The Conservation Area designated to protect the character and setting of the historic hydros and associated Victorian development along Matlock Bank. As with previous rejected schemes this new scheme is still crammed into a restricted site. A smaller 'footprint' is required to meet the Local Pan tests. See also 3,5 and 7 below.
3. By eliminating the existing view of Lilybank Hydro from Chesterfield Road it actually detracts from the character of the area.
4. Traditionally, buildings on sloping sites on Matlock Bank are stepped if running up the slope. This proposal is effectively one large building with a huge amount of excavation needed on the uphill side. A stepped design is needed to fit into the character of the area.
5. The large Copper Beech tree on Chesterfield Road is still not mature but already the canopy has a 6 metre radius. It needs room to grow but this requirement is still not met. The proposed residents' lounge in the centre of the front elevation will be increasingly shaded by the growing tree. This will inevitably lead to demands for increasingly unsightly pruning– this is a protected tree. The design and layout should make more use of the tree as a focal point and allow room for it to grow.
6. The pair of existing gate pillars to the north of the existing house are a distinctive feature of the existing access and should be retained as a key feature in the design. They are not shown on the application drawings and could be part of the access path needed to the north of the new building (see 7 below). Alternatively they may need to be retained but repositioned. ~~One~~ One of the pillars has a Matlock Civic

Association blue plaque recording the history of Lilybank Hydro. This too should be retained in the public view of Lilybank from Chesterfield Road (as previously discussed with the applicant's agent, John Church). This should be incorporated into a better, more detailed landscape scheme than shown in the application documents (see also 5 and 7).

7. A much wider space for pedestrian access between the new building and the former Congregational Chapel Sunday School is needed. This should be wide enough and attractive enough to protect the view through to the main entrance of the former Lilybank Hydro from Chesterfield Road. As shown it is a narrow dead-end path leading to a bin store. It should be wider, in a landscaped setting and create an attractive approach to the entrance to the Hydro

Derbyshire Swift Conservation Project

There are three known colonies in the vicinity of the site. It is requested that a condition is imposed to ensure this development is built with up to 15 internal nest bricks (i.e. 1 brick per dwelling) designed for Swifts as a universal biodiversity enhancement for urban bird species.

7.0 OFFICER APPRAISAL

- 7.1 As set out in the application section of this report, planning permission has been previously approved for a development of 8 apartments on part of the site, which excludes 23 Chesterfield Road and the application follows the withdrawal of applications 20/00259/FUL and 20/00970/FUL for a larger apartment building on the site.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017). The National Planning Policy Framework (2021) is also a material consideration in respect of this application.
- 7.3 Having regard to the consultation responses and representations received, the planning history and the relevant provisions of the development plan and the National Planning Policy Framework, the main issues to assess are:
 - Principle of development
 - Impact on character and appearance
 - Impact on this part of Matlock Bank Conservation Area
 - Impact on residential amenity
 - Impact on trees
 - Highway safety
 - Drainage and stability
 - Local infrastructure provision and developer contributions

Principle of development

- 7.4 The site is located within the settlement boundary of Matlock, therefore Local Plan Policies S2, S3, S7 and HC1 are relevant. Matlock is one of the main towns within the District where Policy S2 considers towns to be the primary focus for growth and development, providing significant levels of jobs and homes. Policies HC1 and S3 are generally supportive of housing development in higher order settlements (Policy S2), particularly where this comprises redevelopment and infill. Residential development on the site is therefore considered to be acceptable in principle.

- 7.5 This proposal is for retirement apartments adjacent to an existing nursing home, although it is unclear as to what mechanisms would be put in place to ensure this and the application form indicates that the housing to be delivered will be social, affordable or intermediate rent properties and 7 one bedrooled units will be offered up as affordable dwellings. The Council's Housing Section have previously supported the proposal as there is a local need for elderly accommodation and this could be controlled by condition or legal agreement.
- 7.6 The application offers up 7 one bedrooled apartments up as affordable units, which equates to 46% of the total provision. This would comply with the requirements of Policy HC4 which seeks to maximise the delivery of affordable housing and requires all developments of 11 dwellings or more to provide 30% of the net dwellings proposed as affordable housing. The proposal for retirement apartments does not negate the need for provision of affordable housing as the proposal does involve provision of market housing albeit with restriction on occupancy in relation to age which could be imposed. The affordable units would be small one bedrooled units, and would not meet the prescribed mix in Policy HC11, however, the proposal to deliver smaller units for the older people above the 30% required Policy HC4 is a benefit of the proposal and acceptable provision based on the nature of the development and dwelling types proposed.

Impact on character and appearance

- 7.7 Within settlement boundaries Policy S3 allows development that:- is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located, retains existing buildings that make a positive contribution to the area and the proposed access and parking provision is appropriate.
- 7.8 Policy PD1 requires development to be of a high quality that respects the character and context of the area, contributes positively to an area's character in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.9 Development plan policies support and the National Planning Policy Framework (2021) advocates good design. The site levels drop significantly with existing buildings stepped down along the Chesterfield Road frontage. The site is prominently positioned within the streetscene and within Matlock Bank Conservation Area. The existing Lilybank Nursing Home is a three storey building with rooms in the roofspace, however, its ground level is such that it is 4m lower than Chesterfield Road at the bottom of the slope and set some distance back from Chesterfield Road. As noted in the representations received the character of existing development along Chesterfield Road respond positively to site topography. The expansive footprint of the apartment building, which will be constructed on a level platform would not respond to this existing character. Furthermore, the proposed form and design, comprising a central two-storey flat roofed section flanked either side by two storey gable elements faced in brick, incorporating traditional and contemporary feature windows presents a restless appearance that would not respect the character and context of the site. The poor design and form of the building would appear as an incongruous addition within the street scene and would fail to satisfy the requirements of policies, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2021).

Impact on this part of Matlock Bank Conservation Area

- 7.10 Policy PD2 requires proposals in Conservation Area to demonstrate how the proposal has taken account of the local distinctive character and setting of the Conservation Area

including open spaces and natural features and how this has been reflected in the layout, design, form, scale, mass, use of materials and detailing, in accordance with Character Appraisals where appropriate.

7.11 Whilst part of the proposed development is outside the Conservation Area a large part of it is within and the following comments are made on the impact of the development on the Conservation Area and on the setting of the Conservation Area.

7.12 The Matlock Bank Conservation Area Character Appraisal identifies key elements in relation to its setting to be:

- *Glimpses between buildings both of landmarks within and views beyond the conservation area. Large unbroken blocks of development within the conservation area would be inappropriate.*

- *Views into Matlock Bank from across and within the Derwent Valley. These could be affected by dominant, large blocks of development in the valley bottom or on the hillside alongside the conservation area, which could compete with and detract from the landmark former hydros, as much as by development actually blocking views.*

The key threat to the setting of the conservation area is from development blocking the views both into and out of the conservation area.

This could include:

- *Glimpses of major landmarks, in particular former hydros – County Hall, the former Smedleys Hydro and Rockside former hydro - and All Saints Church.*

- *Views out of the conservation area towards the surrounding hills and key landmarks - Riber Castle and High Tor.*

7.13 The Chesterfield Road elevation has two projecting gable ends. In their scale and width they are large and whilst that gable size closest to the church has an affinity in scale to the church building the gable closest to the pair of houses appears out of scale and out of context. In this regard, the proposed shaping, massing and scale of the building, across its principal elevation is inappropriate and furthermore fails to respond to site topography / local character. The gable end projections contain recessed sections and associated windows. The form of the gable end appears to call for architectural symmetry, however, the asymmetrical inclusion of the recessed openings and associated windows jars with the gable end form and presents a restless gable end elevation. The gable verges are to have stone copings (echoing a traditional format), however, this jars with the contemporary concept that appears to be being made.

7.14 The flat roof section is to a height close to the eaves line of the two ranges and this appears architecturally uncomfortable. This central section, of a grey render to the principal elevation with extensive glazing, appears architecturally uncomfortable. Such a design contrast is justifiable where two existing, historic, buildings may be con-joined, but here the concept is bogus and in that regard is un-convincing. The two side elevations are architecturally poor with no design integrity or concept.

7.15 The proposed projecting 'residents lounge' to the principal elevation appears as an 'add-on' and has no architectural integrity to the overall building design or concept. The proposed 'feature' glazing to the first floor of the principal elevation actually serves a lobby and the staircase. It is considered that such elements does not require 'feature' glazing and that, in this regard, the concept of a large area of 'feature' glazing (as proposed) has no integrity to the overall building design and its internal layout.

7.16 On the matter of an architectural design concept or narrative it is considered that the submitted design is poor and does not convey a strong architectural concept/narrative. This is considered a serious design flaw and the overall design concept/narrative.

- 7.17 Whilst the Beech tree is identified as being retained and the submission states that the building layout has been considered in this respect, it is considered that the proposed layout of the new development has not taken advantage of the presence of the tree to formulate an innovative design layout and massing whereby the tree is, and would be, a fully integrated part of the design layout and design concept/narrative.
- 7.18 In summary, it is considered that the proposed new building has an expansive footprint and its proposed form and design has no intrinsic rationale or narrative to its context & setting. The 'design' of the building is confusing, restless and prosaic incorporating features/elements that are out of place and inappropriate. The 1990 Act imposes a general duty on Local Planning Authority's, in respect of Conservation Areas, that 'special attention should be paid to the desirability of preserving or enhancing the character and appearance of that Area'. It is considered that the proposal would not preserve or enhance the character and appearance of the Matlock Bank Conservation Area contrary to Policy PD2. In this regard, under the NPPF (2021) there is a finding of harm. It is considered that the level of harm would not be substantial and, in that regard, paragraph 202 of the NPPF states that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset (conservation area), that harm should be weighed against the public benefits of the proposal. The harm identified is considered to be less than substantial.

Residential Amenity

- 7.19 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts.
- 7.20 The nearest properties to the proposed building is the existing Nursing Home to the west and 21 Chesterfield Road to the south. The height of the proposed apartment building has reduced, to the extent that it is no longer considered that a recommendation of refusal could be sustained on the grounds that it would result in unacceptable overbearing effects on existing properties. The close proximity of the building to Lilybank and no. 21 Chesterfield Road, however, remains a concern in terms of overlooking and loss of privacy. The rear elevation has eight balconies and in their proximity to 'Lilybank' would face in the direction of this building. Furthermore the south elevation of the building would incorporate 4 no. windows at first floor level serving bedroom, extending along the length of the rear garden of no. 21 less than 15m. Although there is an existing close relationship with the care home building, the siting of the building to the north would result in significant additional overlooking of the private amenity space of this property.

Impact on Protected Tree

- 7.21 The Copper Beech Tree located in the centre of the site's frontage is protected by a Tree Preservation Order (DDDC No.183). Policy PD6 requires trees of value to be retained and integrated within development where possible. The Council's Tree and Landscape Officer considers the impacts on the protected tree have been adequately assessed with its retention secured through the submission of an Arboricultural Method Statement via condition in accordance with Policy PD6.

Highways Issues

- 7.22 Policy S3 requires development to have a layout, access and parking provision appropriate to the proposed use, site and its surroundings. Policy HC19 seeks to ensure that development can be safely accessed in a sustainable manner and adequate parking is provided. With regard to the proposed 25 spaces, 11 are provided in

the rear car park, 12 are provided in an under-croft car park and 2 are provided at the front of the proposed building, utilising part of the existing access.

- 7.23 The Highway Authority is satisfied that suitable visibility from the access is now demonstrated. Parking levels for the existing care home and apartments is considered adequate. In relation to the undercroft Parking, the width of access has been increased and space around the parking spaces is noted, and whilst still considered a somewhat tortuous arrangement, it is not considered that highway objection to this could be sustained. The new path along the egress drive emerges immediately adjacent to a wall (height unclear) which could restrict pedestrian intervisibility - a demarked pedestrian route within the shared space, leading into the parking area and undercroft, would improve pedestrian safety and also provide the 'segregated' route into the undercroft.
- 7.24 A swept path analysis of the access arrangements for service/delivery vehicles is required and provided that it this is satisfactorily demonstrated, it is considered that the Highway Authority would be in a position to recommend conditions. An amended plan has been submitted which simply indicates turning areas and does not constitute a swept path analysis. As submitted, insufficient information has been submitted to demonstrate adequate vehicle manouvering within the site to prevent the need for vehicles reversing onto, or off the public highway, causing interference with the safe and efficient movement of traffic to the detriment of highway safety, thereby conflicting with Policy S3 of the Adopted Derbyshire Dales Local Plan (2017).
- 7.25 On the basis of the above, there is an objection on highway safety grounds as a swept path analysis is outstanding. It was not considered expedient to request further revised drawings as the need for this information has been communicated and in light of the design not being acceptable. As this has not been demonstrated, it is not clear whether the layout as submitted would present a highway safety concern and as such is contrary to Policies S3 and HC19.

Drainage and stability

- 7.26 Objection letters have referred to drainage issues within the site which are dealt with by Building Regulations and Severn Trent approvals. The Lead Local Flood Authority considers that sufficient information has been provided with this application on surface water drainage and conditions are recommended. The applicant intends to introduce storage units positioned below the car park to attenuate surface water and a large area of the developments roof is a green roof to aid slowing down surface water run-off.
- 7.27 In terms of stability of adjacent properties due to excavation, it is acknowledged that the building is large and on a sloped site, however, the construction methods of the building and their impacts does not fall within the remit of planning permission and is considered by Building Regulations legislation.

Local infrastructure provision and developer contributions

- 7.28 Policy S10 deals with Local Infrastructure Provision and states 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. Policy HC4 requires that 30% of the dwellings created on site comprise affordable dwellings. The application has offered up 7 of the units as affordable dwellings, which would constitute appropriate provision.
- 7.29 With regard to other developer contributions, the County Council has advised that residential units that would have restricted occupancy (aged 55 and over) are excluded from the County Council's Developer Contributions Protocol (2019) and would not attract

an education contribution. The Clinical Commissioning Group have advised that the development falls under its threshold for a health contribution.

