



Scan code to view reports

Monday, 5 September 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, 13 September 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.

For assistance in understanding or reading this document or specific information about this Agenda or on the "Public Participation" initiative please call the Committee Team on 01629 761133 or email committee@derbyshiredales.gov.uk

AGENDA

SITE VISITS: Attached to the agenda is a list of sites the Committee will visit **(by coach)** on **Monday, 12 September 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)

16th August 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. 21/00956/FUL (Pages 17 - 30)

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

5.2. APPLICATION NO. 22/00616/FUL (Pages 31 - 44)

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

5.3. APPLICATION NO. 22/00664/FUL (Pages 45 - 52)

Erection of 4 glamping pods and associated landscaping (resubmission) at Manor Grounds Farm, Barway, Marston Montgomery.

5.4. APPLICATION NO. 22/00008/OUT (Pages 53 - 72)

Outline planning consent for the erection of up to 15no. dwellinghouses and associated garaging with approval being sought for access, at land adjacent Biggin View, Dog Lane, Hlland Ward.

5.5. APPLICATION NO. 22/00070/REM (Pages 73 - 84)

Approval of reserved matters for the erection of 6no. dwellinghouses (outline planning consent 19/01333/OUT and associated application 21/00800/VCOND) at Old Bowling Green, King Edward Street, Ashbourne.

5.6. APPLICATION NO. 22/00328/FUL (Pages 85 - 100)

Use of land for 6no. glamping pods, 2 no. amenity blocks (one existing) and associated private drainage system at Land north of Hey Lane, Wirksworth.

5.7. APPLICATION NO. 22/00395/FUL (Pages 101 - 110)

Change of use from former Day Nursery (Use Class E) to a Residential Care home for children and young people with complex care needs (Use Class C2) with associated alterations, at Young Explorers Day Nursery, Old Road, Darley Dale, Matlock.

5.8. APPLICATION NO. 22/00439/FUL (Pages 111 - 118)

Proposed subdivision of house to form 2no. dwellinghouses with associated widening of access at 38 Beech Drive, Ashbourne, Derbyshire, DE6 1HL.

5.9. APPLICATION NO. 22/00675/FUL (Pages 119 - 128)

Erection of a commemorative beacon on land at the junction of Windmill Lane, Ashbourne Green, Ashbourne.

5.10. APPLICATION NO. 22/00728/FUL (Pages 129 - 136)

Retention of garden room, shed and extended patio area at Tinkerbell Cottage, Main Street, Hopton, Matlock, Derbyshire, DE4 4DF.

6. APPEALS PROGRESS REPORT (Pages 137 - 142)

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

BACKGROUND PAPERS (Pages 143 - 144)

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 Matt Buckler, Paul Cruise, Chris Furness, Dawn Greatorex, Andrew Statham, Colin Swindell, Steve Wain and Mark Wakeman

SITE VISITS

Members are asked to convene outside Reception, at the front entrance of the Town Hall, Matlock at **9:50am prompt on Monday, 12 September 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.

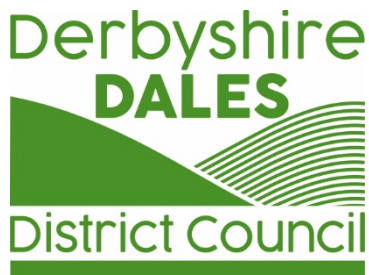
- g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers.
- h) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any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

This page is intentionally left blank

SITE VISITS

LEAVE OFFICE		10.00
22/00728/FUL	Tinkerbelle Cottage, Main Street, Hopton	10.20
22/00675/FUL	Land At The Junction Of Windmill Lane, Ashbourne Green, Ashbourne	10.50
22/00070/REM	Old Bowling Green, King Edward Street, Ashbourne	11.10
22/00439/FUL	38 Beech Drive, Ashbourne	11.30
22/00664/FUL	Manor Grounds Farm, Barway, Marston Montgomery	11.55
22/00008/OUT	Land Adjacent Biggin View, Dog Lane, Hlland Ward	12.30
22/00328/FUL	Land North Of Hey Lane, Wirksworth	13.15
22/00395/FUL	Young Explorers Day Nursery, Old Road, Darley Dale	14:00
21/00956/FUL	Farley Meadows Camp Site, Bent Farm, Farley Hill	14.20
RETURN		14.40

This page is intentionally left blank



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

For assistance in understanding or reading this document or specific information about this Agenda or on the “Public Participation” initiative please call the Committee Team on 01629 761133 or email committee@derbyshiredales.gov.uk

Planning Committee

Minutes of a Planning Committee meeting held at 6.00 pm on Tuesday, 16th August, 2022 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Jason Atkin - In the Chair

Councillors: Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Helen Froggatt, David Hughes, Stuart Lees, Peter O'Brien and Peter Slack

Present as Substitute – Councillor(s): Chris Furness

Chris Whitmore (Development Control Manager), Adam Maxwell (Principal Planning Officer), Tommy Shaw (Democratic Services Team Leader) and Angela Gratton (Democratic Services Officer)

Members of the Public – 46

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, Richard FitzHerbert and Garry Purdy

102/22 - 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 12 July 2022 be approved as a correct record.

The Chairman declared the motion **CARRIED**.

103/22 - INTERESTS

There were no declarations of interest.

104/22 - APPLICATION NO. 22/00590/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 Peter Sewell (Applicant) spoke in support of the application. Mrs June Holden, (Local Resident), Mr John Fell (Local Resident), Mr Roy Starbuck (Local Resident) and Mr Simon Dutton (Local Resident) spoke against the application.

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

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of comments received from the County Councillor Dermot Murphy and further background information provided by a local resident.

It was moved by Councillor Peter O'Brien to defer, seconded by Councillor Tom Donnelly and

RESOLVED (Unanimously)

That consideration of the item be deferred to a future meeting of the Committee in order for further details of the planned construction to be gathered and a to allow for further investigation of the planned access to be undertaken by the Highways authority.

The Chairman declared the motion **CARRIED**.

105/22 - APPLICATION NO. 22/00398/FUL

The Principal 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, Ms Diane Macarther (Local Resident), Ms Hannah Shakespeare (Local Resident), Ms Anne Toler (Local Resident), Councillor Colin Swindell (Ward Member) and Mr Mike Andrews (Local Resident) spoke against the application.

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

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of further representations received from the occupants of 22 Eversleigh Rise, 24 Eversleigh Rise and 26 Eversleigh Rise.

It was moved by Councillor Peter O'Brien, seconded by Councillor Sue Burfoot and

RESOLVED

That the application be refused for the following reasons:

The siting, scale, and massing of the proposed building and location of the associated car parking area would result in unacceptable overbearing and overshadowing effects, a loss of privacy, light intrusion and noise nuisance to the detriment of the residential amenity of the occupants of nearby dwellings contrary to the requirements of Policies PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

Voting

10 For

1 Against

0 Abstentions

The Chairman declared the motion **CARRIED**.

There followed a short adjournment at **7.30pm**, returning at **7.40pm**.

106/22 - APPLICATION NO. 22/00409/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 David Oulsnam (Agent) spoke in support of the application.

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

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of Further information from the Business Delivery Co-ordinator at Chesterfield Royal Hospital NHS Foundation Trust have been received to justify the need for a health care contribution should the application be approved.

It was moved by Councillor Tom Donnelly, seconded by Councillor Peter Slack and

RESOLVED (unanimously)

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

The Chairman declared the motion **CARRIED**.

107/22 - APPLICATION NO. 22/00575/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.

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

It was moved by Councillor Tom Donnelly, seconded by Councillor Peter Slack and

RESOLVED (unanimously)

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

The Chairman declared the motion **CARRIED**.

108/22 - DURATION OF MEETING (MOTION TO CONTINUE)

At **8.30pm** it was moved to extend the meeting by 30 minutes 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**.

109/22 - APPLICATION NO. 22/00610/OUT

The Principal 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 Tony Sharpe (Local Resident), Mr Pat Carlin (Local Resident), Councillor Janet Rose (Ward Member), Councillor Richard FitzHerbert (statement read by Democratic Services Officer) and Mr Daniel Smith (Applicant) spoke in support of the application.

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

It was moved by Councillor Peter Slack, seconded by Councillor Sue Burfoot and

RESOLVED

That planning permission be approved subject to conditions, including the approval of reserved matters and related highway safety considerations (as recommended by the Local Highway Authority).

Voting

6 For
2 Against
2 Abstentions

The Chairman declared the motion **CARRIED**.

110/22 - DURATION OF MEETING (MOTION TO CONTINUE)

At **8.53pm** it was moved to extend the meeting by 30 minutes 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**.

8.55 Councillor Chris Furness left the meeting.

111/22 - APPLICATION NO. 22/00616/FUL

The Development 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, Ms Rachel Summerfield (Applicant) spoke in support of the application. Mr Phillip Johnson (Local Resident), Mrs Judith Ward (Local Resident), Mr Pat Carlin (Local Resident), Ms Annie Haigh (Local Resident – statement read out by Democratic Services Officer), and Councillor Janet Rose (Ward Member) spoke against the application.

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

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of further representations were received from Phillip Johnson (Shellboards Farm).

It was moved to defer by Councillor Sue Burfoot, seconded by Councillor Peter Slack and

RESOLVED

That consideration of the application be deferred to allow consultation with the Local Highway Authority and Environmental Health, to consider parking and manoeuvring within the site, access and noise.

Voting

9 For
1 Against
0 Abstentions

The Chairman declared the motion **CARRIED**.

112/22 - APPLICATION NO. 22/00640/FUL

The Principal 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 Andrew Stock (Agent) spoke in support of the application.

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

It was moved by Councillor Peter Slack, seconded by Councillor Tom Donnelly and

RESOLVED (unanimously)

That planning permission be approved 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.

The Chairman declared the motion **CARRIED**.

9.00pm Councillor Graham Elliott left the meeting.

113/22 - DURATION OF MEETING (MOTION TO CONTINUE)

At **8.25pm** it was moved to extend the meeting by 15 minutes 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**.

114/22 - APPLICATION NO. 22/00651/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 Ian McHugh (Agent) spoke in support of the application.

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

It was moved by Councillor Stuart Lees, seconded by Councillor Tom Donnelly and

RESOLVED

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

Voting

8 For

1 Against

0 Abstentions

The Chairman declared the motion **CARRIED**.

115/22 - 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**.

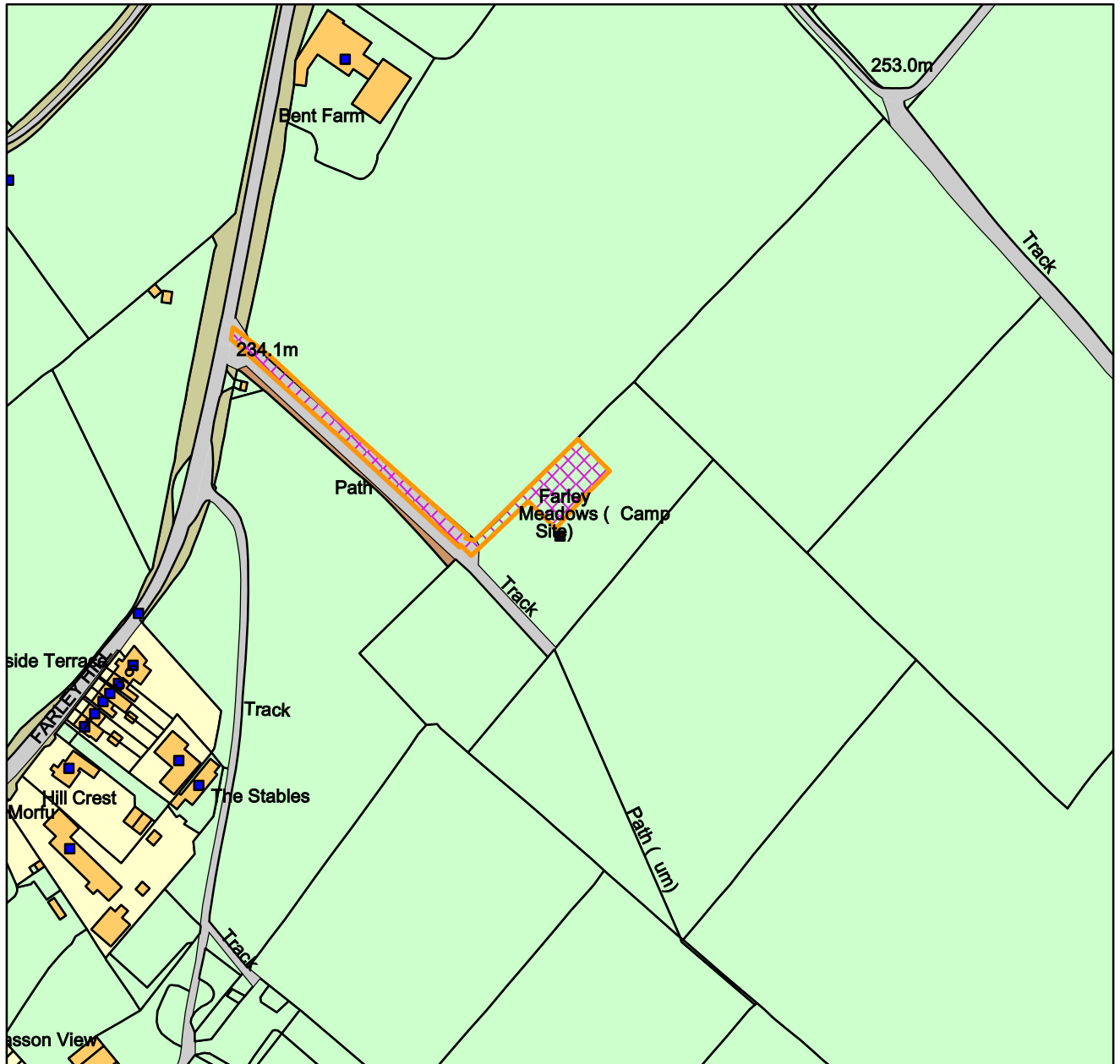
Meeting Closed: 9.37 pm

Chairman

This page is intentionally left blank

21/00956/FUL

Farley Meadows Campsite, Bent Farm, Farley Hill



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

This page is intentionally left blank

APPLICATION NUMBER		21/00956/FUL	
SITE ADDRESS:		Farley Meadows Camp Site, Bent Farm, Farley Hill Farley	
DESCRIPTION OF DEVELOPMENT		Erection of shower block/ bin store and formation of access track (part retrospective)	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr M Slack
PARISH	Darley Dale	AGENT	Roger Yarwood Planning Consultant Ltd.
WARD MEMBERS	Cllr. J. Atkin Cllr. M. Salt Cllr. A. Statham	DETERMINATION TARGET	15 th August 2022
REASON FOR DETERMINATION BY COMMITTEE	Given the number of representations	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the development in its context

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

RECOMMENDATION
Planning permission be granted subject to conditions with regard to the narrowing of the access onto Farley Hill, details of the materials for the access track extension, details of all soft landscaping (and any replacement necessary), foul water drainage and that the structures are removed and the land reinstated as field should the use of the site for caravanning and camping under licence cease.

INTRODUCTION

This application was withdrawn from the Planning Committee Meeting of 16th August 2022 as Darley Dale Town Council was not correctly informed of the time of the Committee site visit due to an administrative error in the changing of the site visit times and were prejudiced by such. The site visit will be undertaken again in accordance with normal procedures. The Officer's report has also been amended to include late representations received from the Town Council with respect to concerns regarding the foul drainage on the site and the disposal of chemical toilet waste.

1. THE SITE AND SURROUNDINGS

- 1.1 The appeal site is an enclosed field which has a modest slope downwards from north to south. The field is used for camping and caravanning for a maximum of five caravans under a site licence. There are 9 hook-up points within the field to serve this use.
- 1.2 The field is enclosed with stone boundary walls, fencing and a gated access. It lies within an area of open countryside to the east of Farley Hill. There are intervening fields to residential properties to the north, west and south. A public footpath runs directly adjacent to the site separated from the fencing.





2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the retention of an ablution and shower block. The applicant states that the application is submitted without prejudice to the issue of whether planning permission is required. It is the view of Officers, that these are permanently sited structures and therefore buildings that require planning permission.

- 2.2 The structure is in two parts which are linked. The ablution block is constructed with timber boarding and contains washing facilities and a bin store. This is permanently sited. This measures some 3.7m wide and 2.5m deep (a floor area of some 10 sqm) and 1.8m high. The shower block could be moved, but this is unlikely and is, therefore a permanent structure. This is attached to the south side of the ablution block and constructed with timber boarding. This measures some 2.5m wide and 2m deep (a floor area of some 6 sqm) and is 2.4m high. The applicant has provided landscaping around the boundary fences and walls to the field, the ablution block and shower block, to seek to soften the structures and caravans and tents within the landscape.
- 2.3 It should be noted that the applicant also has a mobile toilet block on the site from time to time, but this is not permanently sited and, as such is not a building and does not require planning permission. When on the site, this is located to the north of the ablution block.
- 2.4 The access is proposed to be routed off the access off Farley Hill and along the south-western boundary of the site.
- 2.5 The applicant advises that the facilities are essential and are required to serve the users of the site and provide shower and toilet facilities, wash points and a screened bin store.

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
 - PD7 Climate Change
 - PD8 Flood Risk Management and Water Quality
 - PD9 Pollution Control and Unstable Land
 - EC8 Promoting Peak District Tourism and Culture
- 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

- 18/01328/FUL Installation of hook up points and retention of re-surfaced access track (4m wide) in association with use as a caravan site – Refused – Appeal Allowed.

5. CONSULTATION RESPONSES

Town Council

- 5.1 - Application does not mention including toilet facilities or septic tank installation
- Plans do not show any drainage provision
 - There is no ability to empty chemical toilet waste other than down a toilet
 - Unjustified development in open countryside
 - Planning inspectorate ruled in an appeal that the track and access splay would be 4m wide, and the entrance square to the road²² to date this has not been carried out

- Planting of screening vegetation has upon inspection not been successful with plants either being dead or not growing successfully leaving the site open to viewing from the road
- Can the way that the current sewerage system works be explained to us.
- What is done with the chemical toilet waste that is deposited in the collection point and where does that waste go to? Is this to be contracted to a licenced operator?
- Can the plan for permanent connections to the sewer be explained (i.e. route and location of sewer on Farley Hill).
- Request that the planning application be discussed at the District Council Planning meeting and that a decision be made by the full District Planning Committee.

Environmental Health (Derbyshire Dales District Council)

- 5.2 - no objections subject to an appropriate waste disposal plan to ensure bins are regularly emptied to avoid pest and odour issues.

Local Highway Authority (Derbyshire County Council)

- 5.3 - no objection subject to all use remaining ancillary to any existing authorised camping/caravanning activity on site.

6. REPRESENTATIONS RECEIVED

- 6.1 A total of five representations have been received objecting to the application. A summary of the representations is outlined below:

Principle

- seems that nothing can be done to prevent this use from a planning point of view because it is (supposedly) operated under a licence from the Caravanning and Camping Club - it does not require planning permission but any associated structures and facilities do need permission
- site is being used as a permanent tented campsite, not 56 days in the year
- this development is clearly contrary to many Local Plan policies relating to landscape, tourism, sustainable development and design standards
- The development is completely out of character for our tranquil rural environment and contrary to the letter and spirit of Derbyshire Dales Local Plan.

Impact on character and appearance of the landscape

- toilet/wash-block does not blend in with the countryside it merely stands out as an ugly feature and not in keeping with the countryside image
- two wooden units were erected in July 2019 and could not have been placed in a more prominent position on what is already a very exposed and widely visible site
- structures now look somewhat 'tired' and weathering has done nothing to improve their appearance or to mitigate their prominence
- the quality of the materials and construction are such that already the block looks in poor condition and appears to be slowly sinking into the mud
- are little more than poorly built wooden sheds, totally visible from all directions
- surely it is now time to remove this eyesore along with the campsite, not only because it infringes upon previous planning conditions, but also because it is a blight on the landscape
- attempt at creating a campsite is completely incongruous and is having a detrimental effect on our environment
- none of the campsite project does credit to Farley nor to its developer
- is a missed opportunity to raise standards in an area so badly affected by low quality development.

- every aspect of this campsite reflects an insensitivity and lack of finesse with which we are all too familiar
- Should always be considered that Farley Hillside is a major approach to our town and this site is visible from afar.
- the ablution block fails to stand in pride of place, seeking neither to blend in, nor to enhance the site.....and succeeding
- it couldn't be in a more prominent position
- remind the Planners of the Arboriculture & Landscape Report, Paragraph 4.6 Landscape Sensitivity, which states that: 'the proposed site is in an area defined as 'high landscape sensitivity', yet no details of proposed landscaping have ever been received
- if 'Landscape is about the relationship between people and place' (See Arboriculture and Landscape Report) then the Planners, when considering this application, should give cognizance to the strength of feeling against this proposal voiced by Farley residents and people in the local community
- the Report concludes that 'the presence of caravans would have significant visual impact, which will have detrimental impact on the landscape character, local views and longer range views from across the Derwent valley' and that 'the electricity bollards and post and rail timber fences indicate more intensive use of the site and the construction of the 'access track' has changed the character of the site and surrounding area'.
- We have a responsibility to protect and preserve our environment not only for our pleasure but for that of future generations.
- of the opinion that planning conditions should be enforced and the block to be removed to help to restore the beauty of Farley Hill countryside

Landscaping

- his removal of boundaries, trees and hedgerows has had a huge impact on wildlife and the environment, as well as making the whole site visible
- rather pathetic attempts at planted screening have been a total failure
- worth noting that the planning application claims that a screen consisting of two rows of native plants with each row made up of saplings 500mm apart is already established - a short inspection reveals this to be a fantasy
- site is so exposed that the planting scheme that was implemented did not have planting of two rows, at 500 centres with trees and what planting was half-heartedly done has now failed
- no amount of screening could adequately alleviate the visually intrusive nature of these structures
- promised 'improvement work' has not been delivered as claimed

Access Track.

- refer to the Inspector's appeal decision (June 2019) in which he upheld an enforcement notice regarding alterations to the track and access - the applicant has made only a token effort to narrow the track width to 4m and has done absolutely nothing regarding the splayed access
- application is in effect asking for the Inspector's decision to be overturned
- the entrance to the site has never been restored to its permitted shape, and the grimly brutal track, lined with a few dead saplings, sets the tone for the campsite which remains in full and awful view to passers- by owing to the lack of landscaping
- both the track and entrance off the road are clearly excessive and present a very dominant feature in the landscape
- high time that the applicant was made to comply with the terms of the 2019 enforcement notice
- urge our planning authority to stay true to previous judgements on these matters and to not only refuse this application but also to actively pursue both the removal of the wooden structures and the necessary alterations to the access and track

Drainage

- very worried about the septic tank - does this have planning permission?
- this triumph of sanitary architecture is served by a septic tank which, to our belief has never had planning permission and, if we are correct, has therefore presumably not been subject to building control checks
- shower block houses a flushing toilet that leads into a septic tank buried in the field within metres of agricultural land
- septic tank was installed in 2019 and clearly has no planning or building control approval and question if an Environment Agency permit has been obtained
- additional facilities are brought onto site and connected to the septic tank – either the toilet block is sized to accommodate maximum usage on the site or there should be a condition to limit the amount of people on the site to match the available services
- note that no provision has been made for chemical toilet disposal and concerned that chemicals are seeping into the nearby agricultural land
- sometimes the smell in line with the septic tank is horrendous
- the block should be removed as soon as possible, and the other planning conditions enforced

Biodiversity

- has hugely altered the biodiversity of the area
- has created noise and visual harm in a rural area that once played host to a plethora of protected species, together with the removal of walls and hedging that once homed wildlife

Other matters

- have been residents of Farley Hill for more than 20 years, the last 10 years of which have involved considerable disruption as a result of the applicant's confrontations with the Planners and local residents - his development of Ameycroft Farm, Bent Farm (previously a traditional Derbyshire stone farmhouse) and Sunnyside Terrace has turned our rustic idyll into a never-ending building site as he devastates our area
- installation of nine hook up points, each with the facility for four caravans, which can potentially service thirty-six caravans is the first step in 'Grand Plan' to develop the site further evidenced by him building a fenced off seven metre wide roadway to the campsite, replacing what was a very modest narrow dirt track across a field
- Urge those responsible to repeat the Officer's initial refusal when the campsite was first imposed upon Farley hillside.

ISSUES:

Background

- 7.1 In order to assess the impact of the ablution block and shower block, it is necessary to understand the nature of the site and the decision of the Planning Inspector in allowing 9 hook up points for caravanning and camping purposes in 2019.
- 7.2 There are 9 hook-up points positioned around the field. Whilst it was noted that the site is visible from the north on Farley Hill and also from the public footpath, the Planning Inspector considered the hook-up points themselves, when viewed from these vantage points, did not detract from the character and appearance of the wider countryside as they were considered to be of moderate size, their colour appeared neutral when viewed alongside the existing vegetation, walls and fencing and it was considered that they would blend into the back drop of the rural character. As such, the Planning Inspector determined that they would not appear as an incongruous feature, or be excessive in their form, to be a visual intrusion.
- 7.3 At the time of the Appeal, the applicant had introduced landscaping on the boundaries and within the site. The Planning Inspector noted that the Council suggested that it may appear

unusual to have a field within an area of pastureland dotted with trees/shrubs in an orchard pattern. However, the Inspector considered that suitable landscaping, which included additional planting of native species and appropriate boundary treatments, other than the post and rail fence around the site, could be agreed by a suitable worded condition and would make the development acceptable and further mitigate the overall visual impact of the hook-ups within the site. To this end, the Planning Inspector concluded that:

- 13. Furthermore, as the site could be operated without the need for planning permission to an extent and I consider there is a greater theoretical possibility this could take place (fallback), even if the hook-up points were not installed. In considering the effects of the current scheme on character and appearance, I have taken into account the fallback position and overall the scheme would not harm the character and appearance of the countryside...*
- 14. The scheme would therefore accord with Policies S1, S4, PD1, PD5 and EC9 of the Derbyshire Dales Local Plan, (2017), which together seek sustainable development, development of high quality design and that developments in the countryside should ensure and where possible, enhance the landscape's intrinsic character and cultural environment and the setting of the Peak District National Park, whilst facilitating sustainable rural community needs, tourism and economic development.*

In deliberating on the hook-ups, the Planning Inspector also advised the following:

- 19. Although reference was made to the capacity of waste and drainage, there is no evidence before me that the site could not be provided with adequate supplies or drainage. If permission was required for these this would be matters for future consideration by the Council.*

Impact on the character and appearance of the area

- 7.4 Whilst the site is operated without the need for planning permission, it has to be accepted that, in allowing for 9 hook ups, there is the potential for 5 caravans to be on site and a number of tents. To this end, it is considered reasonable at least to provide facilities for campers, and alternative facilities for those in caravans. Given the general openness of the site, it is difficult to screen such facilities albeit, they are probably the minimum size required for the site to function as a camp site.
- 7.5 In terms of impact in the countryside, it may have been preferable to position the facilities closer to the boundary wall to the west, as the wall would have provided a partial screen and this could have been supplemented with the planting of a hedge along the wall. Nevertheless, the applicant has planted a hedge along the wall, and a number of trees within the field, which will serve to soften not only the views of the ablution block/shower block, but also the caravans and tents that may frequent the site.
- 7.6 Given the above, while the structure has a detrimental impact on the character and appearance of the open fields, it is considered that the development is acceptable provided that a planning condition is imposed to require full details of the landscaping on the site and that any of the landscaping, which may fail over the next 5 years, shall be replaced. It is also considered that a condition should be attached that, in the event of the use as a licenced caravanning and camping site ceasing, that the structures are removed and the land reinstated as field within six months.

Highway Matters

- 7.7 The Local Highway Authority has assessed the proposals and raised no objections. Nevertheless, the Planning Inspector required the access be reduced in width when approving the application for the hook-ups.
- 7.8 The reason for this work not being done is because the applicant requires the consent of the Local Highway Authority for works in the highway (the verge being highway land) despite the fact that the wide access was installed without consent of the Local Highway Authority. To this end, it is considered reasonable to attach a condition that such works are undertaken within 6 months of any planning permission which will allow time for the applicant to make the necessary application to the Local Highway Authority and to reinstate the verge.

Impact on Residential Amenity

- 7.9 It is considered that the proposals, whilst facilitating camping at the site, should not lead to a significant impact on the amenity of local residents. Any noise generation on the site would be the responsibility of the applicant who lives in the nearest property to the site.

Drainage

- 7.10 Concern has been raised with regard to the adequacy of the drainage on the site for the ablution/shower block. The applicant has provided a water supply to the site and a tank to serve the facilities. It is advised that this is a temporary tank which would be replaced with a sewer connection, as the main sewer ends close to the site entrance, as soon as planning permission is obtained, as the cost of connection would not otherwise be justified. The applicant also disputes reports of chemicals seeping into the land and creating smell nuisance and has confirmed that there is proper on-site provision for chemical toilet disposal. The chemical waste is also put into the tank and the tank is emptied as required. Officers recommend a planning condition to ensure that the development is connected to the main sewer within a reasonable timeframe.

Conclusion

- 7.11 This is a retrospective application seeking retention of development carried out. Nevertheless, the application must be considered on its own merits. In allowing the hook-ups on site, the Planning Inspector has clearly allowed for some formality to the caravan and camping site, albeit this can only be operated under licence. The access has also been permitted in its current form, except where it meets Farley Hill, which still needs to be addressed by the applicant first applying to the Local Highway Authority to undertake works of highway verge reinstatement.
- 7.12 Notwithstanding the above, the facilities are considered reasonably necessary for the site to operate under the licence as, whilst caravans may have toilets and washing facilities, without such structures, the use as a campsite would be likely to be severely restricted or require the siting of portaloos. In allowing for 9 hook ups, the Planning Inspector clearly was of the view that the hook-ups would also serve camping, as the site is limited to five caravans at any one time.
- 7.13 Whilst the facilities could have been set closer to a wall to offer some screening, they would nevertheless be evident in the landscape. The site would be visible to most people from the properties to the south, the public footpath to the south and from Farley Hill. To this end, the applicant has provided some landscaping along the boundary fence to the west and within the site which, over time, should serve to soften not only the structures, but also the caravans and tents in the field in the primary views of the site.

7.14 Given the above, it is recommended that planning permission be granted subject to conditions with respect to the narrowing of the access onto Farley Hill, details of the materials for the access track extension, details of all soft landscaping (and any replacement necessary) and that the structures are removed and the land reinstated as field should the use of the site for caravanning and camping under licence cease.

8 RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The ablution block and shower block hereby approved shall be removed from the site within 6 months of the cessation of the use of the land for the purposes of caravanning and camping under licence.

Reason:

The ablution block and shower block would be an unwarranted intrusion in the landscape and the removal of such unused facilities would be to comply with policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) in seeking to preserve or enhance the character and appearance of the open countryside.

2. This planning permission does not grant permission for site operations to exceed the site licence.

Reason:

For the avoidance of doubt.

3. Within one month of the date of this permission, details of the means for waste, to ensure bins are regularly emptied, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then not be carried out other than in complete accordance with the approved details.

Reason:

To avoid pest and odour issues in the interests of public amenity to comply with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

4. Within six months of the date of this permission, the vehicular access, where it meets the adopted highway, shall be reduced in width to 4m and shall extend back as such to the gate to the site.

Reason:

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

5. Within two months of the date of this permission, a scheme/programme of works for the connection for foul drainage to the mains sewer shall be submitted to and approved in writing by the Local Planning Authority. The connection shall thereafter be made within six months of the date of this permission and the existing tank shall be removed unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained for the life of the development.

Reason:

It has been advised by the applicant of the intention to connect to the mains sewer and to ensure the provision of adequate foul water drainage facilities to comply with policies S1, S4 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

6. Within two months of the date of this permission, a site layout plan detailing all existing and proposed shrubs, trees and hedge planting for the whole of the caravanning and camping site shall be submitted for approval in writing by the Local Planning Authority. Once approved (subject to any amendments, as required) any new planting shall be carried out in accordance with the approved plan within the next planting season after the date of this permission.