Conclusion

- 7.30 Notwithstanding that the District Council cannot demonstrate a 5 year housing land supply at this time, the site is located within a sustainable location where housing development is generally supported in accordance with the existing development plan policies and the requirement for the development to significantly and demonstrably outweigh the benefits does not apply where policies that protect areas of assets of particular importance in the National Planning Policy Framework (2021) provide a clear reason for refusing the development proposed.
- 7.31 It is recognised that the proposed contribution towards affordable housing, which exceeds policy requirement and the provision of housing for the elderly / older people are benefits of the development, the siting, expansive footprint, form and design of the apartment building is such that it would appear as a harmful and incongruous building within the streetscene that would not respect the character, identity and context of this part of the settlement and would result in less than substantial harm to this part of Matlock Bank Conservation Area that would not be outweighed by these benefits contrary to policies S3, PD1, PD2 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2021). Furthermore the siting of the apartment block and the position of windows and balconies is such that the development would result in the unacceptable overlooking of neighbouring properties to the detriment of the occupant's residential amenity contrary to Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017). Insufficient information has also been submitted to demonstrate adequate vehicle manoeuvring within the site to prevent the need for vehicles reversing onto, or off the public highway, causing interference with the safe and efficient movement of traffic to the detriment of highway safety, thereby conflicting with Policy S3 of the Adopted Derbyshire Dales Local Plan (2017). It is recommended that the application be refused for these reasons.

8.0 RECOMMENDATION

That planning permission be refused for the following reasons:

1. The siting, expansive footprint, form and design of the apartment building is such that it would appear as a harmful and incongruous building within the streetscene that would not respect the character, identity and context of this part of the settlement and would result in less than substantial harm to this part of Matlock Bank Conservation Area that would not be outweighed by the benefits to be derived, contrary to policies S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2021).
2. The siting of the apartment block and the position of windows and balconies is such that the development would result in the unacceptable overlooking of neighbouring properties to the detriment of the occupant's residential amenity contrary to Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).
3. Insufficient information has also been submitted to demonstrate adequate vehicle manoeuvring within the site to prevent the need for vehicles reversing onto, or off the public highway, causing interference with the safe and efficient movement of traffic to the detriment of highway safety, thereby conflicting with Policy S3 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2021).

9.0 NOTES TO APPLICANT:

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

This Decision notice relates to the following documents:

Application Form;

1:1250 Scale Site Location plan 02;

1:500 Scale Proposed Block Plan numbered 98419_27D;

Existing Site Topographical Survey Plan numbered 98419_07A

Proposed Layout Plans numbered 98419_29C, 30D, 31B and 32C

Proposed Street Elevation Visuals (01 and 02);

Proposed Elevations Plan numbered 98419_34D

Proposed Sections Plan numbered 98419_33D

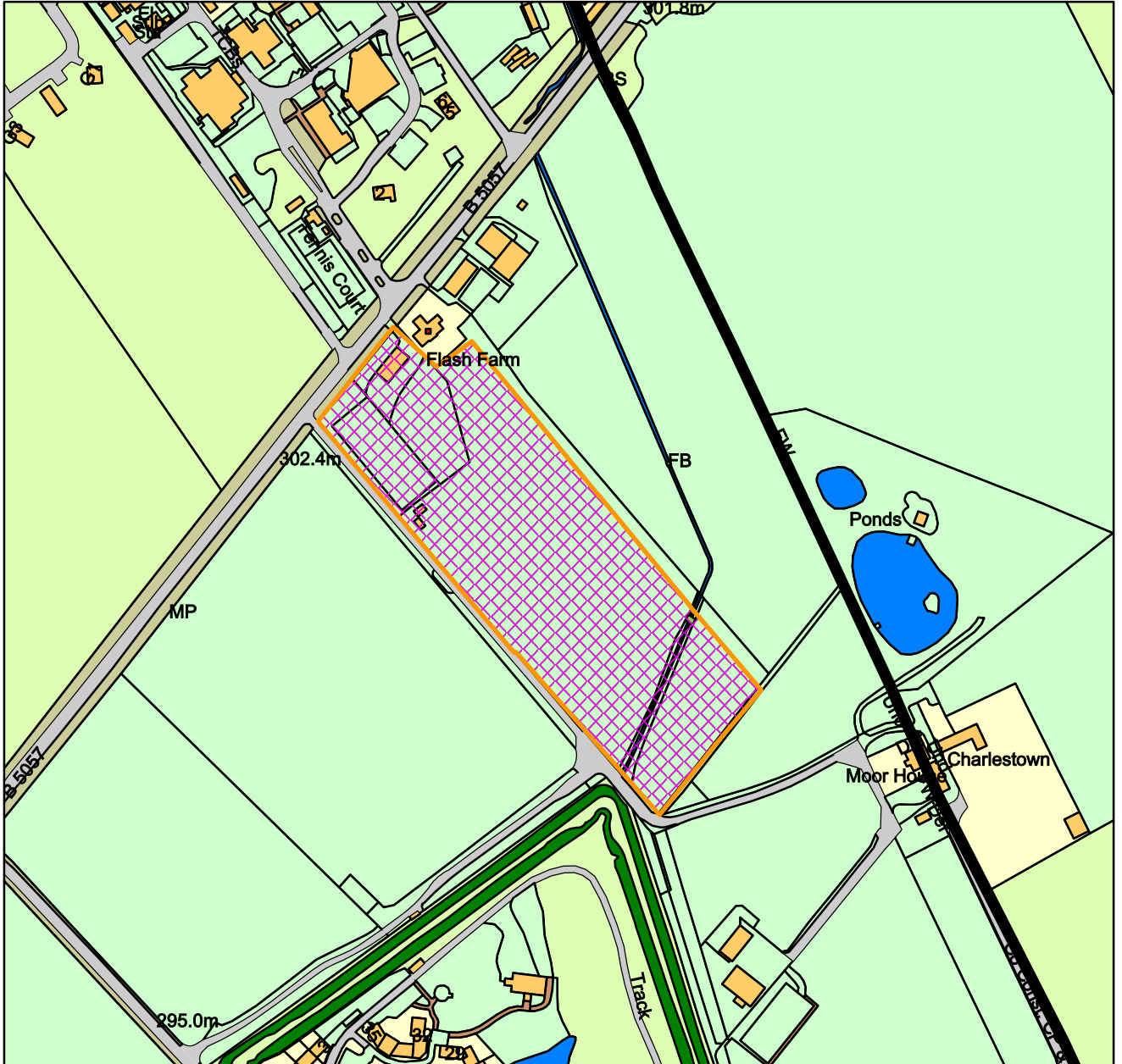
Site Photographs and;

Proposed Flood Risk and Drainage Strategy dated Feb 2022 received by the District Council on the 8th April 2022.

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22/00575/FUL

Darwin House, Sydnope Hill, Darley Moor



Derbyshire Dales DC

1:3,500

Date: 04/08/2022

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

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APPLICATION NUMBER		22/00575/FUL	
SITE ADDRESS:		Darwin House, Sydnoppe Hill, Darley Moor, Matlock	
DESCRIPTION OF DEVELOPMENT		Retention of change of use of land and building to mixed agricultural and equestrian use	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Ms I Clayson
PARISH	Darley Dale	AGENT	J C Harrison Planning & Admin Services
WARD MEMBERS	Cllr. J. Atkin Cllr. M. Slat Cllr. A. Statham	DETERMINATION TARGET	28 th August 2022
REASON FOR DETERMINATION BY COMMITTEE	Major Application	REASON FOR SITE VISIT (IF APPLICABLE)	N/A

MATERIAL PLANNING ISSUES

- Principle of the development
- Impact on the character and appearance the landscape
- Impact on residential amenity
- Highways matters
- Flooding and drainage

RECOMMENDATION

Planning permission be granted subject to conditions with regard to highway and amenity matters.

1. THE SITE AND SURROUNDINGS

- 1.1 The application site is an open field adjacent to the existing dwelling which is prominently located adjacent to the highway. There is a stone boundary wall to the roadside. The site is relatively level. The site is located away from any settlement in open countryside.
- 1.2 Within the field there has been a recently constructed building to house livestock and store fodder and implements and a manège area formed further to the granting of planning permission in June 2018 (ref: 18/00447/FUL).



2. DETAILS OF THE APPLICATION

- 2.1 Retrospective planning permission is sought for a change of use of land and use of the agricultural building for a mixture agricultural and equestrian use. In June 2018 the applicant was granted permission for the manège to exercise her own personal horses that, at the time, were stabled at a neighbouring farm. Since then, the stabling has become unavailable for use and recently constructed agricultural building has been used for stabling and the land for grazing for the horses alongside sheep.
- 2.2 The applicant is now having to sell the property and accompanying land and seeks to ensure that it is sold with the correct permissions and, as such, is seeking a retrospective change of use of the land and building to mixed use agricultural and equestrian, for which it has been used over the last couple of years. The granted building and manège have both been built to a good standard and the surrounding land maintained to a high standard, with all hardstanding and fencing in a good condition. The building would comprise four stables, a storage area, wash area and grooming area.
- 2.3 With regards to the sheep, it is advised that it is a common occurrence that they are kept for cross grazing with the horses as the sheep are not selective grazers and can therefore prove beneficial in helping to graze down areas of rough grass that horses avoid. This helps to level out the damage caused by horses hooves and help reduce the pastures burden of equine parasites
- 2.4 The applicant's agent advises that shelter should be provided for sheep especially in cold, wet, windy weather, at lambing and after shearing. Very young lambs are particularly susceptible to hypothermia in cold wet weather. Defra regulations state that animals are not meant to poach the ground therefore housing for animals is essential. FABBL requirements state that the space allowance for loose-housed sheep on a solid floor during pregnancy is a minimum of 1.2m² - 1.4m² and 2.0m² - 2.2m² after lambing with lambs at foot up to six weeks of age.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
 - S1 Sustainable Development Principles
 - S4 Development in the Countryside
 - PD1 Design and Place Making
 - PD5 Landscape Character
 - EC10 Farm Enterprises and Diversification
 - HC19 Accessibility and Transport
- 3.2 Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document (2018)
- 3.3 National Planning Policy Framework
- 3.4 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- 18/00447/FUL Erection of building to house livestock and store fodder and implements and proposed manege area - Granted

5. CONSULTATION RESPONSES

Town Council

5.1 - no objection.

Lead Local Flood Authority (Derbyshire County Council)

5.2 - no objection.

Local Highway Authority (Derbyshire County Council)

5.3 - no objection subject to all use remaining private and ancillary to Darwin House.

Environmental Health (Derbyshire Dales District Council)

5.4 - no objection.

6 REPRESENTATIONS RECEIVED

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

- no objection to the change of use as described in the planning request 22/00575/FUL, as long as it remains wholly for private use and ancillary to the Darwin House residents
- the property is now for sale, have been made aware that some of the potential purchasers may look to use the property as an equestrian B&B/holiday accommodation, which would object to
- should be noted that there are two covenants on the property that would stop this that would be enforced with regard to use and noise/annoyance
- support the change of use application with the condition that it is solely as a private family residence.

7 OFFICER APPRAISAL

Background - Introduction

7.1 The building and manège have planning permission. In this respect, the principal issues to consider are whether the proposals result in any visual impact upon the wider landscape, the impact of the keeping of horses and livestock in close proximity to the residential property and whether the proposals could lead to any highway safety concerns..

Impact on the Character and Appearance of the Landscape

7.2 The building and manège are in situ and relate reasonably well to the dwellings and buildings in close proximity. The use of the building will have little impact upon its appearance or is operated and that the proposals will have no additional visual impact upon the surrounding countryside.

Impact on Residential Amenity

7.3 The applicant's dwelling is the closest domestic property. The keeping of sheep and horses in such close proximity is considered to be acceptable. However, the keeping of other livestock, such as pigs or chickens, may have amenity impacts and, therefore, it is considered necessary to restrict the keeping of these animals via condition, as with the

previous planning permission. Given the exposed location of the manège and associated dark skies, it is necessary to remove the right to install lighting to prevent any significant visual intrusion and light pollution, again in accordance with the previous planning permission.

7.4 Neighbouring residents have raised some concern with regard to the potential for impact on their amenity. Whilst, in principle, having no objection to the change of use as described in the planning application, this is as long as it remains wholly for private use and ancillary to the Darwin House residence. However, as the property is now for sale, the neighbours advise that they have been made aware that some of the potential purchasers may look to use the property as an equestrian B&B/holiday accommodation, to which they would object. Whilst not necessarily a planning matter, the neighbours advise that there are two covenants on the property that would stop this and that they would enforce. It is advised that the covenants state:

4.1 Not to use the Property for any purpose other than as or incidental to one private residential dwelling and not to use the Property for any trade or business. The Transferee can use the Property for the keeping of their own animals, for a livery and for the making hay from the land.

4.2 Not to do or permit or suffer to be done on the Property anything which may be or become a nuisance or annoyance or cause damage to the Transferor or to the owners tenants or occupiers of any adjoining or neighbouring property.

To this end, the neighbours advise that, whilst they support the change of use application, that this is with the condition that the dwelling house is used solely as a private family residence. The proposal is considered to be acceptable in terms of amenity on planning grounds and it would not be reasonable or necessary to repeat such a restriction on any planning permission.

Highway Matters

7.5 For reasons of highway safety it is considered necessary to restrict the use of the manège to be for private non-commercial use only, as was also advised by the Local Highway Authority with the previous planning permission. This can be attached as a condition to any grant of planning permission.

Flooding and Drainage

7.6 The Lead Local Flood Authority have no objection to the proposals.

Conclusion

7.7 The principal matter for concern is how the property may be utilised. There are clearly no objections to the facilities, the subject of this application, being for personal and private use of the occupants of Darwin House but it is considered unreasonable to go so far as to restrict the use of the property to a primary residence. It is considered that, subject to conditions, as set out in the previous grant of planning permission, that the proposed development is can be approved in its context.

8 RECOMMENDATION

8.1 That planning permission be granted subject to the following conditions:

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

Reason:

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

- (2) The building shall not be used for the keeping of chickens or pigs without the prior written approval of the Local Planning Authority on an application made to it.

Reason:

In order to protect residential amenities in accordance with policy PD1 of the Adopted Local Plan (2017).

- (3) The use of the stables and manège shall only be in connection with the personal and private use of the occupants of Darwin House and shall not be used for any trade or commercial activity.

Reason:

For reasons of highway safety in accordance with policies S4, PD1 and HC19 of the Adopted Local Plan (2017).

- (4) This permission does not convey any authorisation to light the manège. No lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason:

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

NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in the submission of further information which overcame initial concerns of the Lead Local Flood Authority.

2. This decision notice relates to the following documents:

Drawing Nos 1251-001, 003 and 004 and the Supporting Statement received on 25th May 2022.

22/00610/OUT

Land at Bradbourne Lane, Brassington



Derbyshire Dales DC

1:1,250

Date: 04/08/2022

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

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APPLICATION NUMBER		22/00610/OUT	
SITE ADDRESS:		Land at Bradbourne Lane, Brassington	
DESCRIPTION OF DEVELOPMENT		Outline planning consent for the erection of 1 no. dwellinghouse and removal of existing buildings onsite.	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr Daniel Smith
PARISH/TOWN	Brassington	AGENT	Roger Yarwood Planning Consultancy Ltd
WARD MEMBER(S)	Cllr J Rose	DETERMINATION TARGET	19 th July 2022
REASON FOR DETERMINATION BY COMMITTEE	Called in by Cllr Rose	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

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

RECOMMENDATION
Refusal

1.0 THE SITE AND SURROUNDINGS

- 1.1 The proposed 729m² site is located to the west of the village of Brassington separated from the properties to the east by two fields. Ash Cottage is adjacent to the road to the south west and there are allotments over the road. The site has curved stone walls adjacent to the access with a steep access road with land levels on site approximately 1m higher than the road level. There are existing steel and timber clad single storey buildings adjacent to the western boundary which were originally built for agricultural purposes but that have been used in association with a stone masons business for the last 15 years. The buildings are set back 40m from the road frontage with grassland and bunds at the higher land levels between the buildings and the road. The buildings are enclosed by a stone wall to the south east and adjacent to the buildings on western boundary there are 6m high trees.



2.0 DETAILS OF THE APPLICATION

- 2.1 Outline planning permission is sought with all matters reserved for a dwelling and removal of existing buildings. The red line includes the existing access to Bradbourne Lane and land to the east of the existing buildings but not right up to the field boundary. The indicative layout shows a dwelling facing east on the area of land where existing buildings would be demolished. The existing buildings to the north west would be retained in their current use.
- 2.2 The applicant's letter to support his application is summarised below:-

He has been a resident of the village all of his life for 35 years and owns a stone masonry business which he has run as a sole trader for many years with the majority of work being in the village of Brassington and the local surrounding areas. There are 40 holiday houses in the village and this has been a problem for a long time pushing the true local young people out. He attended the local parish council meeting on 07.06.22 to discuss his planning application to which all the members unanimously agreed to support it. This should be considered as it may have been overlooked previously. As for the site of the proposed dwelling this would be situated in the position of the already existing buildings on the site would have a positive effect on the surrounding area and be built sympathetically and in keeping with the local character of the village.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan 2017:
 - S2 Settlement Hierarchy
 - S4 Development in the Countryside
 - S9 Rural Parishes Development Strategy
 - PD1 Design and Place Making
 - PD3 Biodiversity and the Natural Environment
 - PD5 Landscape Character

2. National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

20/01264/OUT - Outline Application for the erection of 1no. dwelling house and a stone mason's workshop and associated removal of existing buildings on site, Refused 01/07/21

The reason for refusal was as follows:

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

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

5.0 CONSULTATION RESPONSES

Parish / Town Council

- 5.1 Brassington Parish Council fully support this application. Mr Smith is a local man, whose parents also live in the village.

Derbyshire County Council (Highways)

- 5.2 There are fundamentally no changes to our previous final assessment of the similar Outline application regarding this site in terms of the traffic and highways element of this current scheme proposal, i.e. again we have fully assessed the information regarding the existing access arrangement that has been presented with this application. Previous comments are included below:-

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

On this basis we have concluded that in terms of traffic impact, the proposal will have a negligible effect on the surrounding highway network given the low traffic generation numbers associated with development and the low traffic numbers on the adjacent highway network. Development traffic movements are likely to be minimal and it is considered the proposal is not anticipated to adversely affect the operation of the surrounding highway network. A condition in respect of parking and manoeuvring provision is recommended.

Derbyshire Wildlife Trust

5.3 The Wildlife Trust has reviewed the updated PEA report. No significant changes have been identified in the interim since the initial PEA in 2020, nor any evidence of protected species recorded. Furthermore Buildings 3 and 4 are proposed for retention and therefore no further bat survey work is required. We advise that sufficient information has been provided to enable the LPA to determine the application and conditions relating to mitigation and enhancement and nesting birds are recommended.

5.4 Environmental Health (DDDC)
No objections.

5.5 Cllr J Rose

States that as the new ward member for Carsington Water which includes Brassington, I feel this application should be given careful consideration at committee level, particularly due to the level of support for the proposal within the community and support of the Parish Council.

6.0 REPRESENTATIONS RECEIVED

6.1 Four letters of support have been received which are summarised below:

- a) The applicant and his parents live in Brassington and the majority of people feel that the council should be encouraging the younger generation to stay in or close to the village that they have lived in all their lives.
- b) Unfortunately due to the high prices of properties around us, mainly due to second home owner's/rental's, young local's are being priced out of the housing market and sadly leave the area.
- c) The land is already owned by the applicant and is situated on the outskirts of the village so would not have a detrimental effect on the historic properties within.
- d) Most/the lower parts of the existing building's on site are not visible from the road so this would be the same for the new home.
- e) Access and location is remarkable good compared to some new build's that have previously been granted planning and the build will be approximately 70mts away from Bradbourne Road.
- f) Also there are new builds (within the last 50/60 year's) in close proximity.
- g) Parking will be not be an issue due to the location and length of the driveway.
- h) Noise should not be a factor, at present we have farm vehicles, pet's and livestock close by, normal countryside noise's so a new home will make very little or no difference at all.
- i) The applicant is a skilled stonemason and drystone waller which is a valuable and disappearing trade.
- j) Their property overlooks the site and they are satisfied that it will be carried out sympathetically and to a high standard in keeping with the area.
- k) The number of locals is decreasing slowly with impacts on the community and school.

7.0 OFFICER APPRAISAL

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

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

Principle of development

- 7.2 The site lies outside of the settlement of Brassington which is a Tier 4 settlement defined by Policy S2 of the Adopted Derbyshire Dales Local Plan (2017) as an 'Accessible Settlement with Minimal Facilities'. The village has a low level of facilities and few employment opportunities and development is therefore limited to that needed to maintain existing services and facilities. Policy allows some scope for limited development within the settlement through infill and consolidation of the existing built framework or where development is well related to the existing pattern of development and surrounding land uses.
- 7.3 Whilst the settlement has no defined boundary, the application site is clearly outside its outer built edge, separated from the built framework of the settlement by fields. The site is in countryside where the new dwellings are only acceptable if they meet the essential requirements of agricultural, forestry and other rural based enterprise. A stonemason does not fall within this category and the main reason given for requiring a dwelling is the fact the applicant is local, has lived in the village for 35 years and wishes to remain in the village. Other reasons given include it would allow the business to expand, reduce commuting and assist security at the site. No address is given for the applicant, however, if he continues to live within the village a short commute to the site is not considered a sufficient reason. The business could continue to operate and potentially expand without the need for a dwelling on the site.
- 7.4 Policy S4 states that development that is acceptable in the countryside may comprise of redevelopment of a previous developed site and/or conversion or extension of existing buildings for employment use provided it is appropriate to its location and does not have an adverse impact on the character and appearance of the rural area. Although not specifically mentioned in relation to tier 4 settlements in Policy S2, it is also considered, in line with the policy on tier 5 settlements, that modest brownfield redevelopment opportunities, immediately outside settlements where redevelopment would be environmentally beneficial, is also in accordance with the aims of the policy. This relates to existing businesses and their redevelopment or expansion which is considered acceptable within the countryside and just outside of settlements.
- 7.5 This proposal seeks to repair and partially reconstruct existing buildings that have been used for the stonemasons business for a 15 year period. Justification for a dwelling in the countryside is that it is required to be occupied by the applicant so that he can reside on the site from which his business operates. The applicant has lived in Brassington for 36 years and he wishes to remain in the village and raise a family there. His work is mainly local to the area and the local restoration and stonework and he travels to and from the site frequently most days and, thus, being resident on the site would significantly reduce journeys and represent a sustainable form of development. Being on site would also assist in regard to site security.
- 7.7 The proposal does not comprise of any of the acceptable forms of residential development in the countryside as it is outside the village of Brassington and does not meet the

essential requirements of agricultural, forestry or other rural based enterprise based on the requirements of Policy HC13 for functional need and being financially sound.

Highway Safety

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

Impact on residential amenity

- 7.10 Policy PD1 of the Adopted Derbyshire Dales Local Plan relates to design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.11 The nearest dwelling 'Ash Cottage' is to the south at a distance of 29m and has a lower land level. The dwelling is proposed with its side elevation to the road boundary to the south which is unlikely to contain habitable room windows. The appearance of the new property is a reserved matter and as such the elevations and windows positions of the proposed dwelling are not known, however, the indicative layout shows a dwelling could be accommodated on site without significant impact on amenity of the existing property in accordance with Policy PD1.

Impact on character of area

- 7.12 All matters are reserved with an indicative layout and scales provided for a two storey dwelling with a eaves height of around 3.6m and ridge height of 6.7m. This proposal differs from the previous refusal in that it seeks to repair and partially reconstruct the existing building used by the applicant for his stonemason's business. It would retain the footprint of the existing buildings and the dwelling is proposed on land occupied by existing farm buildings that would be demolished. The agent thus using the argument that as the dwelling would occupy the footprint of the demolished building there would no greater impact on the landscape than exists at present. It is not considered that this is true as the existing buildings are low level and agricultural in nature, whilst, a new two storey stone dwelling would change the character of the land and would have a greater impact on the landscape appearing intrusive and dominant on a higher land level than the road.
- 7.13 A dwelling in this location separated from the built framework of the settlement by fields would be out of character with the existing pattern of development whereby dwellings are close to road frontages and ancillary buildings are located to the north. It is acknowledged that Ash Cottage has outbuildings adjacent to the eastern boundary of the site, however these are low level, have a lower land level and are screened by trees. A two storey

dwelling as indicated would appear dominant and intrusive in this rural context harming the character and appearance of the countryside, contrary to Policy S4.

- 7.14 In terms of the repair and partial reconstruction of the buildings to remain for use by the existing business, no details have been supplied in terms of the extent of works required. These buildings are single storey of steel and blockwork construction with no planning history. Furthermore, a certificate of lawful use has not been made for the business and whilst statements have been made that it has been running from the site for over a 10 year period it is not backed up by evidence. Therefore, to base a decision on the requirement of a use that is not authorised would be flawed.

Conclusion

- 7.15 The site lies within the countryside where only dwellings that meet the stringent requirements of agricultural, forestry and other rural based enterprise are acceptable. Whilst the agent states the business has been run from the existing buildings for 15 years this is not justified by evidence and the extent of works not provided. Furthermore it is questionable whether the use is appropriate to its countryside location as required by Policy S4.

8.0 RECOMMENDATION

That planning permission be refused for the following reason.

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

9.0 NOTES TO APPLICANT:

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

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

This decision notice relates to the following documents:

Location Plan Scale 1:1250

Block Plan Scale 1:500

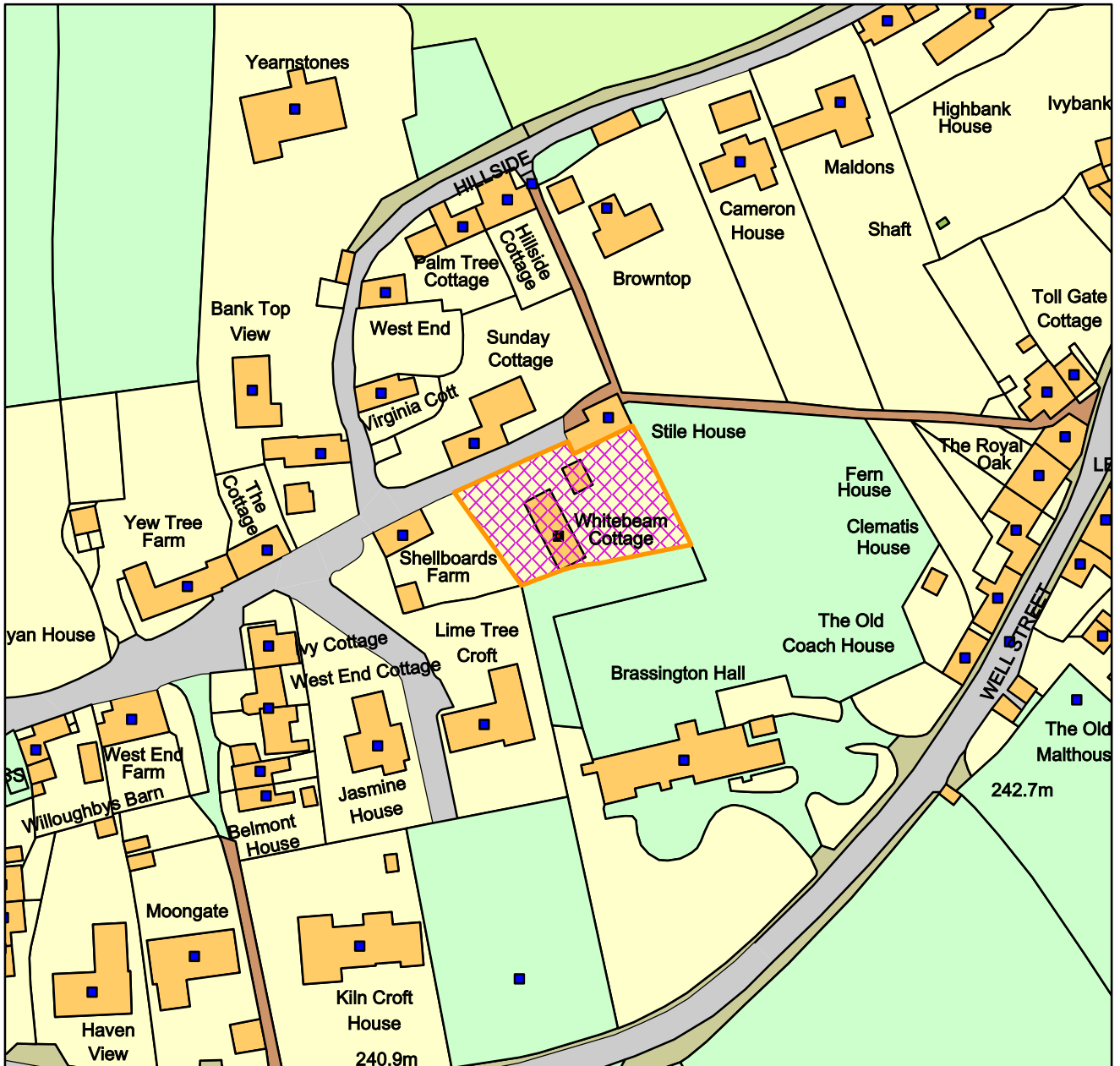
Design and Access Statement

Ecological Assessment by Turnstone Ecology dated September 2020 Rev 00

Ecology Update Appraisal July 2022 79

22/00616/FUL

Whitebeam Cottage, Hillside Lane, Brassington



Derbyshire Dales DC

1:1,250

Date: 04/08/2022

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

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APPLICATION NUMBER		22/00616/FUL	
SITE ADDRESS:		Whitebeam Cottage, Hillside Lane, Brassington, Matlock, Derbyshire, DE4 4HL.	
DESCRIPTION OF DEVELOPMENT		Two storey extension to side and rear	
CASE OFFICER	Heaton Planning	APPLICANT	Mrs R Summerfield
PARISH/TOWN	Brassington	AGENT	James Probert – OakenStone Design Planning Build
WARD MEMBER(S)	Cllr D Murphy Cllr R FitzHerbert	DETERMINATION TARGET	20.07.2022
REASON FOR DETERMINATION BY COMMITTEE	More than 5 unresolved objections.	REASON FOR SITE VISIT (IF APPLICABLE)	To fully assess the issues raised.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of proposed development - Design and impact upon the local area - Impact upon the Conservation Area - Impact upon the amenity of the area and neighbouring properties. - Impact upon parking and highway safety.

RECOMMENDATION
Permitted with Conditions.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site is a residential property in the village of Brassington. The property was first granted planning permission in 2004 and is an attractive stone built dwelling house matching the appearance of traditional stone built properties in the locality. The property is nestled in a secluded area of Brassington, and partly screened from Hillside Lane by a Whitebeam tree on the site. The main building is two storeys, incorporates a dual pitched roof, and has a garage side extension. The building also has a rear utility room extension with a catslide roof. The site benefits from a driveway and access onto Hillside Lane to the west, as well as some garden space to the front and rear. The site is located within the Brassington Conservation Area.





2.0 DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for a two storey side and rear extension from the north elevation of the property. The extension would replace the existing attached garage and rear utility room extension. The proposed development would create additional living space, and the submitted floor plans indicate no additional bedrooms would be created, although a proposed study room would be large enough to convert into a bedroom in the future. The application would also remove an existing tree in the west of the site to accommodate a new storage structure. The existing Whitebeam tree would be retained.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

Adopted Derbyshire Dales Local Plan 2017

S1 Sustainable Development Principles
S4 Development in the Countryside
PD1 Design and Place Making
PD2 Protecting the Historic Environment
PD3 Biodiversity and the Natural Environment
PD6 Trees, Hedgerows and Woodlands
PD7 Climate Change
HC10 Extensions to Dwellings

Other:

The National Planning Policy Framework (2021)
National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

04/07/0646	Erection of two storey dwellinghouse and detached garage	A	21/10/2004
06/00913/FUL	Erection of two storey dwellinghouse and garage (modifications to planning permission 04/07/0646)	A	19/01/2007
07/00859/FUL	Erection of two storey dwellinghouse and garage (modifications to planning permission 06/00913/FUL)	A	14/12/2007
09/00256/FUL	Construction of 1.2 metre high stone wall and erection of fence, gates and garden shed	PERC	15/07/2009
T/11/00037/TCA	Works to trees in the Conservation Area of Brassington	P	18/05/2011
T/21/00216/TCA	Removal of Fir Hedge (T1) and crown reduction of Whitebeam (T2) by 60%	P	19/01/2022

5.0 CONSULTATION RESPONSES

5.1 DDDC Conservation Officer – Comments the following:

The applicant/agent has sought no pre-application advice or guidance from the Local Planning Authority in terms of their proposal(s).

The property is a modern residential dwelling (approved in 2007) located within the Brassington Conservation Area. As designed, the cottage has a traditional and vernacular character/appearance comprising a principal (rectangular) block with a secondary and subservient section (adjacent to the roadway) with a distinctive catslide roof. It is built of rubble limestone with sandstone dressings and clay tiled roofs.

It is proposed to remove the secondary section (which currently comprises a garage and utility room on the ground floor and a small bedroom and bathroom on the first floor) and replace it with a larger extension providing an accessible bedroom and en-suite on the ground floor and a bedroom and en-suite on the first floor.

The proposed, new, extension is to be almost double the elevational width of the current projection and its eaves line and ridge line are to be raised. To the rear (east) is to be a further, lower, dual pitched roof section. The new extension is to be clad in rubble limestone (with sandstone dressings) to match the main house. On its principal elevation (west) it is to have coupled windows to ground & first floor (similar to those on the main block of the house), no windows to the north gable end, one rooflight to the rear roof and a small rear (east) window to the en-suite. Due to land levels the northern gable end is to be partly retaining and a new flat-roofed garden/bike store is to be built against the gable end of the new extension.

The current scale, mass and simplicity of the northern projection is diminutive and subservient to the main house. The proposed, new, extension, is larger in scale and mass with a less simple rear roof configuration. However, due to the land levels the base of the northern gable end will be reduced in scale by acting as a retaining wall to the adjacent higher land. This will have the visual & physical effect of reducing the scale/mass of the new extension. Whilst less simple than the current rear roof configuration the proposed rear roof configuration to the new extension is considered to be of a scale and form that assimilates with the vernacular tradition. It is considered unfortunate that the eaves/ridge line of the new extension has to be raised as this compromises the visual & physical sense of subservience to the main building. Ideally the eaves & ridge line should be retained in their current locations to aid subservience.

Subject to the above, and the imposition of conditions requiring approval of all external materials & details etc. it is considered that the proposal will not be harmful to the host building or this part of the Brassington Conservation Area.

5.2 DDC Trees and Landscape Officer – Comments the following:

There are no Tree Preservation Orders on the site, but all trees there are protected due to the site being located within a Conservation Area.

The on-site trees contribute to the character and appearance of the conservation area.

The proposed works are close to 2 trees – a whitebeam and a fruit tree (likely apple or pear).

The whitebeam is a substantial mature tree with high amenity value and this should be retained and provided with appropriate protection throughout development to ensure it is not harmed.

The fruit tree is less valuable and should not be considered a constraint to development. However, I recommend that a replacement should be required to be planted on the property if it is to be removed to facilitate the proposals. This is in order to maintain the character and appearance of the area and also to contribute to the biodiversity of the area.

I recommend that an Arboricultural Impact Assessment be required to be submitted for approval to inform the Planning Officers decision. This should be prepared to the guidelines of BS 5837:2012.

If encroachment into the whitebeam tree's root protection area by proposed development or site activity is required then I recommend that a condition should require an Arboricultural Method Statement to be submitted for approval.

5.3 Brassington Parish Council – Comments the following:

Brassington Parish Council consists of 7 councillors who unanimously object to this application.

The owners do not live in the property, but let it as a holiday cottage. This already increases parking problems. An enlargement would allow greater numbers of holiday makers which would increase disturbance to the neighbours and also add more cars to an already congested area.

Brassington already has a large number of holiday cottages. There can be no valid reason for this extension. It would merely increase revenue for the owners who do not have to put up with the inconvenience which Brassington residents already have to tolerate.

5.4 Cllr Dermot Murphy – No Comment.

5.5 Cllr Richard FitzHerbert – No Comment.

6.0 REPRESENTATIONS RECEIVED

6.1 The following representations from nearby residents have been received by the Local Planning Authority and are summarised as follows:

- a) The application seeks to increase the capacity and income from the holiday let. This will create further nuisance and disturbance to neighbours.
- b) The development will result in increased overlooking; is there a potential mitigation strategy i.e. screening/planting? Further windows adding to increased overlooking and potential nuisance.
- c) Increased number of bedrooms and therefore vehicles. Increase in capacity and therefore increase in vehicle noise and general comings and goings etc will cause further nuisance.
- d) Does the proposed alteration change the planning use class. I.e. no longer falls under class C3, and use as a group holiday let property as-is, is this contravening C3 planning classification already?
- e) The parking available within the curtilage of Whitebeam Cottage is insufficient in practice to accommodate current guest numbers and the increasing the capacity of the holiday let will further exacerbate the issue.
- f) Excessive noise levels have been and are an issue since the property has changed use from residential to a holiday cottage. This ongoing level of noise and potentially increasing from Whitebeam Cottage is detrimental and totally out of keeping with the character of this quiet village and prevents the enjoyment of my property, and no doubt the immediate residents.
- g) Objects. Whitebeam Cottage was built in accordance with planning criteria which were sensitive to the architectural style of the area and the size and nature of the site.
- h) The proposed development would create a cottage inappropriate in size and shape and encroach seriously on the boundaries with neighbouring properties.
- i) The proposal would increase the capacity of the property. The dwelling is able to accommodate a large numbers of visitors already (advertised as sleeping 8) and has already breached the peace and use of our property. The revised layout increases the potential of the property to accommodate 10 people and therefore putting the holiday let into the “party venue” bracket.
- j) The parking available within the curtilage of Whitebeam Cottage is insufficient in practice to accommodate current guest numbers and the increasing the capacity of the holiday let will further exacerbate the issue with on street parking.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of proposed development
- Design and impact upon the local area
- Impact upon the Conservation Area
- Impact upon the amenity of the area and neighbouring properties.
- Impact upon parking and highway safety.

- 7.1 It is noted that comments have been made about the property currently being used as a holiday let. The application seeks permission to extend the residential dwelling house and must be determined on that basis and on its own merits. Whether or not there has been a material change of use of the property is a separate matter. Granting planning permission for this application would not grant any change of use of the existing dwelling house. This application must be determined in the context of an extension to a C3 dwelling house without prejudice to any action the Local Planning Authority may deem appropriate in relation to the alleged holiday use.
- 7.1 Policy HC10 of the Adopted Derbyshire Dales Local Plan (2017) supports proposals for the extension of residential properties provided: the plot size of the existing property is large enough to accommodate the extension or outbuilding without resulting in a cramped or overdeveloped site; the height, scale, form and design of the extension or outbuilding is in keeping with the scale and character of the original dwelling (taking into account any cumulative additions), and the site's wider setting and location; and following construction of the extension, or outbuilding, sufficient space is available for the parking of cars.
- 7.2 Policy PD1 requires proposed development to achieve a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, or an overbearing effect.
- 7.3 Policy PD2 requires proposed developments that affect a heritage asset and/or its setting, including alterations and extensions to existing buildings, to demonstrate how the proposal has taken account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset in order to ensure that the design is holistic, sympathetic and minimises harm to the asset.
- 7.4 The main issues therefore are whether proposed extensions conserve the character and appearance of the host property, its setting within the Conservation Area and the amenity of neighbouring properties in accordance with Policies PD1, PD2 and HC10.
- 7.5 The proposed development would increase the scale of the northern wing of the property in width and height, bringing the building to sit flush with the neighbour's driveway to the north. The site is large enough to accommodate the proposed extension without resulting in a cramped appearance and overdeveloped site. The proposed scale of the extension would also be proportionate to the original building and would appear as a subservient addition. The submitted Design Statement states that the style and materials will match the existing. However, given the site's location within the Brassington Conservation Area and the traditional appearance of the property, it is considered necessary to attach a condition requiring full details of all external materials to be used. In addition, as the proposed development does not propose to increase the number of occupants the property can accommodate it is considered that the existing parking provision is adequate and in accordance with local standards.
- 7.6 The Conservation Officer also raises no objection to the proposed development, subject to conditions regarding the submission and approval of external materials.

7.7 The scale of the proposed extensions would not have an overbearing impact on neighbouring residential amenity. Furthermore and subject to the installation of obscure glazing to the en-suite bathrooms of the extension, it is considered the proposed development would not lead to an unacceptable impact on residential amenity of neighbouring residents nor of occupiers of the application property.

7.5 Policy PD6 states that trees of value should be retained and integrated within development wherever possible. Policy PD3 seeks to protect, manage and where possible enhance biodiversity resources and Policy PD7 requires new development to contribute to achieving national targets to reduce greenhouse gas emissions. The Trees and Landscape Officer raises no objection to the removal of the existing fruit tree, considering this is of too little value to act as a constraint to the development. However, it is considered the existing whitebeam tree is a substantial mature tree with high amenity value and this should be retained and provided with appropriate protection throughout development to ensure it is not harmed. Whilst the application does propose to retain the whitebeam tree, it is considered necessary that a pre-commencement condition is attached to this consent requiring the submission of an Arboricultural Impact Assessment to protect the whitebeam tree for visual amenity, wildlife and biodiversity benefits, human health and social benefits and climate change minimisation.

8.0 RECOMMENDATION

On balance, the proposed development accords with the Adopted Derbyshire Dales Local Plan (2017). A recommendation to grant planning permission subject to conditions is made on this basis.