Reason:

To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

7. 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.

Reason:

To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. 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.
2. 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.
3. This decision notice relates to the following documents:

Site Location Plan (1:2500) and Elevation and Floor Plan Drawing (1:100) received on 26th June 2022

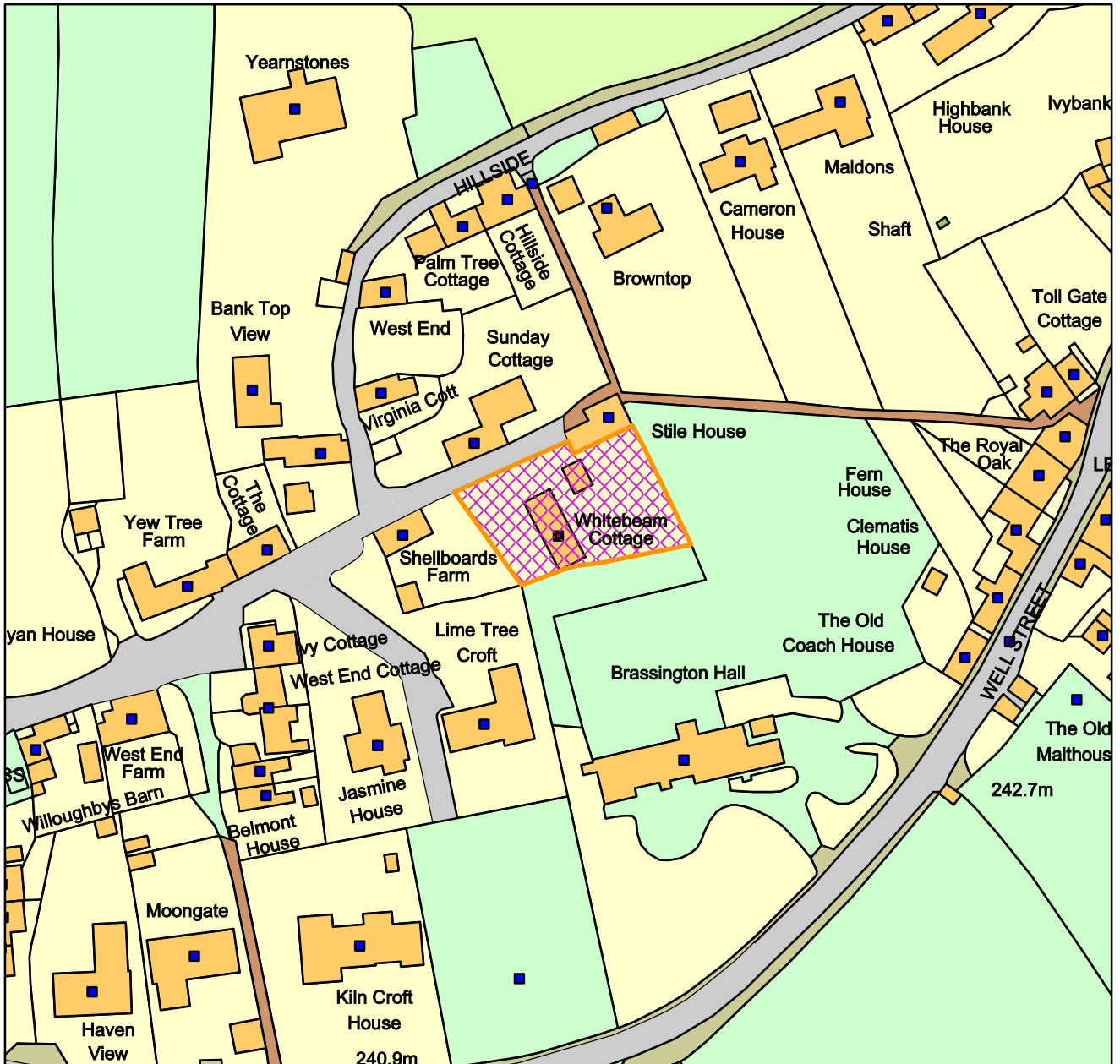
Block Plan (1:500) received on 26th June 2022

Design and Access Statement received on 26th June 2022.

This page is intentionally left blank

22/00616/FUL

Whitebeam Cottage, Hillside Lane, Brassington



Derbyshire Dales DC

1:1,250

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

This page is intentionally left blank

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)	n/a – Members visited the site on the 15 th August 2022.

MATERIAL PLANNING ISSUES

- 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

That the application be granted 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 DDDC 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.

5.6 Local Highway Authority:

No objections subject to the applicant providing / maintaining up to 3 off street parking spaces, in line with maximum parking standards.

6.0 REPRESENTATIONS RECEIVED

6.1 Nine letters / emails of representation have been received, eight objecting and one commenting on the application. In objecting to the development the following comments are made:

- 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.

In commenting on the application the following comments are made:

I read with interest the communication and correspondence with regard to the Planning Application 22/00616/FUL for the proposed two storey extension to side and rear | Whitebeam Cottage Hillside Lane Brassington Matlock Derbyshire DE4 4HL which was considered at planning committee on the 16th August 2022, the holiday cottage which I am currently staying at with my family and friends.

Especially of interest was the representation received relating to 'Paving the way for a party house') and the reference to "another BBQ party" at Whitebeam Cottage.

It would be useful to clarify this point, which was incorrect, and correct the misrepresentation.

There are 2 families of 4 people staying in the cottage, and we can categorically confirm that none of us was having either a BBQ or a party. We were sitting outside together and enjoying the evening, and whilst not whispering, there was no music playing, and we weren't loud. There are warnings in the house to inform that windows should be shut at 9pm, as neighbours are up early for work, and there is no wish to disturb. However, we are in the middle of a heatwave, temperatures were in excess of 30 degrees, and it would not be unreasonable to expect people to sit outside where it is cooler, and more pleasant.

We also note that there was a visit by the Planning Committee on Monday 15th August, and were more than happy to accommodate their visit and for them to view the property, and I'm sure any signs of excessive partying would have been observed!

From reading through the lengthy documentation and email, letters and correspondence it is plainly clear that there are some real issues and concerns regarding the proposed development of the cottage, but this does not and should not affect us as temporary residents in the cottage, we are not the ones to blame nor at fault, and there should be some self-reflection to consider this from the local residents. Indeed, I can understand and have a degree of empathy with the residents.

However, in the interest of balance and fairness, though, I felt compelled to reply specifically to the inaccurate comments and misrepresentation made about our group and visit.

7.0 OFFICER APPRAISAL

- 7.1 This application was considered by members at the Planning Committee Meeting on the 16th August 2022, where it was resolved that the item be deferred to allow consultation with the Local Highway Authority and Environmental Health, to consider parking and manoeuvring within the site, access and noise. The Local Highway Authority have advised that subject to the applicant providing / maintaining up to 3 off street parking spaces, in line with maximum parking standards they have no objections. From the plans and site visit, it is clear that three off street car parking spaces will be maintained on site. The application does not involve a change of use of the building, therefore noise attributed from the continued use of the building falling within Use Class C3 would not constitute a sustainable reason for refusal. The District Council's Environmental Health Team have, however, been consulted on the application and their comments will be presented at the meeting with the late representations.

It remains that 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.

- 7.2 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. Any significant change in the character of the use that amounts to a material change of use of the building would require a separate grant of planning permission. 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.
- 7.3 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.
- 7.4 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.
- 7.5 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.
- 7.6 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.
- 7.7 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. This has been confirmed as being acceptable by the Local Highway Authority. When planning permission was granted for the dwelling in 2007 under application code ref. 07/00859/FUL, condition 21 required that the dwelling was not occupied until parking provision for two vehicles had been provided. There was no requirement for this parking or any manoeuvring space to be provided in perpetuity. The proposed development retains sufficient space for parking above the levels approved in 2007 and manoeuvring space to serve the development.

- 7.8 The Conservation Officer also raises no objection to the proposed development, subject to conditions regarding the submission and approval of external materials.
- 7.9 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.
- 7.10 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

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:

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.

This page is intentionally left blank

22/00664/FUL

Manor Grounds Farm, Barway, Marston Montgomery



Derbyshire Dales DC

1:2,500

Date: 02/09/2022

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

This page is intentionally left blank

APPLICATION NUMBER		22/00664/FUL	
SITE ADDRESS:		Manor Grounds Farm, Barway, Marston Montgomery, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Erection of 4 glamping pods and associated landscaping (resubmission)	
CASE OFFICER	Mr J Baldwin	APPLICANT	Mr P Deville
PARISH/TOWN	Matlock Bath	AGENT	Sammons Architectural Ltd
WARD MEMBER(S)	Cllr Tony Morley	DETERMINATION TARGET	27.07.2022
REASON FOR DETERMINATION BY COMMITTEE	Called to committee by Cllr Tony Morley	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site in its context and the surrounding area.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> – Principle of development – Impact of the development on landscape character

RECOMMENDATION
<ul style="list-style-type: none"> - Refusal

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located off the south western side of Barway to the north west of the centre of Marston Montgomery. The site is currently utilised as a caravan site operating under a Caravan and Camping Club licence. The site is accessed directly off Barway and the existing boundaries to the site are defined by tree planting and post and rail fencing and Marston Brook.

2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the siting of 4no. glamping pods, installation of sewage treatment plant and associated landscaping works as set out on the submitted plans received by the Local Planning Authority on 01/06/2022. The glamping pods would be 6m x 3.8m and would be constructed using larch cladding and a tile cladding.
- 2.2 This application follows the refusal of similar planning application in 2022 under application ref code. 22/00355/FUL. This application also sought permission for the siting of 4 no. glamping pods and associated sewage treatment plant and landscaping. The application was refused for the following reason:

The proposal is in a remote rural location not served by public transport such that visitors would be wholly reliant on the private car to access the facility. The proposal as such is an unsustainable form of rural tourism contrary to Policies S1, S4 and EC9 of the Adopted Derbyshire Dales Local Plan (2017).

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - S1: Sustainable Development Principles
 - S4: Development in the Countryside
 - PD1: Design and Place Making
 - PD5: Landscape Character
 - PD7: Climate Change
 - EC8: Promoting Peak District Tourism and Culture
 - EC9: Holiday Chalets, Caravan and Campsite Developments
 - EC10: Farm Enterprises and Diversification
2. National Planning Policy Framework (2021)
 - National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

22/00355/FUL	Erection of 4no. glamping pods, installation of package treatment plant and associated landscaping works	Refused	24/05/2022
--------------	--	---------	------------

5.0 CONSULTATION RESPONSES

Environment Agency (Following discussions with the applicants)

- 5.1 The Environment Agency maintains its original objection on the grounds that there's still insufficient information provided regarding the proposed foul drainage.

The following information is required as justification for the use of non-mains drainage:

- Official correspondence from Severn Trent Water confirming that a sewer connection isn't feasible.

- Costing information which confirms that installing a small pumping station isn't financially feasible. As the proposed package plant will also have significant costs associated with it but pose a greater risk to the environment than a sewer connection.

To overcome our objection the applicant should thoroughly investigate the possibility of connecting to the public foul sewer, and either revise their application to propose a mains connection or submit evidence (as outlined above) that demonstrates that this is not feasible.

Derbyshire County Council (Highways)

5.2 No objections subject to conditions.

Environmental Health (Derbyshire Dales)

5.3 No objections

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 14 representations have been received in support of the proposed development. A summary of the representations is outlined below:

- The site is a beautiful location for a holiday.
- There is local farm produce, shops and pubs nearby reducing packaging and refuse.
- The site would reduce pollution as people would utilise the site rather than travel abroad.
- The extension to the site would not harm the site or its wider setting.
- The expansion of the site could create new jobs.
- The site brings visitors to the village which supports the local community and facilities such as the village pub.
- The site offers visitors a number of walking and cycling opportunities nearby.
- Glamping pods offer a low cost means to experience the countryside for families.
- The applicants will be implementing a green travel plan to be inclusive to all types of visitor, from those with electric vehicles, providing a collection service for visitors using transport links, and a cycle hire for those wanting more adventurous local outings.
- The application will help to sustain the small holding and support local businesses.
- The development has a proven track record of careful management of the precious countryside.
- It is a development such as this which will help to re-instate a bus service to the village.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact of the development on landscape character

7.1 The main issues to assess in the consideration of this application would be the principal of the development with regard to the suitability of the location, and the impact of the development on landscape character as set out in the relevant policies of the Adopted Derbyshire Dales Local Plan (2017). As set out in the submitted design and access statement "The only alteration to the proposed development from that previously refused is the addition of a car charging point within the site. This would be located within the proposed parking area to allow use by the users of the development proposed as part of this application". Additional information has also been provided in an attempt to address the reason for refusal set out above.

Principle of development

7.2 Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) supports applications for development in the countryside when "it represents the sustainable growth of tourism or other

rural based enterprises in sustainable locations where identified needs are not met by existing facilities” and policy EC1 which relates to existing new and existing employment development further supports “expansion of existing business or industrial premises in sustainable locations”

- 7.3 Policy EC8 of the Adopted Derbyshire Dales Local Plan (2017) supports new tourist provision and initiatives in towns and villages, and in the countryside through the reuse of existing buildings or as part of farm diversification, particularly where these would also benefit local communities and support the local economy.
- 7.4 Policy EC9 of the Adopted Derbyshire Dales Local Plan (2017) is particularly relevant to this proposal as it relates to proposals for new holiday accommodation and states that development would be supported for new holiday chalets, caravans or campsites where the following criteria are met:
- a) the development would not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape;
 - b) any visual impact would be well screened by existing landscape features from areas outside the site to which the public has access for the whole of its proposed operating season;
 - c) any on-site facilities are of a scale appropriate to the location and to the site itself;
 - d) the site is in a sustainable location within, or in close proximity to an existing settlement with good connections to the main highway network, and the public rights of way network and/or cycleways, and is either served by public transport or within a safe attractive ten minute walk of regular public transport services;
 - e) the development would not adversely affect the amenity, tranquillity or public enjoyment of any adjacent area.
- 7.5 The impact of the development on the wider landscape and screening of the development will be assessed in further detail below however in general, and as set out in the consideration of the previous application (22/00355/FUL) it is considered that the level of existing tree screening is considered to be sufficient and this, in combination with the relatively modest scale of the proposed buildings is considered to be unlikely to result in any significant harm to the character and appearance of the landscape. The scale/amount of development is also not deemed to be excessive for the site and would be unlikely to result in any significant adverse impact on the tranquillity or enjoyment of the surrounding area.
- 7.6 The main concerns with the previous application (22/00355/FUL) which resulted in the refusal of planning permission related to criterion d) of policy EC9 of the Adopted Derbyshire Dales Local Plan (2017) – the sustainability of the location for such a development. As has been set out previously, policy S2 of the Adopted Derbyshire Dales Local Plan (2017) identifies Marston Montgomery as a fourth tier settlement which has minimal facilities and no defined settlement boundary. Notwithstanding the lack of a defined settlement boundary, policy EC9 requires the site to be within an attractive and safe, 10 minute walk of access to regular public transport services. The walk via Barway would be along the highway as there are no pavements/footpaths and this is not deemed to constitute a safe walk and, as has been clarified in the submitted Design and Access Statement, there is currently no bus service to the village however there is some desire to re-start this from the Parish Council.
- 7.7 It is acknowledged that the site is in relatively close proximity to Marston Montgomery public footpath 30 however given the above, this alone is not considered sufficient to consider the site to be sustainable for the purposes of holiday accommodation when assessed against the entirety of policy EC9 of the Adopted Derbyshire Dales Local Plan (2017). As part of this re-submission the applicants have included an electric car charging point on the site and a proposed implementation of a sustainable travel plan which would involve the applicants collecting guests from collection points in nearby towns such as Uttoxeter and Rocester. This may provide a modest improvement to the environmental sustainability of the development

however it does not fundamentally change the fact that the site is located in a location, outside of a fourth tier settlement which has limited facilities. Visitors to the site would therefore be largely reliant on the private motor vehicle to access basic facilities and it is considered that the development has not overcome the previous reason for refusal and would therefore remain contrary to the aims of policy S1, S4 and EC9 of the Adopted Derbyshire Dales Local Plan (2017).

7.8 The submitted design and access statement includes a number of other examples of tourism related developments which have been approved in the District and a number of new developments approved in/around Marston Montgomery. Firstly, it is important that all applications are determined based on their own merits and the relevant material planning considerations of each particular case. Secondly, the applications approved in and around Marston Montgomery are largely for new residential dwellings which are assessed against different policies within the plan. Also the examples provided are largely formed through the conversion of existing buildings which is inherently a more sustainable form of development than the creation of new units.

Impact on landscape character

7.9 The site benefits from existing mature tree planting along the highway and as a result is well screened from public views from Barway. The site is currently operated as a site for touring caravans which, during winter months when the planting provides a less significant visual screen to the site, are less likely to be present on site. The permanent nature of the proposed glamping pod would therefore inevitably have some additional impact on the landscape.

7.10 Notwithstanding the above, existing landscaping would continue to provide some screening of the structures. The scale of the structures and extent of additional associated hard surfacing required is modest. The use of timber cladding and tiles to the external elevations of the structures is also not considered to be inappropriate in this context. Overall it is considered that the development would not result in any adverse impact on the character and appearance of the wider landscape and the development would be in accordance with policy S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.

Other Matters:

7.11 The development would utilise the existing site access and no concerns have been raised by the Local Highway Authority (subject to conditions) regarding any potential intensification of the use of this access. Similarly, Environmental Health (Derbyshire Dales) have also raised no concerns.

7.12 Previously, the Environment Agency had raised no objections to the development subject to an advisory note being attached to any permission relating to the disposal of foul drainage. In this case however, a holding objection was raised until such a point that the applicants could demonstrate that the development cannot be connected to a mains sewer which is preferable to the proposed sewage treatment plant. Following further discussions with the Environment Agency, the applicants have agreed to connect the development to the mains sewer and the Environment Agency have removed the objection accordingly.

Conclusion

7.13 On the basis of the above, it is considered that the development would be sited in an unsustainable location, contrary to policies S4, EC1 and EC9 of the Adopted Derbyshire Dales Local Plan (2017). The application is recommended for refusal accordingly.

8.0 RECOMMENDATION

That planning permission be refused for the following reason:

1. The proposal is in a remote rural location not served by public transport such that visitors would be wholly reliant on the private car to access the facility. The proposal as such is an unsustainable form of rural tourism contrary to Policies S1, S4 and EC9 of the Adopted Derbyshire Dales Local Plan (2017).

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:

Design and Access Statement

Site Location Plan

Plans and Elevations

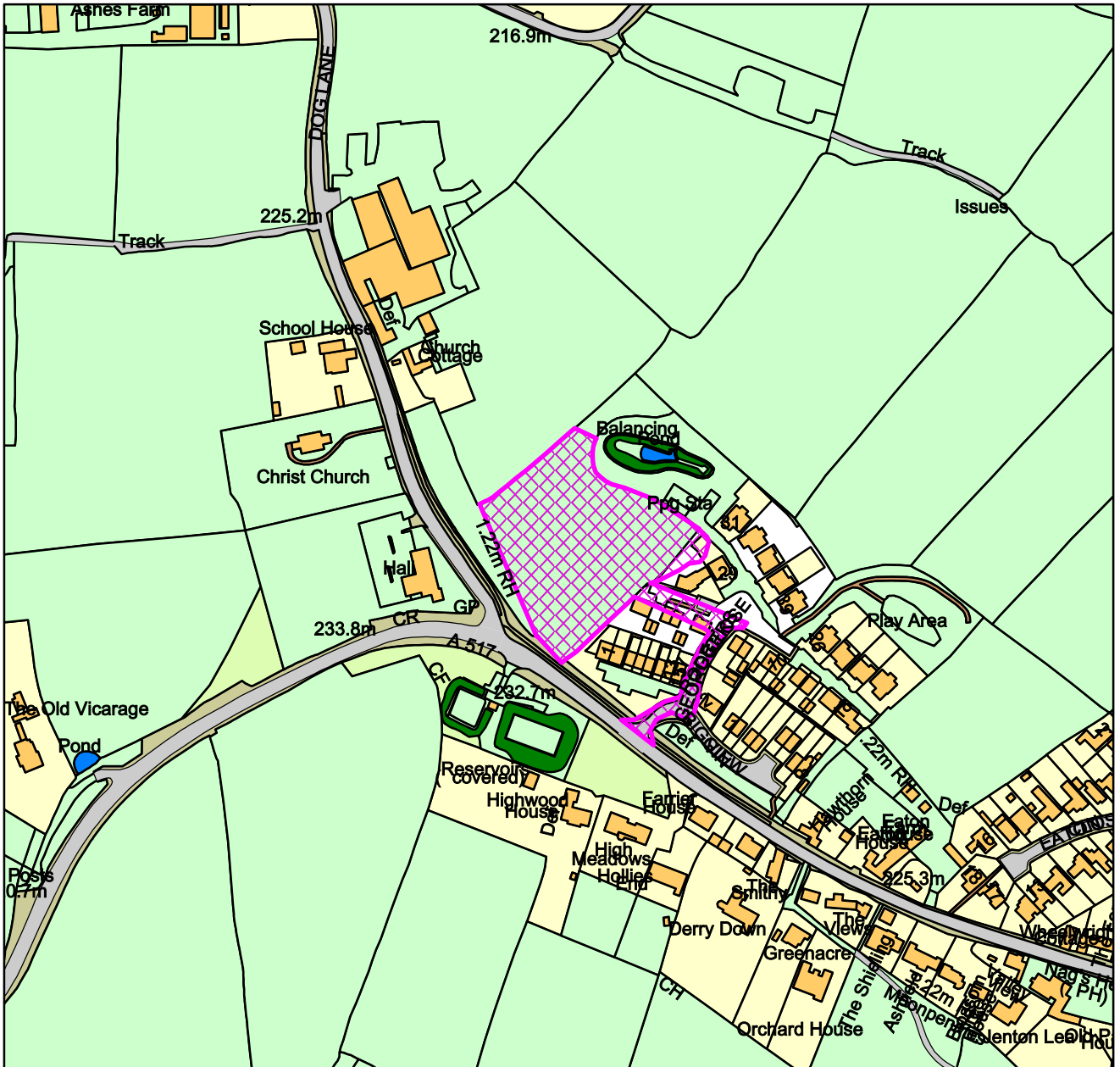
Topographical Survey

Nearby Approved Application Plan

Site Layout Plan

22/00008/OUT

Land Adj. Biggin View, Dog Lane, Hulland Ward



Derbyshire Dales DC

1:3,500

Date: 02/09/2022

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

This page is intentionally left blank

APPLICATION NUMBER		22/00008/OUT	
SITE ADDRESS:		Land adjacent Biggin View, Dog Lane, Hulland Ward	
DESCRIPTION OF DEVELOPMENT		Outline planning consent for the erection of up to 15no. dwellinghouses and associated garaging with approval being sought for access	
CASE OFFICER	Sarah Arbon	APPLICANT	John Yates
PARISH/TOWN	Biggin By Hulland	AGENT	JMI Planning
WARD MEMBER(S)	Cllr Richard Bright	DETERMINATION TARGET	21 st April 2022
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Suitability of the location • The effect of the proposal on the character and identity of the settlement and the local landscape • Impact on heritage • Highway considerations • Flood risk and drainage • Residential amenity impacts • Impact on trees, biodiversity and wildlife, and • Developer contributions and housing mix

RECOMMENDATION
<p>That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to conditions upon completion of a s106 legal agreement to secure 30% of the dwellings as affordable units on-site (with any residual amount (i.e. less than 1 unit) provided as an offsite financial contribution and £105,385.04 towards the provision of 3 secondary and 1 post 16 places at Queen Elizabeth's Grammar School and additional education facilities.</p>

1.0 THE SITE AND SURROUNDINGS

- 1.1 This 0.77 hectare site is a square shaped field located to the north east of Hulland Ward adjacent to the junction where the A517 meets Dog Lane. The site has a small frontage onto the A517 and its north western boundary adjoins a field adjacent to Church Cottage and its associated farm buildings known as Church Farm. Both the south western and north western boundaries are screened by existing hedging and trees with the site boundary set back from Dog Lane. Immediately adjacent to the south east is the Cameron Homes development of 33 dwellings that is nearing completion.
- 1.2 The land slopes downwards from the south-west to the north-east. The field is largely bounded by substantial hedgerows with inter-set trees. The landscape character is one of Settled Plateau Farmlands landscape type of the Needwood and South Derbyshire Claylands landscape character area. Key features include the field boundary hedges and mature hedgerow trees.
- 1.3 From the A517, the site is visual but partially screened by the existing hedgerows. From the north east on Dog Lane, the site is largely screened by the existing hedgerow screening and further north along Dog Lane beyond Church Farm the farm buildings and hedges screen the site from this direction. Long distance views of the site from the track to the north and footpath to the east are not afforded due to the land levels and intervening screening with only the adjacent Cameron Homes development viewed.
- 1.4 The site lies adjacent to the settlement boundary of Hulland Ward and share a boundary with the allocated site HC2 (s) – land off A517 and Dog Lane for 33 dwellings that has been implemented.

2.0 DETAILS OF THE APPLICATION

- 2.1 Outline permission is sought for up to 15 dwellings with access included and all other matters reserved. Access would be via the existing Cameron Homes off the A517 via the internal estates roads of Biggin View and George Rogers Close and the internal private drive to the front of plots 11, 12, 13, 14 and 23.
- 2.2 An indicative plan shows 15 dwellings with the access road curving to the north slightly and creating a turning head to the west linking to the driveway to plot 11 to the North West and a smaller private drive for plots 1, 2, and 7 in the southern corner of the site.
- 2.3 Due to the fact that the site is accessed from the existing development via a private drive the internal access cannot be adopted due to the location of the existing plot 23 being close up to the road without the 2m footway. Amendments to the proposed layout have been made in order to accord with the approved and built development on the adjacent land as the originally submitted plans did not match both the approved plans and conveyance plans in respect of the plot 23's front boundary.
- 2.4 The applicant indicates that the development will comprise a mixture of 3, 4 and 5 bedroomed homes.





3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017

S1 Sustainable Development Principles
 S2 Settlement Hierarchy
 S4 Development within the Countryside
 S9 Rural Parishes Development Strategy
 PD1 Design and Place Making
 PD2 Protecting the Historic Environment
 PD3 Biodiversity and the Natural Environment
 PD5 Landscape Character
 PD6 Trees, Hedgerows and Woodlands
 PD7 Climate Change
 PD8 Flood Risk Management and Water Quality
 PD9 Pollution Control and Unstable Land
 HC4 Affordable Housing Provision
 HC11 Housing Mix and Type
 HC14 Open Space, Sports and Recreation Facilities
 HC17 Promoting Sport, Leisure and Recreation
 HC19 Accessibility and Transport
 HC20 Managing Travel Demand
 HC21 Car Parking Standards.

3.2. Other:

The National Planning Policy Framework (NPPF) (2021)
 National Planning Practice Guide
 Developer Contributions SPD (2020)
 Climate Change SPD (2021)

4.0 RELEVANT PLANNING HISTORY:

None

5.0 CONSULTATION RESPONSES

Hulland Ward Parish Council

5.1 Object to the application on the following grounds:

- 1) The Local Plan calls for 99 houses in the Hulland Ward area. Including the Wheeldon Way development we already have 101 houses.
- 2) The planned application is on a greenfield site outside the boundary of the Local Plan.

- 3) The proposed development would intrude on the setting of a listed building (Christ Church, Hulland) - a designated heritage asset.
- 4) The Wheeldon Way development of 39 houses is scheduled to commence this spring and will in itself cause much disturbance in what is still a small village.

Biggin Parish Council

5.2 Object to the planning application for further development within the Biggin Parish for the following reasons:-

- 1) The greenfield site of this planning application is in Biggin Parish and is outside the local plan
- 2) The development proposed would encroach on dog lane where the village hall and the historic Hulland Church which is a listed building sits. It would dominate and harm the appearance of the area and the Church.
- 3) Increased traffic is already high in the area and the country lanes are not suited to further traffic.
- 4) New housing developments previously granted planning and built in this area have already exceeded the amount called for in the local plan.

These developments have already caused harm to the character and appearance of the countryside and local area where Hulland ward meets Biggin Parish.

These developments have encroached into Biggin Parish.

They do not blend in with the existing Hulland ward estate and certainly do not blend in with Biggin landscape and historic buildings.

Excessive windows on these properties have caused extreme light pollution and reflection in the area.

The heights of these buildings possibly due to the unsuitability of the lay of the land being sloped make them stand out and intimate the valley below and also the existing residents on the Hulland ward estate.

Allowing this application would only escalate this problem we are already faced with.

Biggin Parish is an historical farming hamlet set in open countryside and is to be protected from development harming the appearance of the open countryside. Biggin parish is not in the local plan and the land where this planning application proposed is part of the Biggin parish and therefore this application should be refused.

Highway Authority:

- 5.3 The site is proposed to be accessed off the turning head at the end of the internal access road which serves the existing development. There are no objections to the principle of the proposed access arrangements; however, the applicant should be made aware that the new internal access road serving the proposed dwellings, as indicated in the submitted plans, will not be considered for adoption due to the lack of a margin or footway fronting the existing plot no. 23, therefore, the new access road will remain private. There are no highway objections to the principle of the development.

Environmental Health:

- 5.4 No objections, however, recommend a watching brief on contaminated land.

Lead Local Flood Authority:

- 5.5 This site lies within flood zone 1 and therefore the LPA can apply national flood risk standing advice (FRSA) in this instance if necessary. The agent has supplied the TRI confirming that the applicant has the right to connect to the existing surface water attenuation pond. The LLFA has reviewed the Flood Risk Assessment and have no objection subject to conditions, however before providing conditions further detail is required on the attenuation ponds connection, maintenance, management, capacity in order to establish that connecting the proposed site would not increase the risk of flooding on the adjacent site.

Education Authority (DDC):

- 5.6 The proposed development falls within and directly relates to the normal area of Hulland CE (Voluntary Controlled) Primary School. The proposed development of 15 dwellings would generate the need to provide for an additional 4 pupils.

Hulland CE (Voluntary Controlled) Primary School has a net capacity for 84 pupils, with 53 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 55. An evaluation of recently approved major residential developments within the normal area of Hulland CE (Voluntary Controlled) Primary School shows new development totalling 39 dwellings, amounting to an additional 9 primary pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 4 primary pupils arising from the proposed development. The proposed development falls within and directly relates to the normal area of Queen Elizabeth Grammar School. The proposed development of 15 dwellings would generate the need to provide for an additional 3 secondary and 1 post 16 pupils.

Queen Elizabeth Grammar School has a net capacity for 1,384 pupils with 1,384 pupils currently on roll. The number of pupils on roll is projected to increase to 1,451 during the next five years. An evaluation of recently approved major residential developments within the normal area of Queen Elizabeth Grammar School shows new development totalling 533 dwellings, amounting to an additional 107 secondary and 43 post16 pupils. Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate the 3 secondary and 1 post 16 pupils arising from the proposed development.

The above analysis indicates that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests financial contributions as follows:

- £105,385.04 towards the provision of 3 secondary and 1 post16 places at Queen Elizabeth's Grammar School + additional education facilities.

NHS Commissioning Group

- 5.7 Confirms that no S106 contributions are required as the development falls under their threshold.

Rural Housing Enabler (DDDC)

- 5.8 The additional affordable housing provision that this development would yield is welcomed. It is anticipated that 4 units would be provided onsite, with the remaining 0.5 unit provided as a commuted sum. The affordable units should be fully compliant with Nationally

Described Space Standards (NDSS). Furthermore, it is expected that any bungalows provided would meet building regulations M4 (2) as a minimum. In terms of the profile of the affordable units, it is advised what is most appropriate to meet local need at such time reserved matters are addressed.