CONDITION(S):

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

Reason:

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans to which this decision notice relates.

Reason:

For the avoidance of doubt and to establish the scope of the permission granted.

3. No works shall commence on site until an Arboricultural Impact Assessment, prepared to the guidelines of BS 5837:2012, has been submitted to and approved in writing by the Local Planning Authority. The submitted Assessment must consider the impact of the approved development on the existing Whitebeam tree and the method to protect it from any demolition, excavation or construction activities. The development shall thereafter be carried out in full accordance with the approved details.

Reason:

To protect retained trees during the development phase in the interests of safety, stability and health of the trees and to ensure continuity of their contribution to visual amenity, wildlife and biodiversity benefits, human health and social benefits, climate

change minimisation in accordance with Policies PD1, PD3, PD6 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

4. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010.

If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

In this condition 'retained tree' means the existing tree which is to be retained in accordance with the approved plans and particulars.

Reason:

To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity, wildlife and biodiversity benefits, human health and social benefits and climate change minimisation in accordance with Policies PD1, PD3, PD6 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

5. Details 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 and the appropriate use of materials in the interests of preserving the character and appearance of the Conservation Area in accordance with Policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

7. All window and door frames shall be recessed in their openings a minimum of 100mm behind the front face of the external walls of the buildings.

Reason:

To preserve the external appearance of the building and preserve the character of the area in accordance with Policy PD2 and HC10 of the Adopted Derbyshire Dales Local Plan (2017).

8. The windows in the ground floor and first floor east elevation to the ensuite bathrooms of the approved development shall be glazed with obscure glass only and these windows

shall be permanently maintained with obscure glazing throughout the lifetime of the development hereby approved.

Reason:

In the interests of preserving residential amenity and privacy in accordance with Policy S1 of the Adopted Derbyshire Dales Local Plan (2017).

9. The lintels and cills shall be natural gritstone, a sample of which shall be submitted to the Local Planning Authority and approved in writing. The sizes shall be 150mm to the heads and 100mm to the cills, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

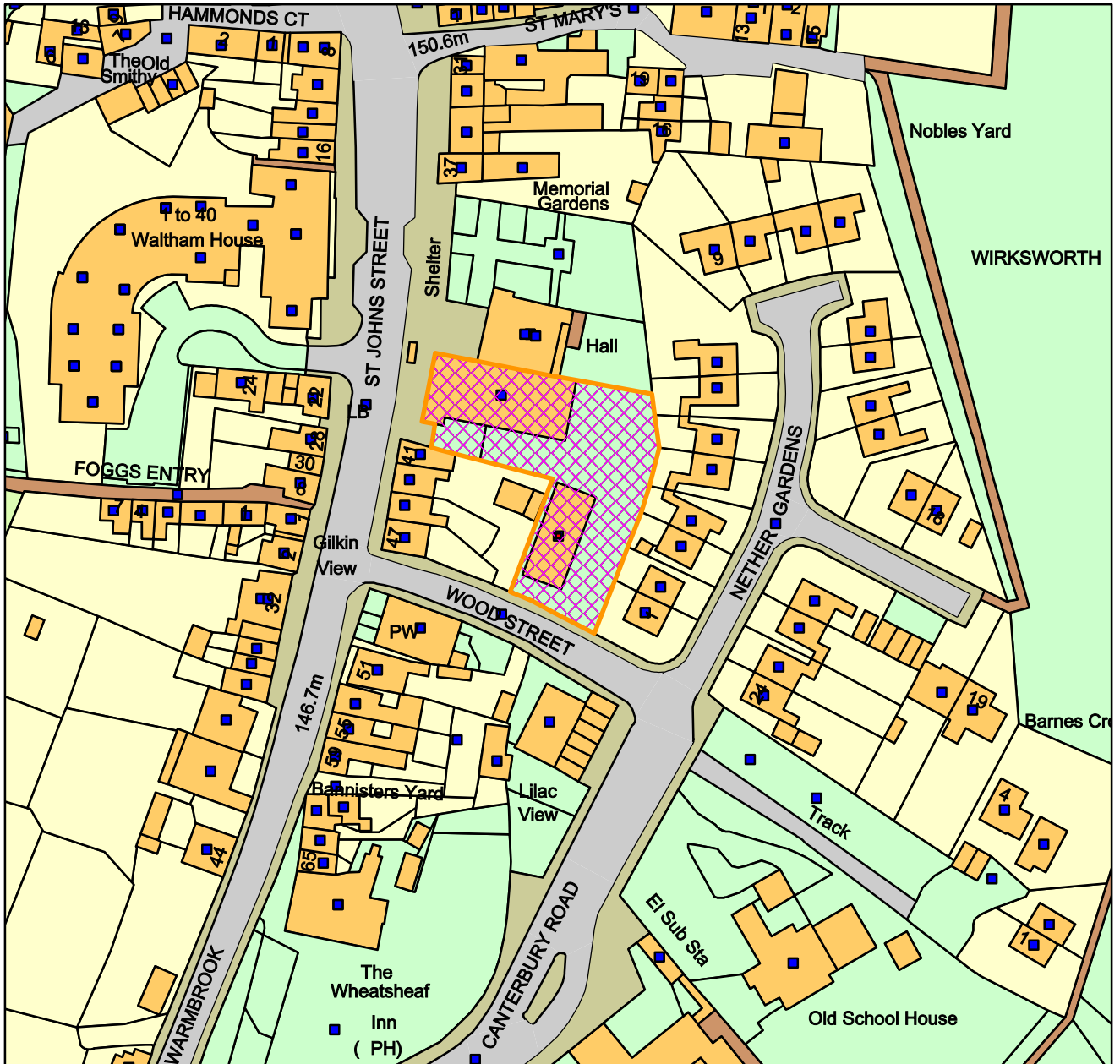
9.0 NOTES TO APPLICANT:

INFORMATIVES:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
2. This decision notice relates to the following documents received by the Local Planning Authority:
 - Planning Application Forms;
 - Design and Access Statement;
 - Existing Elevations V.01 (1:100) Produced 24/5/22
 - Proposed Elevations V.01 (1:100) Produced 24/5/22
 - Existing Plans Site, Roof and Floor Plans V.01 (1:100) Produced 24/5/22
 - Proposed Plans Site, Roof and Floor Plans V.01 (1:100) Produced 24/5/22
 - Proposed Plans Site, Roof and Floor Plans V.BE (1:100) Produced 24/5/22
 - Location and Block Plans V.01 (1:100) Produced 24/5/22
3. The pre-commencement conditions attached to this permission have been imposed having served the requisite notice on the applicant(s) and having received a positive response (deemed or otherwise) under section 100ZA(5) of the Town and Country Planning Act 1990.
4. 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.

22/00640/FUL

Stone Builders Merchants, Wood Street, Wirksworth



Derbyshire Dales DC

1:1,250

Date: 04/08/2022

100019785

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APPLICATION NUMBER		22/00640/FUL	
SITE ADDRESS:		Stones Builders Merchants, Wood Street, Wirksworth, Derbyshire, DE4 4DW	
DESCRIPTION OF DEVELOPMENT		Enlargement of existing ground floor retail unit, change of use and conversion of storage building to Use Class E(g)(i) office and 7 no. apartments and demolition of workshop building and erection of replacement building comprising of 4no. apartments	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr D & Mr A Stone
PARISH	Wirksworth	AGENT	Planning & Design Practice Ltd
WARD MEMBERS	Cllr. M. Ratcliffe Cllr. P. Slack	DETERMINATION TARGET	15 th September 2022
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	A Ward Member has requested a site visit as considers the proposals to be different to the previous application which was approved a number of years ago.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Introduction – Background • Policy • Affordable housing provision and principal residence dwellings • Character and appearance • Climate change • Neighbours’ amenity • Highway matters

RECOMMENDATION
Subject to the applicant entering into a Section 106 Agreement to provide for all dwellings on the site being principal residences, the provision of 3 dwellings as on-site affordable housing and a financial contribution towards part of an off-site affordable dwelling, planning permission be granted subject to conditions.

1. THE SITE AND SURROUNDINGS

- 1.1 The application site is a former cinema and associated L-shaped curtilage which has for many years been used as a builder's merchants. The buildings on the site include the large 1930's former cinema building which fronts onto St. John's Street. This is constructed with red brick frontage and a mix of stone, brick and render to the side and rear elevations. The building is currently used for storage and contained a hardware shop to the front, although this closed some two years ago as it is advised that this was not commercially viable.
- 1.2 There is also a workshop building which fronts onto Wood Street. This is a relatively modern building and constructed with reconstituted stone blocks and a prefabricated sheet roof.
- 1.3 The site is within an area of mixed development. It is opposite Waltham House and residential properties on St. John's Street. It is attached to the memorial hall to the north and has traditional dwellinghouses to the south which front also St. John's Street. It is bounded to the rear by residential development on Nether Gardens and faces a Church, commercial building and garages to the south of Wood Street
- 1.4 The site is within the Settlement Framework boundary for Wirksworth and the Wirksworth Conservation Area.





2. DETAILS OF THE APPLICATION

- 2.1 This is a full planning application for the conversion of the builder's storage building to a self-contained retail unit and eight apartments and the demolition of a workshop and erection of a replacement building for a further four apartments.

2.2 The alterations to the former cinema building include the following:

- subdivision of the building into six 2 bedroomed flats and two 1 bedroomed flats
- demolition of the extension to the south side of the building (close to the frontage) and provision of bin store
- facing the building with render and cut stone with the addition of four projecting timber bay windows to the south side elevation and two on the rear elevation
- provision of grey powder coated aluminium window frames
- insertion of two sections of solar panels, two patent glazed section and 30 rooflights on the roof

2.3 The details of the new building are as follows:

- mono-pitched building measuring some 7.2m deep by 17.5m wide with a maximum height of 6.1m
- proposed to provide four two bedroomed flats
- facing the building with render and cut stone with the four projecting timber bay windows to the east side elevation
- provision of grey powder coated aluminium window frames

2.4 Vehicular access to the site is proposed off Wood Street and it is proposed to provide and 13 car parking spaces. A pedestrian and cycle access is also proposed off St. John's Street with a cycle store set to the south and rear end of the former cinema building. In terms of landscaping, it is proposed to retain or replace the existing stone wall along Wood Street and on the eastern boundary. Soft landscaping is proposed to be incorporated in the eastern parts of the site to soften the appearance of the car parking spaces but the applicants have advised that they would accept a condition on any planning permission in this respect.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S3 Development within Defined Settlement Boundaries
- S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
- S10 Local Infrastructure Provision and Developer Contributions
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- PD3 Biodiversity and the Natural Environment
- PD7 Climate Change
- PD8 Flood Risk Management and Water Quality
- PD9 Pollution Control and Unstable Land
- HC1 Location of Housing Development
- HC4 Affordable Housing Provision
- HC11 Housing Mix and Type
- HC14 Open Space, Sports and Recreation Facilities
- HC15 Community Facilities and Services
- HC19 Accessibility and Transport
- HC21 Car Parking Standards
- EC3 Existing Employment Land and Premises
- EC4 Retention of Key Employment Sites
- EC5 Regenerating an Industrial Legacy
- EC6 Town and Local Centres

3.2 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)

- 3.3 Derbyshire Dales District Council Developer Contributions Supplementary Planning Document (2020)
- 3.4 Wirksworth Neighbourhood Development Plan (2015-2028)
 - NP1 Setting and shape of the settlement
 - NP2 Quality and character of development in the settlement
 - NP5 Principal residential homes
 - NP6 Quality of residential development
 - NP7 Energy saving standards for new dwellings
- 3.5 Wirksworth Conservation Area Appraisal and Article 4 Direction
- 3.6 National Planning Policy Framework
- 3.7 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- 4.1 13/00906/FUL Enlargement of existing retail unit, change of use and conversion of storage building to Use Class B1 (Office) and 7 no. residential apartments, demolition of workshop building and erection of replacement building to accommodate 4 no. residential apartments and associated access/parking - Refused – Appeal Allowed
- 4.2 13/00217/CON Demolition of workshop building – Granted.
- 4.3 13/00216/FUL Change of use and conversion of storage building to self-contained retail unit and 8 no. residential apartments, demolition of workshop building and erection of replacement building to accommodate 4 no. residential apartments, associated access, car parking and landscaping – Refused

5. CONSULTATION RESPONSES

Town Council

- 5.1 - no comment
- Wirksworth Town Council has declared a Climate Emergency and therefore supports any development or change that seeks to reduce the carbon footprint.

Lead Local Flood Authority (Derbyshire County Council)

- 5.2 - as the above application is for a minor development, and due to the nature and scale of the development, have no comment to make

Local Highway Authority (Derbyshire County Council)

- 5.3 - see previous highway comments and recommended conditions

NHS Derby and Derbyshire CCG

- 5.4 - will not be making a request for this development as it falls under threshold.

Environmental Health (Derbyshire Dales District Council)

- 5.5 - no objections subject to retaining the conditions, specifically 9, 11 and 12 and submission of information regarding adequate insulation between the retail unit and apartments to prevent noise disturbance
- the retail unit hereby permitted shall not be open to customers outside the following times:

Monday - Saturday 7.00am -10pm
Sunday/ Bank Holidays 10am - 4pm

in order to protect the amenity of the locality, especially for people living and/or working nearby.

Historic England

- 5.6 - suggest seeking the views of your specialist conservation and archaeological advisers.

Design and Conservation Officer (Derbyshire Dales District Council)

- 5.7 - an application for the conversion and alteration of the existing (former cinema) building on the site, demolition of the later 20th century workshop buildings and their replacement with a new block of apartments and associated access and parking provision etc. was refused Planning Permission in 2013 (13/00906/FUL)
- the refusal of planning permission was appealed and the appeal was upheld and planning permission, with conditions, was granted in October 2014
 - no legal commencement to the approved development was made within the three year period (i.e. by October 2017) and the permission has, therefore, lapsed
 - current application is a re-submission of the approved 2013 scheme/design
 - whilst there were some conservation and design issues raised about the scheme in 2013 it gained Planning Permission (via appeal) in October 2014.