Archaeologist (DDC)

- 5.9 The site has some archaeological potential, being very close to the site at Wheeldon Way where archaeological potential was identified by geophysical survey in the context of an application for housing 14/00698, and conditions placed to secure some archaeological work. The archaeology at Wheeldon Way possibly represents prehistoric or medieval activity, although the confirmatory fieldwork has not yet been carried out.

Following a review of the submission of a geophysical survey, the geophysics shows no convincing archaeological targets and given the modest size of the site it is advised that there is no need for further archaeological involvement in this application.

Tree and Landscape Officer (DDDC)

- 5.10 Currently unprotected trees and established native hedgerows forming historic field boundaries are located close to and around the site regarding which no details have been submitted to date. Should outline consent be granted, it is recommended that further information should be required to be submitted for approval at reserved matters stage to enable the LPA to be fully informed about any potential conflict between existing trees and the proposed development by the proposed site layout. This should take the form of:

An Arboricultural Impact Assessment to the guidelines of BS5837:2012 to include a Tree Schedule, Tree Constraints Plan on a plan of the site as existing, a Tree Retentions and Removals Plan on a plan of the site as proposed and a Tree Protection Plan on a plan of the site as proposed.

If any proposed development would encroach the root protection areas (as defined by BS5837:2012) of any retained trees or hedgerow then a detailed site-specific Arboricultural Method Statement should also be required for approval that demonstrates how the proposals would be executed without harm to retained trees.

The site is enclosed by established native hedgerows and trees along all but the north-eastern boundary. These are important visual and historic elements of the local landscape and should be retained and appropriately protected during development and incorporated into it for the long term. It is important that all existing trees and hedgerows are retained because they contribute to the history, character and appearance of the local landscape.

A recent residential development adjoins the proposed development site to the east. This site has a straight edge boundary abutting the proposed site created by the previously existing retained field boundary. This abrupt edge to the village has a distinctly inorganic appearance. The proposed development presents the opportunity to create a more natural edge to the settlement if the site layout were to be designed appropriately. This would serve to assimilate both sites into a more organic form in the countryside surrounding the site. In order to inform the Council's assessment of the visual impact of the proposals in the landscape it is recommended that a Landscape Visual Impact Assessment be required for submission for approval. The surrounding viewpoints submitted by the agent are considered acceptable.

- 5.11 They have reviewed the Ecological Impact Assessment prepared by Ramm Sanderson Ecology Ltd November 2021 and checked their biodiversity datasets and mapping. They are not aware of any statutory or non-statutory designated sites or the presence of any species or habitats of principal importance (UK BAP Priority species/habitats).

The ecological assessment has identified the following habitats:

- Broadleaved trees which are to be retained within the proposals.
- Dense scrub – to be lost
- Species poor semi-improved grassland – to be lost (the dominant habitat on site)
- Tall ruderal – to be lost

In terms of protected species the recommendations within the submitted report are supported.

Whilst the overall impact on biodiversity is not considered to be substantive in terms of any unacceptable loss of protected or important habitats there is clearly a small loss of biodiversity that has not been fully quantified. It is therefore not possible to know whether the application will result in a net loss of biodiversity overall.

It is advised that the Biodiversity Metric assessment referred to in the EIA is submitted so that these issues can be resolved through appropriate habitat creation and enhancement on site or if necessary off-site. Once these details are available they can review and make recommendations for suitable conditions.

5.12 Environment Agency

This site lies within flood zone 1 and therefore the LPA can apply national flood risk standing advice (FRSA) in this instance if necessary.

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

6.0 REPRESENTATIONS RECEIVED

6.1 Five letters of objection have been received and these are summarised below:-

- a) The development will bring extra site traffic to an already busy main road.
- b) The noise and pollution to part of the village would continue from that already witnessed from the 33 houses being built.
- c) There is also planning permission granted for 39 dwellings close to this site, another 15 is not needed.
- d) This application will bring more pollution and noise to the small development from the construction vehicles passing through, and then residential vehicles, which there will be many.
- e) There is a play area at Woodgate point development and there are safety concerns with regard a huge increase of construction vehicles 5 days a week driving through the development to access the new site.
- f) The plans submitted are not up to date and do not represent the existing development of Woodgate Point with regard to the existing Plot 23.

- g) On the planning proposal, the proposed road and walkway adjacent to our property (Plot 23) are drawn within the legal boundary of plot 23.
- h) The front and rear access to our property (Plot 23) has also changed from that shown on the planning applicants plans
- i) Both the front and rear access to and from our property currently emerge onto a private drive with shared access and we would emerge from both the front and rear exits of our property directly onto the proposed highway.
- j) The proposed highway would run within 0.5 mtr of a Bay Window with the resultant impacts on safety, potential noise, vibration, vehicle emissions and light pollution into our property and the overall ability to enjoy our home.
- k) The access, so close to our home to a potential construction site by all associated vehicles will cause noise, disruption, vibration, dust and a significant safety hazard.
- l) The proposed access may not be appropriate to serve 15 new properties and all the associated traffic including emergency services.
- m) The site is greenfield land and outside the local plan. It is also very close to the village hall and church, and would be detrimental to the appearance and character of the village and surrounding countryside.
- n) The development would result in an unacceptable increase of vehicular traffic using the already very busy A517, existing narrow estate roads and country lanes.
- o) With new housing developments recently being constructed, and a further one already granted, Hulland Ward has grown enough and definitely does not need this poorly situated development.
- p) The site lies in Biggin Parish.
- q) The site lies outside the settlement boundary of Hulland Ward
- r) The development would be highly visible from the western approach of the village as it is not the highest part of the ridgeway.
- s) The southern ridgeway is dominated by the new red brick houses, completely at odds with other properties in view.
- t) The field has wildflowers and is used for grazing.
- u) The existing access from the A517 has limited visibility and what are the implications for current residents within the site regarding the increase in vehicle movements.
- v) The increase use of the access and increase in vehicle movements onto an existing heavily trafficked route is a safety concern.
- w) The Parish of Biggin has seen a 66% increase in houses which is disproportionate with Hulland Ward and the parishes population.
- x) The 30% affordable housing provision is often off-site which is of no benefit to the community.
- y) There is a lack of public transport within the village so people rely on the car.
- z) The proposed dwellings would be more prominent than the existing as they appear larger and are closer to Dog Lane.
- aa) Building on this site may cause increased surface water run-off in the area.
- bb) Loss of habitat for wildlife.
- cc) Future residents may complain regarding noise from the village hall when events are held.
- dd) The village facilities are limited and don't have capacity of future residents.

7.0 OFFICER APPRAISAL

- 7.1 This application seeks outline permission for up to 15 dwellings on the site, with all matters other than access reserved for subsequent approval.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act 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 a material consideration in respect of this application.

- 7.3 The Council is unable to demonstrate a 5 year housing land supply at this time and the tilted balance in favour of the development is engaged by virtue of Para 11d) of the National Planning Policy Framework (2021).
- 7.4 As part of the consideration of future housing needs and the Council's aspirations for growth and economic recovery, a call for sites as part of the Strategic Housing Land Availability Assessment process was undertaken between 26th May and 7th July 2021. The application site was put forward as part of this exercise. The assessment of the site, in terms of its deliverability is considered in the issues section of this report.
- 7.5 Having regard to the above, consultation responses and representations received and the relevant provisions of the development plan and guidance contained within the National Planning Policy Framework, the main issues to assess are:
- Suitability of the location
 - The effect of the proposal on the character and identity of the settlement and the local landscape
 - Impact on heritage
 - Highway considerations
 - Flood risk and drainage
 - Residential amenity impacts
 - Impact on trees, biodiversity and wildlife, and
 - Developer contributions and housing mix

Suitability of Location

- 7.6 Notwithstanding that the Council cannot demonstrate a 5 year housing land supply at this time and the presumption in favour of the development is engaged, there are provisions in the Development Plan for housing development on the edge of first, second and third tier settlements (Policy S2) in circumstances where there is no 5 year housing land supply, subject to consideration against other policies in the Local Plan and the provisions of the NPPF. This policy recognises that the higher order settlements in the Derbyshire Dales District are best suited in terms of access to services, facilities and employment opportunities to accommodate new housing development in such a scenario.
- 7.7 Although the site is located beyond the existing strategic land allocations in the development plan, it is well connected to and would be serviced off the Biggin View development recently built out by Cameron Homes on the edge of the existing settlement framework boundary. Hulland Ward is an accessible settlement with some facilities. The village has a primary school, medical centre, shop and two pubs. Whilst it is recognised that an accessible settlement such as Hulland Ward will provide for reduced levels of development in comparison to higher order settlements, a development of 15 houses is considered to be an appropriate amount of additional growth in the village that will help underpin local facilities and provide for greater self-containment.

The effect of the proposal on the character and identity of the settlement and the local landscape

- 7.8 A key consideration in respect of this application is the impact of the development on the local landscape and character, identity and setting of the existing settlement. Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) advises that development will conserve and where possible enhance the natural and historic environment, including settlements within the plan area.
- 7.9 Policy PD1 requires all development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes.

- 7.10 Policy PD5 deals specifically with landscape character and advises that development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.11 In considering the suitability of the site for development as part of the local plan review call for sites exercise, the County Council Landscape Officer commented that the site is a single field enclosed by mature hedgerows and abutting new residential development to the south-east off Biggin Way. It was acknowledged that the site is visually contained by residential properties to the south and east and boundary vegetation.
- 7.12 Although the comments of the Parish Council relating to the impact on the Biggin landscape and those making representations are noted, the applicant has prepared a series of viewpoints from the main receptors, having agreed these with the Councils Trees and Landscape Officer. Having regard to the visibility of the site, the amount of development and its relationship with existing development it is not considered that a development of up to 15 dwellings on the site, subject to careful consideration of the layout, scale and appearance of the development (which are all reserved matters) would result in harm to the local landscape or character and identity of this part of the settlement. The development would be well related to existing development and contained by existing landscape features and as indicated by the Trees and Landscape Officer development of the site presents the opportunity to create a more natural edge to the settlement. It will be necessary as part of any future approval of reserved matters application to retain and supplement existing landscaping to safeguard the setting of the settlement and the local landscape.

Impact on Heritage

- 7.13 A Grade II listed church, Christ Church is located to the west of the site on the opposite side of Dog Lane. In the assessment of the site as part of the call for sites exercise the District Council's Conservation and Design Officer concluded that some harm may be caused to heritage assets by development at this site and that special attention should be given to mitigate against this harm, especially on Christ Church.
- 7.14 Policy PD2 of the Adopted Derbyshire Dales Local Plan seeks to conserve heritage assets in a manner appropriate to their significance. The position of the site relative to church and existing residential development beyond and intervening landscaping is such that redevelopment of the site would result in no harm, or harm at the lower end of less than substantial harm in NPPF terms which would be mitigated by a development of an appropriate layout, scale and appearance and with appropriate landscaping. Paragraph 202 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Highway considerations

- 7.15 Development plan policies require that the access serving a development is safe and the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development.
- 7.16 The application seeks the approval of the access, which comprises a continuation of an estate road serving the Biggin View development, which does not include a sufficient margin for a footway fronting existing plot no. 23. The Local Highway Authority have indicated that the new internal access road will not therefore be considered suitable for adoption. There are, however, no objections to the access arrangements from a highway safety perspective. A condition is recommended by the Highways Authority to ensure

appropriate management arrangements are put in place for maintenance of the proposed estate road.

- 7.17 The concerns raised by those making representations with regard to traffic are noted, however, the junction of Biggin View with the A517 is considered acceptable to serve further residential development of the scale proposed. Construction traffic and the noise and disturbance associated with such activity is noted. It is considered that a condition to restrict the times of construction activity would be appropriate in this case, given the close proximity of the site to existing residents and the route of the proposed access road.

Flood risk and drainage

- 7.18 Adopted Local Plan Policy PD8 directs new development away from areas of current or future flood risk and states that the development should not increase the risk of flooding elsewhere. The whole of the application site lies within Flood Zone 1 which is described as land having a less than 1 in 1,000 annual probability of river or sea flooding. The site is therefore at low risk from flooding.
- 7.19 A Flood Risk Assessment (FRA) has been submitted in support of the application in accordance with the requirements of the National Planning Policy Framework. A drainage strategy has also been submitted which includes an indicative Sustainable Urban Drainage Scheme (SuDS) showing the installation of permeable pavement features and a flow control chamber discharging to a headwall to the existing pond to the north east of the site.
- 7.20 The report states that the a SuDS scheme would be capable of satisfactorily managing surface runoff without increasing the flood risk to other people while providing multiple benefits with respect to the sustainable management of surface water runoff. The report makes a number of recommendations in regard to flood risk mitigation and drainage provision including finished floor levels, provision and maintenance of a SuDS scheme. Foul drainage would be to the main sewer.
- 7.21 The Environment Agency raise no objection to the development because the site is within Flood Zone 1 and advises that foul drainage should be to the main sewer as proposed. The Lead Local Flood Authority have requested confirmation on a number of points including whether the land owner would permit discharge of surface water into the pond, the capacity of the pond and where it discharges. The applicant has provided this information and we await a further response from the Lead Local Flood Authority which will be provided at the meeting.
- 7.22 The application demonstrates that the development would not be at risk of flooding and subject to planning conditions to secure the approval, implementation and maintenance of an appropriate SuDS scheme and finished floor levels that the development would not increase the risk of flooding elsewhere. Foul drainage would be to the main sewer which is acceptable. The application is therefore in accordance with Policy PD8 and National Planning Practice Guidance.

Residential amenity impacts

- 7.23 Adopted Local Plan Policy S1 seeks to secure development which provide a high standard of amenity for all existing and future occupants of land and buildings, ensuring communities have a healthy, safe and attractive living environment.
- 7.24 The submitted indicative layout shows that there is sufficient space within the site for a development of this scale to be accommodated with sufficient separation distances from proposed dwellings to the existing residential properties to the south east of the site. The development would not be overbearing or lead to any significant loss of light or privacy to

any neighbouring property. The plans also show that the proposed dwellings would be provided with a high standard of amenity space.

- 7.25 The development would be accessed through the residential development to the south east which would be acceptable in principle. Additional vehicle traffic would not harm the amenity of occupants of existing properties. There may be additional vehicle traffic and disturbance during construction, however this would be for a limited period and would not constitute a reason for refusal of planning permission subject to appropriate working hours.
- 7.26 The development would therefore provide occupants a high standard of amenity and conserve the amenity, security and privacy of occupants of neighbouring properties and the living environment of the local community in accordance with policy S1 and PD1.

Impact on trees, biodiversity and wildlife

- 7.27 Policy PD6 of the Adopted Derbyshire Dales Local Plan requires that Trees, hedgerows, orchards or woodland of value should be retained and integrated within development wherever possible.
- 7.28 The Trees and Landscape Officer has recommended that further information should be provided in relation to existing trees at reserved matters stage to enable the Local Planning Authority to be fully informed about any potential conflict between existing trees and the proposed development. This will be important to ensure that the existing trees and landscape features along the boundary of the site with Dog Lane are retained to contain the development and protect the local landscape. A condition to secure such details and retain the trees along the boundary with Dog Lane is considered appropriate in this respect.
- 7.29 The Adopted Derbyshire Dales Local Plan (2017) seeks enhancement of biodiversity (Policy PD3) and is supported by the NPPF, paragraph 174 of which advises that planning decisions should provide net gains for biodiversity. The direction of travel and importance of improving biodiversity is also clear from the Environment Act 2021, even though the 10% requirement is not yet in force.
- 7.30 Derbyshire Wildlife Trust have advised that whilst the overall impact on biodiversity is not considered to be substantive in terms of any unacceptable loss of protected or important habitats there is clearly a small loss of biodiversity that has not been fully quantified. To quantify the loss a Biodiversity Metric Assessment should be carried out. Officers are satisfied in this case, given the extent of the site, the value of the existing habitat and amount of development proposed that this can be considered as part of the subsequent approval of landscaping on site and through a condition which requires a Biodiversity Metric Assessment to be submitted as part of any approval of reserved matters application to demonstrate a net gain and habitat creation and enhancement across the site to satisfy the relevant provisions of the development plan and national planning guidance.

Developer contributions and housing mix

- 7.31 Policy S10 advises that suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary when considering new development, including providing for health and social care facilities, in particular supporting the proposals that help to deliver the Derbyshire Health and Wellbeing Strategy and other improvements to support local Clinical Commissioning Groups (CCG) and facilitating enhancements to the capacity of education, training and learning establishments throughout the Plan Area.
- 7.32 No health contribution has been sought by the CCG in this case, as the development falls below their threshold for seeking a contribution. The development will, however, result in the

need for additional secondary and post 16 school places to be provided. The education authority has indicated that this would amount to £105,385.04 towards the provision of 3 secondary and 1 post 16 places at Queen Elizabeth's Grammar School and additional education facilities. It will be necessary to secure such a contribution through an s106 agreement to meet the demands deriving from the development.

- 7.33 in order to address the significant need for affordable housing across the Plan area, all residential developments of 11 dwellings or more or with a combined floorspace of more than 1000 square metres should provide 30% of the net dwellings proposed as affordable housing. The applicant agrees to make such provision, which is supported by the District Council's Housing Team. It is anticipated that 4 units would be delivered on site and 0.5 of a unit delivered in the form of an off-site financial contribution (applying the formula contained in the Developer Contributions SPD (2020)). This is considered to constitute acceptable provision. In terms of on-site provision a scheme will need to be agreed with the District Council as part of the requirements of the s106 to satisfy the relevant provisions of the development plan and national guidance and affordable housing need at that time, including provision for first homes.
- 7.34 Policy HC11 of the Adopted Derbyshire Dales Local Plan prescribes a housing mix to meet the District Councils housing needs and to create a sustainable, balanced and inclusive communities. The applicant proposes that the dwellings will comprise 3, 4 and 5 bedroomed dwellings. Without justification this would not constitute an acceptable mix, being skewed towards the larger house types. A condition to secure a mix which conforms to the requirements set out in Policy HC11 is necessary in this case, with provisions to agree a different mix where justified.
- 7.35 The application does not make provision to help mitigate the effects of or adapt to climate change. A condition is recommended to ensure that measures are included as part of any subsequent approval of reserved matters application.
- 7.36 The application site includes a sufficient amount of land to deliver appropriate open space provision in accordance with the requirements of the Developer Contributions SPD (2020) as part of any subsequent approval of reserved matters application.

The Planning Balance

- 7.37 The development plan makes provision for new housing development on the edge of tier 1 – 3 settlements in circumstances where the District Council is unable to demonstrate a five year supply of housing land. Paragraph 11 d) of the NPPF advises that decisions should apply a presumption in favour of sustainable development and grant permission unless the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.
- 7.38 Having regard to this, the consultation responses and representations received and the relevant provisions of the development plan and guidance contained within the NPPF it is clear from the consideration of the main issues that the development should be approved as, subject to careful consideration of the reserved matters, there would be no significant adverse impacts or technical reasons to refuse planning permission that would significantly and demonstrably outweigh the benefits arising from the provision of market and affordable housing. Technical matters and compliance with development plan policies and national guidance can be controlled through the use of conditions and a s106 legal agreement. A recommendation of approval is put forward on this basis.

8.0 RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to the following conditions upon completion of a s106 legal agreement to secure 30% of the dwellings as affordable units on-site (with any residual amount (i.e. less than 1 unit) provided as an offsite financial contribution and £105,385.04 towards the provision of 3 secondary and 1 post 16 places at Queen Elizabeth's Grammar School and additional education facilities.

1. Application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

Reason:

This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-
 - a) the scale of the development;
 - b) the layout of the development;
 - c) the external appearance of the development;
 - d) the landscaping of the site.

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

Reason:

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

3. This permission relates solely to the application as submitted except as amended by the revised plan no. 1001 P3 received by the Local Planning Authority on the 30th August 2022 and plan no. 01001P2 received on the 20th January 2022.

Reason:

For the avoidance of doubt

4. As part of any approval of reserved matters application concerning layout a surface water drainage scheme, to manage surface water run-off from the development (including climate change requirements) shall be submitted to and approved in writing by the local planning authority. The scheme shall also include:
 - Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The scheme shall be constructed in accordance with the approved details and shall be managed/maintained in accordance with the approved maintenance and management details for the lifetime of the development. 68

Reason:

To ensure that the site is appropriately drained to prevent localised flooding in accordance with the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

5. No dwelling shall be occupied until a Verification Report pertaining to the relevant surface water drainage system(s), has been submitted to and approved in writing by the local planning authority. This Report shall demonstrate the suitably modelled operation of the drainage system such that flood risk is appropriately managed.

Reason:

To ensure that the site is appropriately drained to prevent localised flooding in accordance with the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

6. No development shall commence on any dwellinghouse construction until a scheme for the disposal of foul water discharge from the development and a timetable for its implementation have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and details and permanently retained thereafter.

Reason:

To ensure that foul sewage is appropriately disposed of in accordance with the aims of Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

7. The finished floor levels of the dwellinghouses shall be 150mm above ground level unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To adhere to best practice and to ensure that the future dwellings are not at risk from flooding in accordance with the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

8. Any approval of reserved matters application relating to the layout of the development shall include:
 - a) A tree survey - the results of a tree survey (according to sections 4.4 and 4.5 BS 5837:2012) to include all existing trees on and within 15m of the site.
 - b) Tree constraints plans – every surveyed tree should have its location, category grading (section 4.5 BS 5837 (2012)), canopy spread and root protection area (section 4.6 BS 5837 (2012)) plotted onto two accurate site survey plans; the first should show the site as existing and the second should show the site as proposed.
 - c) An arboricultural impact assessment – according to section 5.4 BS 5837 (2012) which should present an evaluation of the impact of the proposals on the existing trees.
 - d) Tree removals plan – every surveyed tree should have its location, category grading, canopy spread and root protection areas (section 4.6 BS 5837 (2012)) plotted onto an accurate site survey plan showing the proposed site. The trees which will need to be removed to facilitate the proposals should be indicated using different symbols to the trees for retention.

Reason:

To ensure an accurate assessment of the effect of the development on the trees and in the interests of visual amenity and biodiversity in accordance with policies S1, S4, PD1, and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

9. No machinery shall be operated on the site, no process or operations shall be carried out and no deliveries shall be taken at or despatched from the site except between 8:00 and 18:00 hours Monday to Friday and 9:00 and 13:00 on Saturdays or at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the residential amenity of the occupants of existing dwellings from construction activity in accordance with the aims of Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

10. The dwellings shall incorporate measures to help mitigate the effects of and adapt to climate change. The measures and any scheme including timetable for delivery shall be submitted to the Local Planning Authority approved as part of any of any reserved matters application. The development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of mitigating the effects of and adapting to climate change in accordance with the aims of Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

11. In the event that ground contamination that has not been identified is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*', and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. The development should thereafter be carried out in accordance with the approved remediation scheme.

Reason:

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

12. Any approval of reserved matters application relating to landscaping shall be accompanied by a Biodiversity Metric Assessment which demonstrates a net biodiversity gain across the site, appropriate habitat creation and enhancement and details of future maintenance and management. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure biodiversity net gain in accordance with the requirements of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) and paragraph 174 of the National Planning Policy Framework (2021).

13. Any approval of reserved matters application relating to landscaping and layout shall, unless otherwise agreed in writing by the Local Planning Authority, make provision for the retention

and enhancement of existing boundary trees and vegetation to provide a suitable buffer between the development and surrounding countryside to the north and Dog Lane.

Reason:

To minimise the impact of the development on the local landscape, a nearby heritage asset and the character of the settlement in accordance with policies S1, PD2, PD5, and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

14. Notwithstanding the submitted details, any approval of reserved matters application shall provide for the following overall mix of housing: 1 bed - 15%, 2- bed - 40%, 3-bed - 40% and 4+ bed - 5% unless it can be demonstrated that the character of the area, evidence of local housing need or turnover of properties would justify an alternative mix.

Reason:

To ensure an appropriate housing mix to meet the objectively assessed housing needs of district in accordance with the aims of Policy HC11 of the Adopted Derbyshire Dales Local Plan (2017).

15. Where the estate street provided is not to be adopted by the Local highway Authority prior to the first occupation of any dwelling details of the management company that shall be responsible for the future maintenance of all the unadopted roads, footways, shared parking areas within the site, including proposed 'private' signage along with an ongoing maintenance strategy, and timescales for the transfer to such company, shall be submitted to the Local Planning Authority. Such areas shall be transferred to the management company in accordance with the approved details.

Reason:

In the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2015).

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 resulted in the submission of a scheme that overcame initial concerns relating to landscape impact, surface water drainage and adjacent land ownership.

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.

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer

2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

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

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit.

Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

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

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

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

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

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

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

Plan no. 1001 P3 received on the 30th August 2022

Plan no. 01001 P2 received on the 20th January 2022

Plan No's 01005 P1 and 04001 P1

Design and Access Statement Rev A dated 21st December 2021

Planning and Heritage Statement by JMI Planning

Flood Risk Assessment by RAB dated 21st November 2021

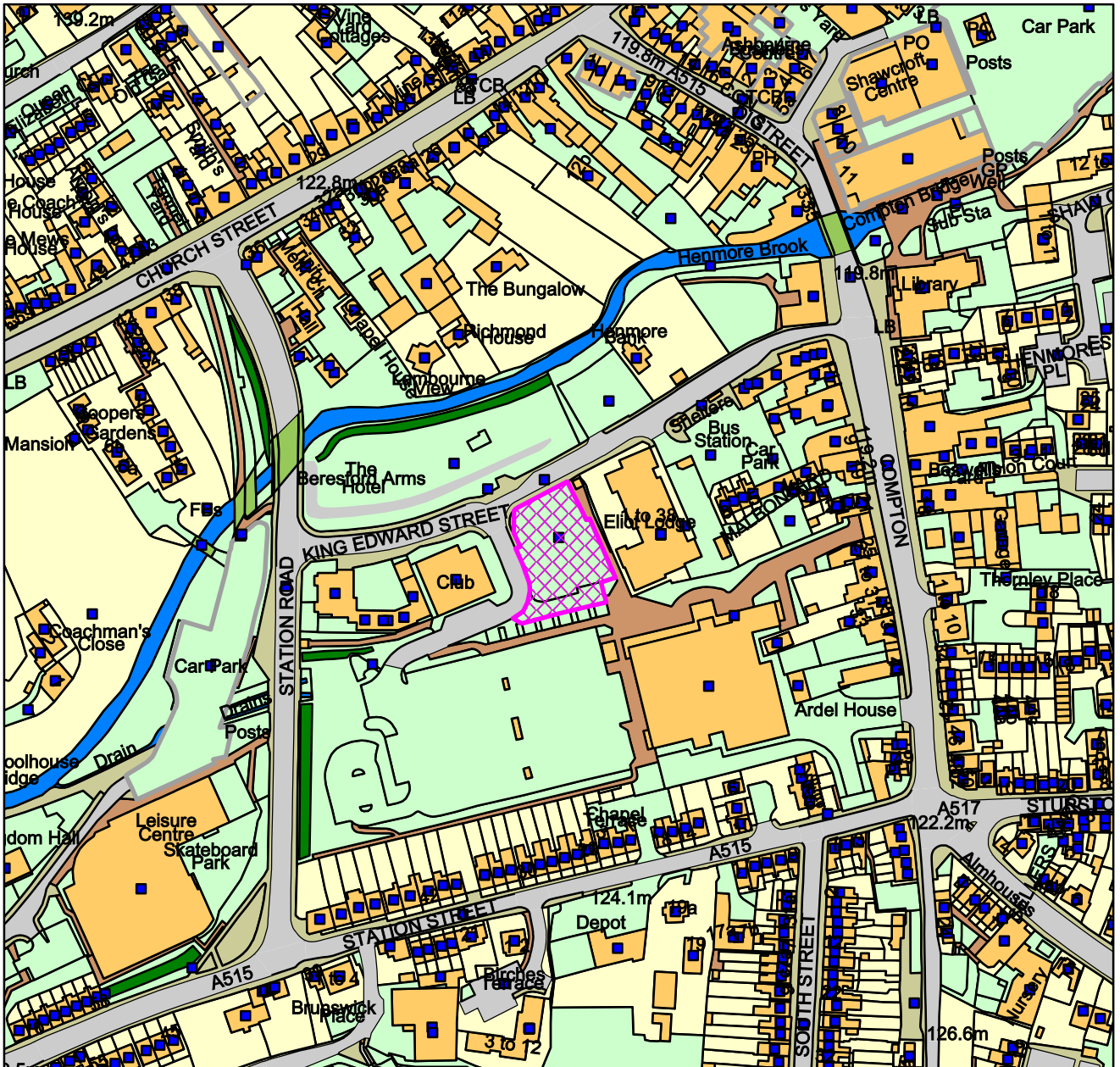
Ecological Impact Assessment by RammSanderson dated November 2021

Geophysical Survey by Archaeological; Research Services dated June 2022

Key to viewpoints and Viewpoint photos 1 -7

22/00070/REM

Old Bowling Green, King Edward Street, Ashbourne



Derbyshire Dales DC

1:2,500

Date: 02/09/2022

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

This page is intentionally left blank

APPLICATION NUMBER		22/00070/REM	
SITE ADDRESS:		Old Bowling Green, King Edward Street, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Approval of reserved matters for the erection of 6no. dwellinghouses (outline planning consent 19/01333/OUT and associated application 21/00800/VCOND)	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr S Cuthbert
PARISH/TOWN	Ashbourne	AGENT	Mr P Hurley
WARD MEMBER(S)	Cllr R Archer Cllr T Donnelly	DETERMINATION TARGET	30 th March 2022
REASON FOR DETERMINATION BY COMMITTEE	5 objections received	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 – Impact on the Character and Appearance of the Area – Landscaping – Impact on residential amenity

RECOMMENDATION
Approval

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site is located off King Edward Street, Ashbourne on the corner of the entrance to Sainsbury's carpark. The site is a grassed area, formally a bowling green, bounded by King Edward Street to the north, the Churchill development to the east, Sainsbury car park to the south and Empire Club to the west. Ashbourne Conservation Area lies to the north of the site. The application site falls outside but is in close proximity, and visible from, Ashbourne Conservation Area and the boundary is with Henmore Brook that lies approximately 43 metres to the north west and falls within Flood Zones 2 & 3.



2.0 DETAILS OF THE APPLICATION

- 2.1 Approval of reserved matters is sought for appearance, landscaping, layout and scale. Outline permission was granted on the 29th May 2020 with approval for access. An application to vary condition 5 to allow access from King Edward Street was granted on the 19th August 2021. The access was therefore fixed and the layout proposed includes access directly off King Edward Street which accords with the approved plan. The proposed layout shows six 3-bedroom dwellings, four would read as a terrace with Unit 2 stepped back from their frontage by 1.4m and Unit 1 stepped back a further 1.4m on the corner of King Edward Street. Gardens would be to the rear and a 1.8m boundary wall would enclose Unit 1 on the corner. Eight parking spaces would be provided to the east of the rear access road with a timber bin store to the north adjacent to a landscaped area near the access.
- 2.2 The proposed dwellings would be two and a half storey with pitched roof porches and dormers with the gable of Unit 1 on this elevation with its front elevation facing west

onto King Edward Street. This unit has a slightly higher ridge and steeper pitch with a centre gable feature on its front elevation in order for it to address the corner. External materials are a red brick with buff brick heads and cills, and above the damp proof course (DPC) with a matching string course in line with the top of the ground floor windows. The land level at the north western part of the site is higher than that of the south eastern part and in order to have a matching slab level throughout the properties units 2-6 would be sat on a brick plinth (between 300mm – 900mm high). The gable adjacent the Sainsbury's car park to the south would have four false inset windows to break up the elevation.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017:

S1	Sustainable Development Principles
S2	Settlement Hierarchy
S3	Development within Defined Settlement Boundaries
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
HC19	Accessibility and Transport

3.2 Ashbourne Neighbourhood Plan:

ACA 1	Ashbourne Central Area
HOU1	Housing Mix
DES1	Design
AH 1	Ashbourne Heritage

3.2 Other:

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

4.0 RELEVANT PLANNING HISTORY:

19/01333/OUT	Outline planning application for a residential development of up to 9no. dwellings with approval being sought for access	PERC	29/05/2020
21/00800/VCOND	Variation of Condition 5 of planning permission 19/01333/OUT to allow vehicular access to the site from King Edward Street	PERC	19/08/2021

5.0 CONSULTATION RESPONSES

Ashbourne Town Council

- 5.1 State that members feel that this is an over-development of a small space, with difficulties in access, which will also have a negative impact on the traffic. Members object to the loss of a small green space within the town and feel that this proposed development will also have a visual impact on the recent development of retirement properties

Environmental Health

- 5.2 No comments.