Policy and Monitoring (Derbyshire County Council)

- 5.8 - analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 1 infant and 1 junior pupils arising from the proposed development and the secondary school would have sufficient capacity to accommodate the 3 secondary pupils arising from the proposed development - the County Council therefore requests no financial contributions towards education.
- Local Planning Authorities should attach advisory notes to planning permissions to request that developers work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development - however, if it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.
 - where it is expected that new housing development will generate a need for additional provision, funding through developer contributions will be expected to help provide the necessary additional capacity - the County Council is currently reviewing its approach to assessing the impact of housing development on waste services.

6 REPRESENTATIONS RECEIVED

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

- request confirmation of the proposed times of construction and that these are a condition of any reserved matters planning approval
- as the nearest neighbour (no 41) to this proposed development, feel strongly that work should end at 5pm on weekdays and that no work should be conducted at weekends.
- would like reassurance that any windows on the proposed development will be angled sufficiently to prevent residents being able to look into our property
- would like clarification on where the storage of the bins and recycling is.

- 6.2 A representation has been received on behalf of the Trustees of Wellspring Church which is summarised as follows:

- consider that any development of the overall site which is acceptable to your Committee will be a further step in improving the appearance of the southern part of Wirksworth
- as the people responsible for a neighbouring non-residential property, we have no concerns about the proposal
- since nearby residents of St John Street have complained about being overlooked by our new annexe, Councillors may wish to be reassured that the architects of the proposed apartments have taken the proximity of our extended building and new entrance into account.
- are pleased to see the inclusion of 12 parking spaces within the proposed development - no doubt the Highways Department will advise on the possibility of increased vehicle movements along Wood Street
- would point out that there are road safety issues connected with the flow of traffic there, particularly at the start and finish of the school day at Anthony Gell School.

7 OFFICER APPRAISAL

Introduction - Background

- 7.1 In 2013, planning permission for the re-development of the site (ref: 13/00216/FUL) was refused for the following reasons:
1. *Insufficient information has been submitted to demonstrate that the continuation of the land and premises in a business use is no longer required or that the potential use of the site is incompatible with surrounding properties and land uses. As such, the proposed redevelopment of the site for residential use would result in the undesirable loss of an existing employment site contrary to Policy EDT4 of the Adopted Derbyshire Dales Local Plan and Strategic Policy 4 and Development Management Policy 9 of the emerging Derbyshire Dales Local Plan, and is contrary to guidance contained within the National Planning Policy Framework (2012).*
 2. *The development, by reason of the design and materials proposed for the conversion of the former cinema building, and the design and materials proposed for the replacement building, will detract from the character and appearance of the Wirksworth Conservation Area and as such the proposal is contrary to Policies SF1, SF5, H1, H9 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005).*
 3. *Insufficient information has been submitted to enable a full consideration of the potential impact of the development on the amenity of the residential properties at 41 to 47 St. John Street as a result of the redevelopment of the site for residential use. As such, the proposal is contrary to Policies SF1, SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005).*
 4. *The development, by reason of the realignment of the vehicle access onto Wood Street, would result in substandard driver visibility in a south easterly direction, leading to an unacceptable increase in potential danger to users of the public highway and as such the proposal is contrary to Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005).*
 5. *Insufficient information has been submitted with regard to the feasibility of providing a lift within the building to be converted. Failure to provide such a facility without justification would disadvantage elderly persons or persons with mobility difficulties, and as such the proposals fail to meet with the requirements of Policies SF8 and H14 of the adopted Local Plan.*

7.2 Further to this decision, a further planning application (ref: 13/00906/FUL) was submitted and recommended for approval by Officers. However, this was refused by the Planning Committee for the following reason:

1. *The proposed development, by reason of its design and appearance, fails to adequately respond to the context of the site within the Wirksworth Conservation Area and, in this respect, fails to preserve or enhance the character and appearance of the Wirksworth Conservation Area. As such, the proposal is contrary to Policies SF1, SF5, H1, H9 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005) and Development Management Policies 1, 8 and 9 of the Pre-submission Draft Local Plan (2013). In addition, the proposal is considered contrary to the core planning principle of seeking to secure high quality design, as contained in paragraph 17 of the government guidance in the National Planning Policy Framework and to the guidance contained within paragraphs 56, 57, 60, 61, 64, 66, 126, 131 and 137 of the National Planning Policy Framework.*

7.3 An Appeal was lodged and this was allowed subject to conditions. The Planning Inspector concluded that:

When taken as a whole, I therefore conclude that the proposal would enhance the character and appearance of the Wirksworth Conservation Area. The proposal would comply with Policies SF1, SF5, H1, H9 and NBE21 of the Derbyshire Dales Local Plan (November 2005) which together seek to ensure that new proposed residential development in a Conservation Area makes full use of, and enhances the built environment, is related to surrounding properties and land uses, is in scale and character and respects the character and appearance of the setting of a settlement and preserves or enhance the character or appearance of the Conservation Area. In this regard I have not considered explicitly the policies referred to in the decision notice of the Council's Pre-Submission Draft Local Plan as I note that the Plan has not yet been subject to examination and that the Council specifically state that the Draft Plan is not introduced to this appeal.

7.4 Given the above, the principal matters for consideration are whether there has been any planning policy changes that may otherwise materially and reasonably justify a recommendation that differs from that of the Planning Inspector in 2014.

Policy

7.5 Since the previous decision, the current Adopted Derbyshire Dales Local Plan (2017) has been adopted. It is not considered that many of the policies differ from previous Local Plan policies having regard to character and appearance, impact in the Conservation Area, impact on amenity, highway matters, etc. However, there are some new policies/alterations to policies which need to be taken into consideration.

7.6 Policy HC4 is relevant and differs in its requirements to policy H10 in the previous Local Plan. This requires that affordable housing provision is made where there are 11 or more dwellings created whereas the previous policy set the threshold at 15 dwellings. Guidance is also provided in the District Council's Developer Contributions Supplementary Planning Document. To this end, the applicant has recognised this policy change and advises that three dwellings would be proposed as affordable housing, with an off-site financial contribution being made towards the remaining part of a dwelling. This therefore amounts to 3 dwellings on site and an off-site financial contribution of £13,392.

- 7.7 More recent guidance has also been published by Government in regard to the requirement to provide First Homes as a proportion of affordable housing units (a minimum of 25% of all affordable housing units).
- 7.7 Policy PD7 (Climate Change) has also been introduced into the current Adopted Local Plan (2017) and subsequently guidance has also been provided in the District Council's Climate Change Supplementary Planning Document.
- 7.8 Since the previous permission was granted, the Wirksworth Neighbourhood Development Plan (2015-2028) has been adopted. Policy NP1 (Setting and shape of the settlement) advises that planning permission will be granted for development which involves the growth of the settlement, but normally only if it is in line with the vision for Wirksworth and strengthens and improves on the defining landscape and settlement qualities identified in the Character Guidance.
- 7.9 Policy NP2 (Quality and character of development within the settlement) also states that planning permission will be granted where development take its lead from the characteristics of Wirksworth recognised in the Character Guidance, contribute to the quality of development in Wirksworth, should respect the local character and historic and natural assets of the surrounding area, reinforce local distinctiveness and a strong sense of place as identified in the Character Guidance; and should take every opportunity to achieve ecological sustainability and a carbon neutral development, including the use of energy efficiency measures and low-carbon energy generation
- 7.10 Policy NP4 (size of new homes and space standards) states that Residential developments of three dwellings or more should include a high proportion of family homes and at least 65% of the dwellings should have three bedrooms or more and be dwellings of a size equal to or greater than the Greater London standards. In addition, it is advised that planning applications for residential developments of three dwellings or more should include the information about each dwelling in the application, to include the number of bedrooms, the number of people the dwelling is designed to house/number of bed-spaces (bunk type beds cannot be included), the gross internal area (measured using the RICS Code of Measuring Practice) and the net internal area (measured using the RICS Code of Measuring Practice). The conflicts to some extent with Policy HC11 (Housing Mix and Type) of the Adopted Local Plan (2017) which advises that the housing mix should be principally 2 and 3 bedroomed properties (90% open market and 80% affordable dwellings).
- 7.12 Policy NP5 (Principal residence homes) states that planning permission for new dwellings will be subject to a restriction to ensure their occupation only as principal residence homes. There are a number of cases where new houses, particularly houses designed with some respect to the local distinctiveness of Wirksworth, have been bought as second homes. It is advised that a policy is necessary, if only to stabilise the current balance of principal and intermittently occupied homes, even though it may apply only to new developments
- 7.13 Policy NP6 (Quality of residential development states that planning permission will normally only be granted for residential development if it scores 12 greens under the criteria in Building for Life 1. Policy NP7 (Energy-saving standards for new dwellings) advises that all new dwellings should achieve CSH L6. These aims are more broadly reflected upon with Policy PD7 of the Adopted Local Plan (2017) which has introduced aims to mitigate the carbon footprint of development which was not such a requirement in the previous Local Plan but, nevertheless, must therefore be given full regard.

Affordable Housing Provision and Principal Residence Dwellings

- 7.14 Affordable housing provision and principal residence dwellings were not policy requirements of the previously approved development given planning policy at that time.

However, the applicant recognises that affordable housing will need to be provided and that this will be in the form of 3 dwellings on site and a financial contribution of 0.3 of a dwelling to off-site provision. This will need to be secured through a Section 106 agreement. In addition, policy NP5 of the Neighbourhood Plan requires that all dwellings be, and be retained as, principal residences; this can be also be secured as part of the Section 106 agreement required to address affordable housing provision.

Character and Appearance

- 7.15 The development is essentially the same as previously approved under planning permission 13/00906/FUL. To this end, it is considered that there have been no policy changes to such an extent that would now require a redesign of the approved scheme.

Climate Change

- 7.16 Whilst not a requirement in granting the previous planning permission, the applicant nevertheless proposed measures to address climate change with the previous planning application which have been repeated with this current application. It is proposed to again include a number of solar panels on the south facing slope of the building to be converted. Other measures were considered inappropriate given the site being within the Conservation Area and the proximity of neighbouring properties.
- 7.17 The applicant advises that, where possible, and certainly with the new build, it is proposed to build in in energy efficiencies through high levels of insulation, low energy technologies, water recycling and the use of low carbon materials. Other measures would include double glazing, drying space to reduce the need for dryers and efficient energy systems, water efficient taps, showers and toilets. The development would therefore accord with Building for Life criteria as advocated in policy NP6 of the Neighbourhood Plan.
- 7.18 Surface water drainage is proposed to soakaways as sustainable drainage. With regard to waste, it is advised that the applicant will enter into early discussions as to how refuse/recycling collection from the site could be best achieved; the applicants have detailed a shared bin store to the north side of the proposed new building. During construction, it is advised that measures can be adopted to ensure no significant adverse impacts such as construction hours which can be subject to a condition of any planning permission.
- 7.19 Given the above, it is considered that the applicant has sought to address the objectives of the District and Town Council's in being policy compliant with the aims of addressing climate change.

Neighbours' Amenity

- 7.20 The proposals are the same as those previously approved on Appeal with planning permission 13/00906/FUL. To this end, the Planning Inspector was of the view that the development could be accommodated without having significant impact on the amenity of neighbouring residents. The District Council's Environmental Health Section has requested conditions be attached on the hours of operation of the retail unit. However, such conditions were not deemed necessary with the previous grant of planning permission and it is considered that planning policy has not altered to an extent that would justify such a condition.

Highway Matters

- 7.21 The proposals are the same as the previous scheme where the Local Highway Authority raised no objection. It has been advised that again there is no objection subject to the proposals subject to conditions attached to the previous grant of planning permission.

Conclusion

- 7.22 The principle of the development has been previously approved by a Planning Inspector subject to certain conditions. The main issues for consideration are those changes in planning policy that may otherwise be material considerations which did not exist previously. To this end, the Neighbourhood Plan has policies to restrict new dwellings to being principal dwellinghouse and there is a requirement to seek to address climate change in terms of standard of dwelling construction. The latter is also reflected in policy PD7 of the Adopted Local Plan and supplementary planning guidance which the applicant has taken on board.
- 7.23 The other material difference is the trigger for the provision of affordable housing has changed from site of 15 dwellings to 11 dwellings. This has been recognised by the applicant and affordable housing is proposed in accordance with policy HC4 of the Adopted Local Plan (2017). Given the above, it is recommended that planning permission be granted subject to the applicant entering into a Section 106 agreement with respect to affordable housing provision and the provision of the dwellings as principal homes and subject to conditions the Planning Inspector required on the previous planning permission.

8 RECOMMENDATION

That subject to the applicant entering into a Section 106 Agreement to provide for all dwellings on the site being principal residences, the provision of 3 dwellings as on-site affordable housing and a financial contribution towards part of an off-site dwelling, planning permission be granted subject to the following conditions:

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

Reason:

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 3675-001, 002, 007, 008, 009, 010, 011, 012, 013, 014, 0015 and 016, and except in so far as may otherwise be required by other conditions to which this permission is subject.

Reason:

To define the permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2033).

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, including new roofs, have been submitted to and approved in writing by the local planning authority. Samples shall include details of the colour(s) of the render to be used in the proposed buildings. Development shall be carried out in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2033).

4. No development shall take place until a 2 metre square sample panel of the materials submitted in accordance with Condition 3, including samples of type of pointing (mortar mix and method of application) has been erected on site for inspection and approval. Development shall be carried out in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2033).

5. No development shall take place until full details of the proposed windows and doors have been submitted to and approved in writing by the local planning authority. Details submitted shall include details of colour, material, design, pattern, positioning and recess within the walls of all proposed windows, doors and rooflights, and construction details of the windows and doors (fully dimensioned vertical and horizontal sections at a scale of 1:5 and mouldings at a scale of 1:1). Development shall be carried out in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2033).

6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing and proposed trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Details shall also include all plant species, planting sizes and densities, number of each species to be planted and their protection, means of enclosure and hard surfacing materials. Development shall be carried out in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2033).

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation. All hard landscaping shall be carried out before the first occupation

of the development in accordance with the details approved under Condition 6.

Reason:

To ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2033).

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2033).

9. Demolition or construction works shall not take place outside 0800 hours to 2000 hours Mondays to Fridays and 0900 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason:

To protect the amenity of the occupiers of neighbouring residential properties to comply with policies S1, PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

10. Prior to the first occupation of the buildings hereby permitted, a scheme detailing measures to minimise the risk of crime to meet the specific security needs of the application site and the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure the potential for crime at the application site is minimised to comply with policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017) and policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2033).

11. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation

of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

Reason:

To safeguard against the impacts of possible pollutants on the site to comply with policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

12. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - site accommodation
 - storage of plant and materials used in constructing the development.

Reason:

In the interests of highway safety and amenity to comply with policies S1, S3 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

13. Subsequent to the implementation of the development, a pedestrian visibility splay measured at a 45 degree angle from a point 2m along the back edge of the footway either side of the entrance into the site and 2m deep into the site shall be kept clear of any object greater than 0.6m in height relative to the adjoining carriageway level.

Reason:

In the interests of highway safety and amenity to comply with policies S1 and S3 of the Adopted Derbyshire Dales Local Plan (2017).

14. No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of alterations to any existing vehicular access to St John's Street made redundant by the proposal. Details shall include a physical barrier approved in connection with Condition 8 to the access and for the existing vehicle crossover to be reinstated with full height kerbs and appropriate construction, as footway (or verge). Vehicular access to the development shall only be taken from Wood Street. Development shall be carried out in accordance with the approved details.

Reason:

In the interests of highway safety and amenity to comply with policies S1 and S3 of the Adopted Derbyshire Dales Local Plan (2017).

15. No dwelling shall be occupied until the proposed new access between each respective plot and the existing public highway space has been laid out within the site in accordance with drawing nos. 3758-007 and 015 at least 4.1m wide, constructed to base level and drained in accordance with the County Council's specification for private development roads. The access shall be fully surfaced and completed within 6 months of occupation of the 10th dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of highway safety and amenity to comply with policies S1 and S3 of the Adopted Derbyshire Dales Local Plan (2017).

16. There shall be no gates or other barriers at the vehicle access point within 6m of the nearside highway boundary and any gates shall open inwards only. No pedestrian gates, or any part of their opening arc shall be permitted to open out over the public highway.

Reason:

In the interests of highway safety and amenity to comply with policies S1 and S3 of the Adopted Derbyshire Dales Local Plan (2017).

17. No dwelling shall be occupied until space has been provided within the site in accordance with drawing No. 3758-007 for the parking and manoeuvring of residents, service and delivery vehicles (including the secure covered cycle parking) laid out, surfaced and maintained throughout the life of the development free from impediment for its designated use.

Reason:

To ensure the provision of adequate off street parking provision in the interests of highway safety and amenity to comply with policies S1, S3 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

18. Before the first occupation of the Wood Street building hereby permitted the windows on the western elevation of the Wood Street building shall be fitted with obscured glass and shall be permanently retained in that condition.

Reason:

To safeguard the amenity of the occupiers of neighbouring dwellings to comply with policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. It is requested that the developer work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. However, if it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.
2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
3. The Local Planning Authority 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 problems with the application and consent was granted without negotiation.

4. This decision notice relates to the following documents:

Drawing Nos. 818-001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014 and 015 received on 16th June 2022

Planning and Heritage Statement received on 16th June 2022.

22/00651/FUL

ALS Scaffolding Services Ltd, Sunnyside Farm, Whitelea Lane, Tansley



Derbyshire Dales DC

1:2,500

Date: 04/08/2022

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

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APPLICATION NUMBER		22/00651/FUL	
SITE ADDRESS:		ALS Scaffolding Services Limited, Sunnyside Farm, Whitelea Lane, Tansley	
DESCRIPTION OF DEVELOPMENT		Change of use from Storage use to General Industrial (Use Class B2) or Light Industrial (Use Class E(g)(iii)) use	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr A Hazle
PARISH	Tansley	AGENT	IMcH Planning and Development Consultancy
WARD MEMBERS	Cllr. P. Cruise Cllr. S. Flitter Cllr. D. Hughes	DETERMINATION TARGET	
REASON FOR DETERMINATION BY COMMITTEE	Requested by Officers given unresolved matters	REASON FOR SITE VISIT (IF APPLICABLE)	To appreciate the site in its context

MATERIAL PLANNING ISSUES

- Principle of the development
- Impact on the character and appearance of the open countryside
- Highway safety and impact on public right of way
- Impact on residential amenity
- Climate change
- Flooding and drainage

RECOMMENDATION

Planning permission be granted subject to conditions with regard to highway matters and hours of operation.

1. THE SITE AND SURROUNDINGS

- 1.1 The application site lies about 300 metres down an unmade farm track on the east side of Whitelea Lane to the north of Tansley. The former farmhouse and some associated buildings, including two dwellings, were separated off from the remainder of the agricultural land some years ago.
- 1.2 The site is within the area of agricultural land retained by the applicant and includes a group of buildings that have acquired a Certificate of Lawful Use for industrial and storage uses. The older buildings, both single and two storey, provide for a mixture of workshop and office uses, and part of the associated land is used for the open storage of scaffolding equipment. In recent times, a modern commercial building has been erected; this was approved solely for the purposes of storing scaffolding and is the subject of this current planning application.





2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought to change the use of the building from that approved only for scaffolding storage, to General Industrial (Use Class B2) or Light Industrial (Use Class E(g)(iii)) use. No external alterations are proposed to the building and the access from Whitelea Lane and parking areas around the building will remain as existing. It is advised that enquiries have been received and interest shown towards using the building for light or general industrial uses.
- 2.2 The building was granted by planning permission (ref: 08/00750/FUL) with condition 6 stating:

Notwithstanding the Town and Country Planning (Use Classes) Order 2005, the building hereby approved shall only be used for the purposes of storing equipment and vehicles associated with the scaffolding business and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

The reason for this condition was as follows:

In the interests of highway safety as a more intensive use of the site would be likely to lead to highway safety concerns with respect to comings and goings at the access to Whitelea Lane and to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005).

- 2.3 It should be noted that the Certificate of Lawful Use (DDD/0997/0585) was granted in 1997 for the use of land and neighbouring buildings, for shot/grit blasting, steel fabrication and fixing, preparation, painting and decoration of steelwork and storage of building equipment. In 2017, a planning application (ref: 16/00890/FUL) to use the building for the storage of cycling equipment was refused by the Council. The reasons for refusal were that it would have the potential to intensify the use of the access, which would be to the detriment of highway safety and harm the amenities of nearby residents.
- 2.4 Notwithstanding this decision, the applicant considers that it is clear that the Local Planning Authority has agreed to intensive commercial/industrial uses on the site by the granting the permission in 2008 and the Lawful Development Certificate in 1997. The applicant advises that the activities associated with the scaffolding business, plus the buildings that are subject to the Certificate of Lawful Use, already have an impact on the occupants of nearby dwellings and that this is particularly so in terms of the comings and goings of vehicles and noise from the loading and unloading of scaffolding poles, boards and couplers etc. The applicant advises that the proposed industrial uses will operate from within the building, which is insulated. The applicant is also willing to discuss with the Council, the possibility of imposing limits on the working hours should that be considered to be necessary. However, it is pointed out that the nearest dwelling is some 100m from the application building.

2.5 The applicant also advises that there are no restrictions on the operating hours of the existing business and there can be intrusive noise from the loading and unloading of scaffolding. The applicant therefore contends that the proposed uses will not have an adverse impact on the existing amenities of the occupants of nearby dwellings. The applicant notes that paragraph 130 of the National Planning Policy Framework (NPPF) requires developments to provide a high standard of amenity for existing and future users. The applicant considers that the proposal will accord with both local and national policy. It is proposed that the building would operate within the following hours:

Mon- Fri - 07:30 -18:30

Sat - 08:00 - 13:00

No working on Sundays.

2.6 It is noted that Policy S4 of the Adopted Local Plan (2017) seeks to ensure that traffic generated by a proposal will not result *in "severe impacts on the highway network"* and will have a safe means of access. It is accepted that the access to and from Whitelea Lane does not meet with highway standards in terms of its width and visibility. It is also noted that the Council has concerns, as evidenced by the 2017 decision (ref: 16/00890/FUL) which was to change the building to be used for Class B8 use (storage and distribution). However, it remains the fact that the site can be used intensively and it is the applicant's contention that the proposed use will not increase use of the access. Although the scaffolding use has reduced in its intensity recently (because of pending retirement), the following traffic flows are advised to be normal at its peak:

- 12 employees/scaffolders commute twice daily
- manager 3 to 4 journeys in and out per day
- 2 HGVs mostly out and back daily
- 3 x 3.5 tonne pick-up trucks often to offload/load
- courier deliveries, small part packages 3 to 4 times per week
- HGV heavy scaffold deliveries on average 2 to 4 times per week
- building contractors calling to pick up hire out equipment and returning same at least 6 to 8 times per week
- building contractors calling in with project drawings/plans for quotes, etc. 4 to 6 times per week
- fitters to repair and inspect HGVs and to road test vehicles
- postal deliveries
- cleaner 2 days per week
- miscellaneous visits such as bin collections and change rubbish skips, salesmen
- Saturdays 1 HGV and 2 pick-up trucks with 4 employees commuting
- fitter to service oil change, etc
- Security visits - 1 vehicle twice daily,
- postal and occasional courier Sundays
- security twice daily.

2.7 The applicant advises, that whilst the application is speculative, it is reasonably clear that the scaffolding business has had, and could have, the potential to generate significant traffic movements. A particular characteristic of the scaffolding use is the comings and goings during the day in order to deliver to and collect from site. That would not generally be the case with the proposed uses, as employees will tend to remain within the premises all day and any deliveries in or out of materials and finished goods will be fewer.

2.8 The applicant refers to Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on

highway safety, or the residual cumulative impacts on the road network would be severe. This is also reflected in Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017). Consequently, the applicant concludes that the proposal will not have an unacceptable impact on highway safety, particularly when compared to the existing uses within the building and on the wider site.

2.9 The applicant refers to Chapter 6 of the NPPF which seeks to ensure that the planning system builds a strong, competitive economy. Paragraph 81 states that policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It goes on to say that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Furthermore, paragraph 84 of the NPPF requires planning policies and decisions to enable the sustainable growth and expansion of businesses in rural areas, both through the conversion of existing buildings and well-designed new buildings. The applicant advises that the content of paragraph 85 is of particular relevance and states that planning decisions should recognise that sites to meet business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. Paragraph 85 also advises that the use of previously developed land should be encouraged.

2.10 The applicant refers to policies in the Adopted Local Plan (2017). Policy S4 is considered to be supportive of the proposal and states that:

....planning permission will be granted for development where it comprises the redevelopment of a previously developed site and/or conversion of existing buildings for employment use ...

It goes on to state that proposals to re-use an existing building should not have an adverse impact on the character and appearance of the rural area and the building should be part of the established character of the area. The applicant considers the proposal accords with policy S4 in these requirements.

2.11 It is also noted that policies EC1 and EC3 seek to protect existing employment sites and encourage the redevelopment, intensification and more efficient use of existing sites. Whilst the applicant is of the view that the proposed uses will be more intensive, he considers the proposal will ensure that existing commercial floorspace is re-used and the building is not a wasted resource. For the reasons given, it the applicant considers that the proposal is acceptable in principle. Accordingly, there is no conflict with the provisions of the Development Plan, or the NPPF.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S4	Development in the Countryside
S7	Matlock/Wirksworth/Darley Dale Development Area Strategy
PD1	Design and Place Making
PD5	Landscape Character
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC19	Accessibility and Transport
HC21	Car Parking Standards
EC1	New Employment Development

- 3.2 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)
- 3.3 Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document (2018)
- 3.4 National Planning Policy Framework
- 3.5 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- 4.1 17/00979/FUL Use of existing building for B8 storage and distribution, improvements to existing access and creation and improvement of passing places on Knabhall Lane (retrospective) - Refused
- 4.2 16/00890/FUL Use of building for B8 storage/distribution – Refused
- 4.3 16/00889/FUL Alterations to approved storage building (retrospective) – Granted
- 4.4 08/00750/FUL Erection of storage building for scaffolding equipment – Granted
- 4.5 06/00275/OUT Erection of storage building (outline) – Granted
- 4.6 05/00612/OUT Erection of 3 no. detached dwellings with integral B1 office accommodation and associated alterations to access (outline) – Refused
- 4.7 0997/0585 Certificate of lawfulness for existing use – Granted
- 4.8 0297/0087 Certificate of lawfulness for existing use of garages for HGV repair, maintenance and bodywork - Refused

5. CONSULTATION RESPONSES

5.1 Parish Council

- applicant no longer lives at Sunnyside farm and resident has no connection with the applicant or the site – maybe the applicant might like to change the name of his business
- original applications to develop green field land were permitted because the applicant lived adjacent to the land – this is no longer the case
- change from storage to general industrial will have a detrimental effect on the residents living on this unmade track
- site is outside of the built up area, accessed off an unmade single track with no passing places
- Tansley has a sizeable industrial estate, where industrial units need to be site, not in a highly sensitive landscape like Whitelea Lane
- any intensification of business at this location would ruin the amenity of existing residents
- application site, and construction of additional storage sheds, has resulted in increased surface water flooding to the footpath below the site
- planning permission 16/00889/FUL stated the buildings only used for storage and DCC Highways stated that the proposed development, if permitted, would lead to the significant intensification in the use of an existing substandard access to Whitelea Lane,

where its limited width does not allow for 2 way traffic and emerging visibility is severely restricted due to third party land, thereby leading to potential danger and inconvenience to highway users and interfere with the safe movement of traffic adjoining the highway

- DCC Highways had valid concerns and were against any intensification of traffic at this location
- would be dangerous for HGVs to access this substandard track and there are not the required sightlines
- local residents are aware that the track floods and, during winter months, water egresses the track and the road has been eroded by this surface water flooding
- Parish Council hope that DDDC will heed the advice of the Highway Authority in the interest of public safety.