Archaeologist

- 5.3 States that they are satisfied that the proposed works do not threaten any known or suspected archaeological interest. On this basis no recommendation for archaeological requirements are placed upon the applicant.

Tree and Landscape Officer

- 5.4 States that there are concerns about the proposed 4 new trees to be planted in the car parking area. No detail relating to how they would be planted to provide them with sufficient rooting soil volume appears to have been provided. Details should be submitted for Condition 9 of the outline requiring an appropriate specification to suit the trees and their location using a specialised planting system together with the specification of appropriate tree guards.

Highways Authority

- 5.5 The access demonstrated in the current application appears identical to the one approved under 21/00800/VCOND and it was advised that, as a private drive, the access would need to be constructed as a standard splayed dropped crossing and secured by condition 5. A 'site compound' condition was also previously included.

The access width, and manoeuvring space behind the parking spaces is considered appropriate, the level of parking is acceptable for the town centre location, and the spaces are of adequate size. Some secure cycle parking should also be provided and this can be secured by a condition.

The only outstanding issue is the temporary bin dwell area – although the 'bin store' has been provided, with the planting, there is nowhere for potentially 12 bins to be placed on collection day, clear of the adjacent footway. There would appear to be adequate space for this to be provided and a suitably worded condition should be included.

Environment Agency

- 5.6 Have reviewed the Flood Management and Evacuation Plan, revision A dated 06/01/2022, and find it consistent with the flood risk assessment undertaken for the above development. They do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as they do not carry out these roles during a flood. Their involvement with this development during an emergency will be limited to delivering flood warnings to occupants/ users covered by our flood warning network. Consultation with emergency planners and the emergency services to confirm the adequacy of any evacuation proposals is required.

Emergency Planner

- 5.7 Has reviewed the Flood Management Plan and comments as follows:-
- Whilst specific access/egress routes are not mentioned, the Plan itself is comprehensive, and takes cognisance of the fact that there are existing additional flood defences in place along Henmore Brook.
 - The Gov.UK long-term flood risk predictions for the immediate area are low.
 - The finished minimum floor level of the proposed properties will provide significant flooding safety margins, current and in future years.

Taking these points into account, the risk for the entire development to become moated would appear to be low.

It is suggested that the following actions be confirmed with the Developers;

1. Any buyer must be made fully aware that the properties are within a flood risk area, albeit risk is low.
2. Residents should be supplied with a copy of the Flood Plan as produced from Section 2 onwards in the document.
3. Buyers/Residents should be actively encouraged to sign-up for Flood warning services and be sign-posted on how to do this.
4. All residents should be advised to prepare a personal flood plan.

Whilst all these points are covered in the current plan, documented confirmation would reinforce the need for future compliance.

As this is a small site, whilst not specifically listed, access/egress routes are simple to define and residents would have ample opportunity to leave their homes should flood alerts (and warnings) be issued, via King Edward Street or towards Sainsbury's.

The plan-owners may wish to consider adding this information to the plan for clarity/assist in personal planning for residents. For those residents unwilling/unable to leave in the event of a severe flood warning, the advice to remain in their property is contained within the Plan and is clear.

In their opinion, the plan as it is presented/submitted meets the requirements in providing information and guidance to potential residents.

6.0 REPRESENTATIONS RECEIVED

6.1 Four letters of objection have been received and these are summarised below:

- a) If granted this will result in the loss of green space in the Town Centre.
- b) Will result in additional traffic in King Edward Street and increase the pollution in the Town Centre.
- c) The vehicle access should be relocated off the service road for Sainsbury's Supermarket because vehicles accessing King Edward Street from the proposed access would be up a ramp and crossing the pedestrian pavement.
- d) The existing Blossom Trees adjoining the footpath to Sainsbury's Supermarket should be retained in their present location to provide a screen from the proposed development
- e) It is regrettable that a green site such as this is being built on in the first place.
- f) At least one of the existing trees could be retained as the four new trees would take years to mature.
- g) Screening to the back of the bin store is required to soften the plain wall.
- h) Construction hours should be limited to sociable hours.
- i) Replacement trees should be partly mature, not saplings.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact on the Character and Appearance of the Area
- Landscaping
- Impact on residential amenity

Principle of development

- 7.1 The principle of development with access has been established in the granting of outline consent together with a subsequent variation of condition to change the access location.
- 7.2 Therefore only the following reserved matters below can be considered:
- a) the scale of the development;
 - b) the layout of the development;
 - c) the external appearance of the development;
 - e) the landscaping of the site.

Scale, layout and external appearance of the development

- 7.3 The principal policies for consideration are Policies S1 S3, PD1 and PD7 of the Adopted Local Plan (2017).
- 7.4 Policy S1 states that all development should seek to make a positive contribution towards the achievement of sustainable development and, in doing so, seek to secure development which are of high quality, locally distinctive and inclusive design and layout and which provides a high standard of amenity for all existing and future occupants of buildings. Policy S3 requires that the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located.
- 7.5 Policy PD1 states that there is a requirement that the new development creates well designed, socially integrated, high quality places and should respond to the challenge of climate change whilst also contributing to local distinctiveness and sense of place. This policy requires all developments to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes. New development must be designed to offer flexibility for future needs and uses taking into account demographic and other changes; and ensuring development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features.
- 7.6 Policy ACA 1 of the neighbourhood plan supports the use and reuse of sites and buildings in principle in ways that are complementary to and supportive of the vitality and viability of Ashbourne Town Centre and the historic character of the area is encouraged. Policy HOU 1 requires development proposals to meet local housing needs and provide, appropriately for the site a mix of sizes and types of dwellings. Policy DES1 requires high quality and sustainable design and policy AH 1 requires development to complement the historical context.
- 7.6 Access to the development from King Edward Street has been granted and this has the effect of fixing the layout of the buildings and has meant that the dwellings are not able to front along the length of this street as well the Sainsbury's access road. Extensive negotiations on the design quality and improving the form of the corner unit so it addresses King Edward Street and provision of a high boundary wall to screen rear gardens has been undertaken. The corner unit consequently has been designed with a higher ridge and gable feature on the frontage to improve its design and prominence in both street scenes. The scale of the proposed dwellings is generally comparable with the adjacent Eliot Lodge development to the north east as illustrated on the street scene plan and the design is considered to be of a high quality and appropriate in context with the character of the area. There is no objection to the proposed housing mix taking into account policy HC11 applies to residential developments of 11 dwellings or more. External materials, details of verges, windows, porches, dormers and roof lights shall be controlled by condition to ensure high

quality design and finish. On this basis, the layout, scale and appearance of the development is acceptable and in accordance with Policies S1, S3 and PD1 and policies DES1 and AH 1.

The landscaping of the site

- 7.7 The Tree and Landscaping Officer has reviewed the landscaping plan and initially had concerns regarding the replacement tree planting. Condition 9 required the submission of an Arboricultural Impact Assessment and Tree Protection Plan and through consultation it was agreed that in order to secure the long term retention of the new trees they shall be planted within a planting pit system which will provide a suitable rooting environment and prevent damage to the car park surface. On this basis the condition was discharged.
- 7.8 The proposed tree planting is therefore acceptable. The proposed boundary treatments, surfaces and garden areas are of a high standard and in accordance with policies. The landscaping scheme is therefore acceptable in accordance with Policies S1, PD1 and PD5.

Impact on residential amenity

- 7.9 Local Plan Policy PD1 requires development to achieve a satisfactory relationship to adjacent development and avoid unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.10 The proposed dwellings would all be in excess of 21 metres from the nearest windows of the adjacent apartment scheme Eliot Lodge which is three storeys, ranging between 24 to 33 metres distance. The south western part of Eliot Lodge is closer to the boundary than the part to the north west and whilst there are kitchen windows on this elevation the living room windows are not the only window to these rooms and as such would be considered secondary. This relationship is considered acceptable as the four trees proposed on this part of the boundary would provide some screening between properties and the separation distances between facing windows is sufficient to avoid significant overlooking or overshadowing in accordance with Policy PD1.

Other matters

- 7.11 Condition 3 of the outline permission required the submission of a noise assessment in relation to the Empire Club and this has been submitted and assessed by Environmental Health. They state that on the basis that the recommendations contained within section 9.0 of the submitted Noise Assessment (Acute Acoustics Ltd 2021) are adhered to, the future occupants of the development are unlikely to suffer significant harmful noise impacts from surrounding properties. This condition was discharged on the 27th May 2022.
- 7.12 Part of condition 7 of the outline permission states that “*at the reserved matters application stage a Flood Management Plan shall be submitted which details how safe access and egress will be managed should the flood defences fail or be overtopped, causing the site become moated*”. The Environment Agency have reviewed the submitted Flood Management and Evacuation Plan and recommended that the Emergency Planner be consulted. The Emergency Planner considers the Flood Management Plan to be acceptable.
- 7.13 Condition 8 of the outline permission requires the submission of an energy statement in order to comply with Policy PD7 Climate Change. An Energy Statement has been

submitted with this application that proposes an improvement over the Part L Building Regulations requirements through improvements to the building fabric and efficiencies in the products used resulting in 14-15% reductions in carbon and energy consumption. This statement is considered acceptable and accords with the requirements of condition 8.

- 7.14 In implementing this planning permission adherence to the details approved for the outline conditions and variation of condition 21/00800/VCOND conditions that superseded the outline are required in terms of noise mitigation, the construction site compound, the access, construction hours, the flood risk assessment and mitigation and energy efficiency and the landscaping. It is not necessary to repeat those conditions in granting reserved matters.

Conclusion

- 7.15 The proposed development is considered to be of a scale, layout, design and landscaping that is appropriate in its context with the character of the area and would secure a high quality development in this prominent town centre location. The development would not harm the amenity of neighbouring properties and would be acceptable in all other respects. The application is therefore in accordance with relevant policies within the Adopted Derbyshire Dales Local Plan (2017) and therefore approval is recommended on this basis.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. This permission relates solely to the application as amended by the revised plan no's AA-574-101D, 102D, 103C and 104B received by the Local Planning Authority on the 14th July 2022 together with plan no.100A received on the 2nd February 2022.

Reason:

For the avoidance of doubt.

2. Samples of all materials to be used in the construction of the external surfaces of the proposed development 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).

3. Details of all new external window and door aluminium framed glazing shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at a scale of not less than 1:2. The development shall be carried out in accordance with the approved details.

Reason:

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

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

Reason:

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

5. The development hereby approved shall not be occupied until on-site parking provision (including secure cycle parking) has been provided in accordance with the application drawings, maintained thereafter free from any impediment to its designated use throughout the lifetime of the development.

Reason:

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

6. The development hereby approved shall not be occupied until a bin dwell area located immediately adjacent to the adopted highway, for the temporary placing of bins on collection day, has been provided in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.

Reason:

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

7. Prior to installation, details of the verges 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 details and so retained.

Reason:

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

8. The roof lights shall be fitted flush with the roof slope in accordance with details (including recess, size, frame detail and any vertical glazing bar) which shall be submitted to and approved in writing prior to installation. The roof lights shall be installed in accordance with the approved details.

Reason

In the interests of preserving the character and appearance of the buildings and area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9. Prior to construction / installation drawings showing the detailing and external materials of the porches and dormers 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 details and so retained.

Reason:

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

10. Prior to erection, details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details and completed before the first occupation of any part of the development.

Reason:

In the interests of visual amenity and the character and appearance of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

11. All gutters, downpipes and other external plumbing shall be finished matt black at the time of erection and shall be permanently so maintained.

Reason:

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

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

Reason:

To safeguard the visual amenities of the 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 resulted in the submission of a scheme that overcame initial concerns relating to the design of the corner plot and design features.

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.

This permission relates solely to the following application plans and documents:-
plan no's AA-574-101D, 102D, 103C and 104B received on the 14th July 2022
plan no.100A received on the 2nd February 2022.

Noise Assessment by Acute Acoustics Ltd dated 11th November 2021

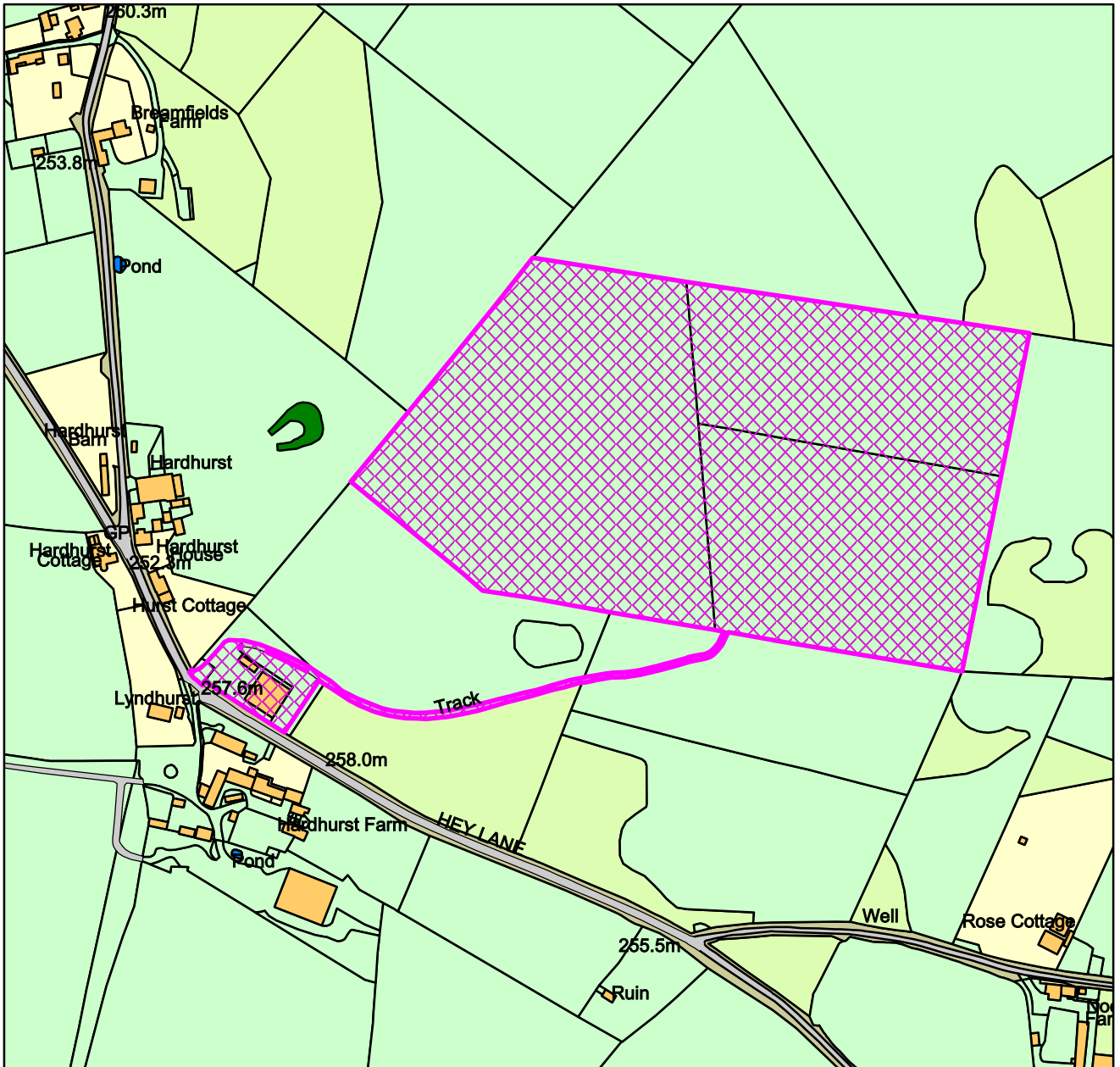
Energy Statement

Flood Management and Evacuation Plan

Tree Report

22/00328/FUL

Land North of Hey Lane, Wirksworth



Derbyshire Dales DC

1:3,500

Date: 06/09/2022

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

This page is intentionally left blank

APPLICATION NUMBER		22/00328/FUL	
SITE ADDRESS:		Land north of Hey Lane, Wirksworth	
DESCRIPTION OF DEVELOPMENT		Use of land for 6no. glamping pods, 2 no. amenity blocks (one existing) and associated private drainage system	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr and Mrs Britland
PARISH/TOWN	Wirksworth	AGENT	Charlotte Stainton – Stainton Planning
WARD MEMBER(S)	Cllr M Ratcliffe Cllr D Greatorrex Cllr P Slack	DETERMINATION TARGET	12 th July 2022
REASON FOR DETERMINATION BY COMMITTEE	Major application	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 the development, having regard to its location; – Impact of the development on the character and appearance of this part of the countryside, – Highway safety; – Residential amenity

RECOMMENDATION
Refusal

1.0 THE SITE AND SURROUNDINGS

- 1.1 This 5.7 hectare site is located to the south east of Wirksworth with access via St Helen's Lane and Hey Lane. The site access is off Hey Lane immediately opposite the entrance to Hardhurst Farm and farm buildings, which is grade II listed. The access runs adjacent to the north western boundary with Hurst Cottage and then turns east to the rear of the existing agricultural building on site. The lower part of the site encompasses the grey metal and stone clad agricultural building which sits approximately 1m above the level of the road with a 1m high stone wall on the road boundary. There is a hard surfaced area to the front of the building and a static caravan is located in the north eastern part of this area.
- 1.2 The track runs to the north east and ends at the corner of the north eastern most field. The originally submitted application included within the red line all the fields to the north, however, this has since been amended to just include the north eastern field not extending right to the northern boundary of the site and a small section of the western field. The land to the north of the agricultural building rises steeply to a plateau at the higher land level. These fields are used to produce hay, graze animals and grow pumpkins and squashes. Long distance views of the surrounding countryside are afforded from these higher fields.