5.2 Environmental Health (Derbyshire Dales District Council)

Initial comments

- the information provided for B2 Use is not sufficient due to the risk of nuisance and the amenity of nearby residents therefore EH cannot support B2 Use
- Class E(g)(iii) would require imposed hours of operation and restrictions on vehicle and delivery movement for EH to support this type of use.

Subsequent comments

- think putting the condition of no work being undertaken outside, if building has a B2 use, would be fair and reasonable and hopefully ensure no nuisance occurs, especially as the rest of the site it already B2
- think the hours proposed are acceptable and agree no working on Bank Holidays and Sundays

5.3 Local Highway Authority (Derbyshire County Council)

- have consistently objected to any proposal that would potentially increase the use of the access road (a private road carrying the route of a PROW)
- previous applications appear to have retained the scaffold business and as such any other use would be additional - as far as can be determined, intention is for the scaffold business use to cease in entirety and the proposed B2 use replace it
- from the information submitted, the current trip levels associated with the scaffold business appear to be of a level commensurate with a single B2 use and, on this basis, it is not considered that a highway objection would be sustainable
- would not wish to see the speculative development expand such that vehicular trips, especially HGV's increased and would seek conditions that covered the following:
 - scaffold business activity to cease to operate prior to new use being taken into use
 - single occupier only
 - no outside storage
 - no extensions, subdivision or mezzanines
 - no general public access to, or direct retail sales from the premises In addition, the following condition should also be included
 - provision within the application site in accordance with the application drawings for the parking and manoeuvring of staff and service and delivery vehicles
 -
- request note to the applicant that the site is affected by a Public Right of Way (Footpath 1 Tansley on the Derbyshire Definitive Map) and that the route must remain unobstructed on its legal alignment at all times and the safety of the public

5.4 Public Rights of Way (Derbyshire County Council)

- Advise that Tansley Public Footpath No. 1 runs through the proposed development site, along the access road
- object to the proposals on the grounds that, should heavy goods vehicle traffic increase as a result of the change of use, public safety would be jeopardised along the access road
- any increase of traffic would have a negative effect on the enjoyment of path users, due to noise and dust
- for the applicant's information:
- the footpath must remain open, unobstructed and on its legal alignment
- there should be no disturbance to the path surface without prior authorisation from the Rights of Way Section
- consideration should be given to the safety of members of the public using the path
- there should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way Section.

5.5 Rambler Derbyshire Dales Group

- object for the following reasons:
 - i) the change of use is likely to lead to an increase in vehicular traffic on Tansley FP 1, putting the safety of walkers at risk
 - ii) Tansley FP 1 should remain unaffected at all times, including the path surface.

5.6 Peak and Northern Footpaths Association

- object on the grounds of the adverse effect of the proposed development on the enjoyment by the public of Tansley Footpath 1 which serves as a vehicular access to the site
- seems that the site could be occupied by concerns which generate a large volume of heavy goods traffic and the use of the footpath is highly unsuitable for this
- walkers would be in danger from the traffic, and the noise of the traffic would be incompatible with the quiet enjoyment of the use of the path.

6. REPRESENTATIONS RECEIVED

6.1 Two representations have been received objecting to the proposals which are summarised as follows:

- change of use from storage to general industrial is very vague due to the Use Class B2
- having seen this Class section the uses under B2 are very varied and open to interpretation
- would like to understand more of what is classed as light use
- no explanation of what light industry or general industry would be using this building and the amount of traffic or noise that could be associated with the use of what at present is relatively peaceful area once the scaffold lorry has gone out in the morning until its return in the evening with an occasional vehicle visiting during the day.
- ALS Scaffolding has never been used as light usage due to the coming and going of traffic and large vehicles on a dirt track which has various degree of pot holes according to the rain and use
- have lived in one of the three properties at Sunnyside since 1992 and seen the deterioration of the track during that time. Storms causing floods, picking up the surface of the drive carrying it down onto Whitelea Lane, so the possibility of more traffic using this track could only be detrimental.

- whilst understanding why there is a need to reuse the existing building for employment due to ALS Scaffolding ceasing trading, concerns are the use of the lane which is not suitable for use and the extra traffic generated
- feel there should be more clarification regarding the proposal terms and conditions which will need to be looked at and imposed if agreed
- propose the Council to consider another right of way entry if appropriate.

6.2 One representation has been received supporting the proposals which is summarised as follows:

- support the change of use as this could be of benefit to the residents of Tansley bringing business and potential job opportunities to the village.

7. OFFICER APPRAISAL

Principle of the Development

- 7.1 The building currently houses a B8 use for the purposes of storing scaffolding to be taken to and from sites. To this end, a re-use for a commercial purpose would comply with the aims of policy EC1 of the Adopted Local Plan (2017).
- 7.2 However, the current use is restricted solely for the use for the storage of scaffolding, with such a business having been established on the site for some time. The reason for such a restriction was that there were concerns that any other business/industrial uses could lead to an increase in comings and goings from the site which would have the potential to endanger users of the highway given that the junction of the access road with Whitelea Lane has restricted visibility splays and the potential for increased disturbance of residents living alongside the access track.
- 7.3 This was evidenced in the refusal of planning application 16/00890/FUL for the use of the building for B8 storage and distribution for the following reasons:
1. *The proposed development, if permitted, would be likely to lead to the significant intensification in use of an existing substandard access to Whitelea Lane, where its limited width does not allow for 2-way traffic and the emerging visibility is severely restricted due to third party land, thereby leading to potential danger and inconvenience to other highway users and interference with the safe and efficient movement of traffic on the adjoining highway. As such, the proposal fails to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and with Government policy contained in the National Planning Policy Framework.*
 2. *The comings and goings that could potentially occur with an unrestricted B8 use of the building would be likely to lead to significant disturbance to the occupiers of dwellings which face onto the access road through the comings and goings of vehicles along this unmade road. As such, it is considered that the unrestricted use of the premises would fail to comply with Policies SF4 and EDT7 of the Adopted Derbyshire Dales Local Plan (2005) and with Government policy contained in the National Planning Policy Framework.*
- 7.4 Given the above, as few alterations are proposed to the site, the principal matters for consideration are whether the proposals for unrestricted B2 and E(g)(iii) uses are appropriate having regard to the above reasons for refusal of a B8 storage and distribution use.

Impact on the Character and Appearance of the Open Countryside

- 7.5 The proposals detail no changes to the exterior of the building. The only changes within the site would be the provision for parking spaces within the yard area on areas where scaffolding poles and other paraphernalia is stored. Should planning permission be granted, it is likely that the site would need to be tidied and more appropriately laid out for the business operating from the site. As such, the impact on the character and appearance of the site is likely to be positive.

Highway Safety and Impact on Public Right of Way

- 7.6 The Local Highway Authority requested that in granting planning permission for the storage building (ref: 08/00750/FUL) that it be solely used for the purposes of housing the scaffolding business that was already present on the site.
- 7.7 Further to that decision, planning application 16/00890/FUL was submitted for a retrospective change of use of the building to an unrestricted B8 use for the storage and distribution of bicycle parts, where a business let the building from the applicant. This application was recommended for refusal by the Local Highway Authority, as cited in Reason (1) (see paragraph 7.3) above and this refusal of planning permission ultimately led to the business relocating.
- 7.8 The applicant has noted that concerns have been received from the Parish Council, the Rights of Way Officer at Derbyshire County Council, Derbyshire Dales Ramblers and local residents. However, the County Council's response is qualified insofar that it only objects should HGV numbers increase and that an increase in traffic could affect the enjoyments of footpath users. To this end, the applicant advises that there is no substantive reason to suggest that HGV movements or traffic movements in general will increase as a result of the proposal notwithstanding that the applicant is unaware of any existing conflicts between ramblers and commercial traffic.
- 7.9 Information has been provided in support of the application that details the volume of traffic and number of movements associate with the existing scaffolding use which have been accepted by the Local Highway Authority who have raised no objections to the proposal subject to conditions. Given that vehicle movements are unlikely to increase, it is considered that vehicle/pedestrian conflict could not be substantiated as a reason for refusal of planning permission.

Impact on Residential Amenity

- 7.10 The applicant advises that, notwithstanding the existing lawful use for parts of the site and adjoining land and buildings for industrial purposes, any manufacturing or processing uses associated with the proposal will take place inside of the building. Given the separation distances between the building and the nearest dwelling, the applicant considers it is unlikely that any noise or fumes will be harmful to the living conditions of the occupants. The applicant advises that the existing loading and unloading of scaffolding is a relatively noisy activity is also a consideration.
- 7.11 The District Council's Environmental Health Section has assessed the proposals and recommended a condition on any grant of planning permission with regard to the prevention of operating outside of the building as the applicant has advised. Concern was raised as to the proposed working hours. The applicant subsequently advised that these would be proposed as follows:

Sat - 08:00 - 13:00
No working on Sundays.

7.12 It is considered that these are reasonable but that the no working days also include Bank Holidays.

Climate Change

7.13 The proposals seek to put an existing building to another use which is considered a sustainable re-use of the building. The Local Highway Authority has assessed the proposals and do not consider that the amount of traffic should increase and therefore the site is not considered to be likely to become less sustainable with regard to comings and goings by vehicles. To this end, it is considered that the proposals will meet the requirements of policy PD7 of the Adopted Local Plan (2017).

Flooding and Drainage

7.14 Concerns have been raised with regard to the development having caused surface water drainage problems for adjacent land. The proposal is for a change of use of the existing building and no new operational development is proposed which could give rise to surface water drainage issues. It is difficult for Officers to quantify if such has occurred and should have been a matter for consideration under Building Regulations.

Conclusion

7.15 Whilst the use of the building was restricted to the use of the scaffolding business at the request of the Local Highway Authority given the comings and goings from a substandard junction in terms of visibility splays, has been refusal of planning permission

8. RECOMMENDATION

8.1 That planning permission be granted subject to the following conditions:

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

Reason:

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

2. The scaffold business operated from the application site shall cease to operate, and all associated equipment shall be removed from the site, prior to the approved new uses of the building being first taken into use.

Reason:

To limit the number of comings and goings by vehicles to and from the site in the interests of highway safety, amenity and the character and appearance of the site to comply with policies S1, S4, PD1, PD5 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

3. The premises shall only be operated by a single occupier/business unless agreed in writing by the Local Planning Authority further to the submission of an application to vary this condition.

Reason:

To limit the number of comings and goings by vehicles to and from the site in the interests of highway safety and amenity to comply with policies S1, S4 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

4. There shall be no extensions, subdivision or mezzanines introduced to the building unless agreed in writing by the Local Planning Authority further to the submission of a planning application.

Reason:

To limit the number of comings and goings by vehicles to and from the site in the interests of highway safety and amenity to comply with policies S1, S4 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

5. There shall be no general public access to, or direct retail sales from, the premises.

Reason:

In the interest of promoting sustainable development and to limit the number of comings and goings by vehicles to and from the site in the interests of highway safety to comply with policies S1, S4 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

6. There shall be no external storage and the premises, the subject of the application, shall not be taken into use until space has been provided within the application site, in accordance with the application drawings, for the parking and manoeuvring of staff, visitor and service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason:

To ensure the provision of adequate parking and manoeuvring facilities in the interests of highway safety and amenity and to safeguard the character and appearance of the area to comply with to comply with policies S1, S4, PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

7. The premises shall not be used outside of the following days and times:

Mon- Fri - 07:30 -18:30

Sat - 08:00 - 13:00

No working on Sundays or Bank Holidays.

No use within Use Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be undertaken outside of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the amenities of local residents from potential noise nuisance and disturbance with comings and goings to and from the site to comply with policies S1, S4 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The application site is affected by a Public Right of Way (Footpath 1 Tansley on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling (01629) 533290.
2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
3. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in the submission of hours of operation which overcame initial concerns with the application.
4. This decision notice relates to the following documents:

Drawing Nos 22/SFT/01, 03 and 05 received on 31st May 2022.

Planning Statement received on 31st May 2022

Additional Information received on 3rd August 2022.

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Item 6

NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 16th August 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
ENF/21/00104	Rosemount, Roston, Ashbourne	WR	Appeal being processed
ENF/21/00188	Brookfield House, Roston	WR	Appeal being processed
21/00130/FUL	Land east of Turlowfields Lane, Hognaston	HEAR	Appeal being processed
21/01185/PDA	Waldley Manor Farm, Waldley, Doveridge	WR	Appeal being processed
ENF/22/00008	View House, Somersal Herbert	HEAR	Appeal being processed
21/01421/FUL	Long Meadows Farm, Smith Hall Lane, Hulland Ward	WR	Appeal being processed – linked with 21/01436/FUL
21/01436/FUL	Long Meadows Farm, Smith Hall Lane, Hulland Ward	WR	Appeal being processed – linked with 21/01421/FUL
21/01309/VCOND	Rose Cottage and Ivy Cottage, Roston Inn, Mill Lane, Roston	WR	Appeal being processed
21/01109/FUL	Land east of Nether Lane, Kirk Ireton	WR	Appeal being processed
21/01512/PDA	The Barn, Upper Lane, Biggin	WR	Appeal being processedd
Central			

ENF/20/00164	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed
20/01247/CLEUD	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed
ENF/21/00017	Armlees Farm, Ryder Point Road, Wirksworth	IH	Appeal being processed
21/00927/FUL	43 St Johns Street, Wirksworth	HH	Appeal being processed
21/01485/FUL	The Lodge, Farley Hill, Matlock	HH	Appeal being processed
22/00306/FUL	2 Sir Josephs Lane, Darley Dale	HH	Appeal being processed
21/01476/FUL	Millfields Farm, Millfields Lane, Kirk Ireton	WR	Appeal being processed
21/01477/FUL	Millfields Farm, Millfields Lane, Kirk Ireton	WR	Appeal being processed

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

OFFICER RECOMMENDATION:

That the report be noted.

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.

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