1.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the erection of six glamping pods, retention of an amenity block, erection of an amenity block and the construction of an associated drainage system. The originally submitted application included all three of the northern fields with 140 camping pitches proposed. This part of the scheme has been removed from the application.
- 2.2 The glamping pods would be 'arctic cabins' hexagonal in shape with a 2m long section on one side, a porch canopy and a hipped roof. The drawings show a timber cabin structure with a dark roof, measuring 3.2 – 3.7m in width with a 2m x 2.5m side section and 1.2m long porch. The height to the ridge of the main part would be 3.5m, reducing to 2.5m on the side section. The six pods are proposed in a line in the centre of the most southern field adjacent to the northern boundary. The largest of the two amenity blocks would be located in the north western corner of this same field and should be 'L' shaped measuring 12m on the

longest side and 6m in width. This amenity block B would accommodate 8 toilets, 5 showers and 2 wash rooms with a central corridor and two access doors at the end of these corridors. To provide foul drainage for amenity block B a bespoke private drainage system would be installed underground close to or under the block. The small section of the adjoining field to the west would be used as a refuse point.

- 2.3 The smaller amenity block is complete and is located to the rear of the existing agricultural building. This building measures 5.1m x 4.5m of a height of 3m and accommodates two showers with washbasins and toilet together with a canopy to the side for a washing and cooking area.

2.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017

S1	Sustainable Development Principles
S4	Development in the Countryside
S9	Rural Parishes Development Strategy
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
PD7	Climate Change
EC1	New and Existing Employment Development
EC8	Promoting Peak District Tourism and Culture
EC9	Holiday Chalets, Caravan and Campsite Developments
HC19	Accessibility and Transport
HC21	Car Parking Standards

3.2. Other:

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

4.0 RELEVANT PLANNING HISTORY:

17/00093/PDA - Change of use of agricultural building to 3 dwelling houses (Use Class C3) - Prior Approval Refused - Appeal Allowed

16/00740/PDA - Change of use of agricultural building to 3 dwelling houses (Use Class C3) Prior Approval Refused

0597/0302 - Erection of general purpose agricultural building and retention of hardstanding and widened access - Approved

0297/0133 - Retention of widened farm access and agricultural hardstanding - Refused

5.0 CONSULTATION RESPONSES

Wirksworth Town Council

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

Highways Authority

- 5.3 The Highways Authority have considered the amended scheme and consider that as it has been significantly reduced in numbers and in terms of traffic generation the proposed use i.e. 6 no. glamping pods is considered not that traffic intensive and are therefore the Highway Authority has no objection to the proposal in its current reduced form.

To conclude we are satisfied that the proposal is unlikely to generate a level of traffic sufficient to have a detrimental safety impact on the surrounding highway network and as such there are no objections to the proposal from a traffic and highway point of view.

It should be noted that it would be difficult to sustain a refusal on highway grounds based on the number of glamping pods proposed.

Archaeologist

- 5.3 The proposed development area is recorded in the Derbyshire HER as lying close to Hardhurst Farm a designated listed building (MDR3433) on or near the site of an earlier settlement mentioned in documentary sources in 1415. The site also lies adjacent to the postulated route of "The Portway" a routeway with possibly prehistoric origins and is also within 500m of recorded farmstead earthworks to the southeast (MDR12110) and to the northwest (MDR 3435). The Lidar data that is publicly accessible could be taken to suggest what might be a Holloway which passed from Hardhurst farm through the PDA onto grazing and common land.

The applicant has supplied sketch plans of the main shower and toilet blocks proposed for the site but no detail of foundation design, the location of septic tanks or run off from the drainage. While the absence of this information is not problematic for the bulk of the proposed area, further detail (plan/section) on foundation design, service runs and the depth and area of development for Block A (as this appears to me to be one area of archaeological potential) and for the drainage runs and impact from Block B & C is required. This information does not have to be given predetermination, as it is suggested that any areas of archaeological interest could be covered, in accordance with para 205 of NPPF, by monitoring, and would need to see details incorporated into a Project Design/WSI. Any fieldwork would cover selected areas only. A condition requiring the submission of a WSI is recommended.

Police Force Designing Out Crime Officer

- 5.4 Whilst being mindful of the concerns of residents in the locality and reservations of other consultees, there are no material considerations relating to crime and disorder that would justify an objection from us to the proposal.

Lead Local Flood Authority

- 5.5 No comments.

Derbyshire Wildlife Trust

- 5.6 The Derbyshire Wildlife Trust (DWT) has reviewed the application and checked our biodiversity datasets and aerial photographs. They are not aware of any features of high nature conservation value directly associated with these fields. However, it is noted that the application is not accompanied by any kind of ecological assessment and it is therefore difficult to be certain that there would be no impacts on biodiversity. The value of the grassland vegetation at the site in biodiversity terms is not known and the proposals could be detrimental if the grassland does support any flora of interest / value. The change of

use to camping would result in a change to the management of the fields and this could potentially be negative or positive in terms of impacts. The increase in people has the potential to affect adjacent areas of land and wildlife through noise, movement and possibly lighting at night.

The DWT advise the Council to request a Preliminary Ecological Appraisal of the site so that the vegetation and habitats present can be clearly described and assessed. The impact of the proposal on biodiversity will then be clearer and any measures to avoid, minimise or mitigate impacts can be proposed.

Environmental Health

- 5.7 In light of level of complaints, a noise management plan be produced for the site, the access be better surfaced to minimise dust and permit better access by vehicles is recommended. As complaints are being received regarding the use of amenity block A, both noise (queuing public and vehicles driving down the site) and lighting, it is recommended, that this block be discontinued for use once the site is operational as a campsite, and block B be sized appropriately for the number of pitches planned. Alternatively, if not discontinued, the use of amenity block A should be limited to daytime hours. The lighting should also be reviewed if it continues to be used (even if the block is not in use) at night to ensure they are not intrusive into neighbouring properties. The campsite should not be operational if amenity Block B is not operational. Refuse disposal must also be addressed as currently, this appears to be causing problems locally.

The Environmental Health commercial team made the following comments regarding the application:

- Ensure there are enough washing up provisions available for customers to wash dishes/utensils etc. – This needs to be included at amenity block B (if not already)
- Ensure there is at least one tap providing cold potable water in each field
- Movement around the site needs to be considered to protect Health and Safety for all staff/customers. Vehicles and people should be segregated as much as possible, and amenities and pathways need to be adequately lit to prevent accidents.

Cllr Ratcliffe

- 5.8 This general locality has seen a number of developments and applications over the years and provoked both objections and concerns from residents. Paramount has been their wish to see a quiet, settled countryside undisturbed by developments leading to an over domestication or impacted upon by intensive activity.

This application for 140 camping pitches, 18 electric hook-ups (presumably for motor homes or caravans), 6 glamping pods and 2 amenity blocks with chemical toilet disposal will inevitably lead to a detrimental over use. The generation of vehicle activity on St Helen's Lane with its various pinch points as it emerges off Wash Green and the generally rural setting of Breamfield and Hey Lane will also be adversely affected given that most visitors will arrive by private car.

It is questionable as to whether the development will benefit Wirksworth. It is within the distance of a determined walk but the hill and lack of adequate footpaths going to the town will in many instances be off putting. The degree to which it might be regarded as sustainable could be questioned.

Whilst I am not against modest diversification to assist with agriculture I am of the view that this is overuse and the concerns outweigh the benefits. Therefore I am opposed to its approval and request that it be determined by the Planning Committee.

6.0 REPRESENTATIONS RECEIVED

6.1 22 objections have been received and these are summarised below:-

- a) The lanes are not suitable for the amount of traffic that would be generated.
- b) The lanes are already busy and too narrow with inadequate passing places and are widely used for recreation with no footpaths and poor visibility due to vegetation.
- c) The owners of farm opposite are concerned regarding the increased use of the footpaths which start in their farmyard and the impact on their livestock.
- d) Their water troughs for their animals are fed from springs on the application land and drains from the toilet block A may contaminate them.
- e) The use of toilet block A creates noise of people queuing impacting on the amenity of the property opposite.
- f) The lights from the toilet block are bright and impact on amenity with not intervening screening.
- g) The increase in use of the site means that customers would block the entrance which is on a dangerous corner.
- h) The reception to the camp site is from the existing static caravan which is not included in this application and offers no surveillance of the campers.
- i) Last year on most weekends the applicants had a popup bar at the top of the hill with music and a barbecue which did get noisy at times, on one weekend when the weather got colder they used the agricultural building as a bar and seating area with disco for the campers.
- j) The owners of the farm directly opposite 'The Racecourse Retreat', we are concerned about the amount of traffic on these narrow roads this would cause if there are 140 pitches on the site.
- k) The noise from campers on top of the hill can be heard from those at Breamfield Cottage and adjacent.
- l) The moorland is a prime area for ground nesting birds such as skylarks, lapwings etc that needs preserving.
- m) The visual impact of the track and campers would be seen for miles.
- n) The site cannot be accessed by public transport with customers reliant on the private car.
- o) Visitors would use their cars for excursions and access to shops during their stay which further adds to traffic on the narrow lanes.
- p) The busier lanes would reduce recreation in the area for the public.
- q) Last summer the land was used for 60 camping pitches and created noise and disturbance for residents.
- r) In allowing this level of tourism, it is likely in the future it would expand with residential accommodation for a manager proposed.
- s) The land is now again being used for camping with no planning permission in place.
- t) Idridgehay, Alton and Ashleyhay Parish object on the grounds of serious highway concerns, significant adverse visual impact the unacceptable disturbance of noise and loss of privacy on local residents, and the unsustainability of this enterprise due to its remoteness from amenities and visitor attractions making regular vehicle use necessary. The proposed development is inappropriate in this quiet, rural location in the open countryside and is contrary to local Development Plan Policies S4, S7 and EC9.
- u) The development would be prominent in the landscape but especially from land due south, and the neighbouring AVBC Special Landscape Area (SLA). Last year's activities were clearly visible from nearby houses, fields, footpaths and lanes in this green landscape.
- v) When the site was used for 56 days last year there were over 300 vehicles movements over a weekend.
- w) Motorhomes used the site last year and this is not included in the application.
- x) Caravans used the site last year and this is not permitted development.
- y) This proposal would encourage car use and involve a large increase in emissions.

- z) Are 18 electric hock ups really required for camping?
- aa) There is a concern for an adjoining farmer that the noise would impact their livestock.
- bb) The adjoining property to the access 'Hurst Cottage' objects on the basis of noise and light pollution impacting on their amenity.
- cc) Campers drive down the toilet block at all hours.
- dd) The customers bring their own lighting which makes the site visible from surrounding areas at night-time.
- ee) A bar was used without a licence last year.
- ff) Work has already been carried out to provide water and electrics to the upper fields
- gg) The works such as the toilet block and track are not allowed under the 28 day rule.
- hh) Even if full planning gets refused the applicant can still use TENS for more events.

7.0 OFFICER APPRAISAL

7.1 Having regard to the policies of the development plan and national planning policy the main issues to assess are:

- Principle of the development, having regard to its location;
- Impact of the development on the character and appearance of this part of the countryside,
- Impact on the setting of the heritage asset,
- Highway safety; and
- Residential amenity

Principle of the development, having regard to its location

- 7.2 Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) supports applications for development in the countryside when it represents the sustainable growth of tourism or other land based enterprises in sustainable locations where identified needs are not met by existing facilities, it does not lead to excessive encroachment or expansion of development away from existing buildings and it will have a safe access and will not generate traffic that would require improvements or alterations to rural roads which could be detrimental to their character.
- 7.3 Policy EC8 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with 'promoting Peak District tourism and Culture' supports new tourist provision and initiatives in towns and villages, and in the countryside through the reuse of existing buildings or as part of farm diversification, particularly where these would also benefit local communities and support the local economy.
- 7.4 Policy EC9 of the Adopted Derbyshire Dales Local Plan (2017) specifically relates to proposals for new holiday accommodation which considers the appropriateness of a site in terms of sustainability as well as other matters which will be explored later in the report. It states development will be permitted provided that the site is in a sustainable location within, or in close proximity to an existing settlement with good connections to the main highway network, and the public rights of way network and/or cycle ways, and is either served by public transport or within a safe attractive ten minute walk of regular public transport services.
- 7.5 The site is located within the countryside approximately 1.5 miles to the south east of Wirksworth, accessed via St Helen's Lane and Hay Lane. The 5.7 hectare site has been in use as a small holding since the 1960s for producing hay. It is grazed by animals in the winter and more recently pumpkins and squashes have been grown. A Small Holding

Diversification Plan was submitted with the application, however, whilst this details the activities on the land, it does not include any figures to demonstrate the viability of farming through helping to support, rather than replace or prejudice, farming activities on the rest of the farm as required by Policy HC10.

- 7.6 The owner of the site lives in Morton and was granted permission for a large agricultural building in 1997 and in 2017 an inspector granted prior approval for this to be converted to three dwellings. At this time the agricultural use of the building was called into question, however, the inspector was satisfied it was in agricultural use in March 2013 as required by Class Q of the General Permitted Development (England) Order 2015 (as amended). This prior approval lapsed in March 2021. In applying for a conversion, it infers that the building is no longer required for agricultural purposes and as such does not help the argument that proposed development is required for farm diversification. Therefore, with the lack of any substantial evidence apart from a statement from the applicant including photographs, this proposal is contrary to Policy EC8 as it does not amount to a farm diversification scheme.
- 7.7 The site is located 25 -30 minutes' walk from the centre of Wirksworth with the nearest bus stop on Derby Road with access to services such as 6.1 The Sixes, No.110 and Little Sixes to Matlock, Ashbourne and Bakewell. Wirksworth footpaths 26 and 27 start at Hardhurst Farm opposite the site linking Hay Lane with the B5023 to the south of Wirksworth or link to the footpath 28 to Gorsey Bank. These do not amount to direct links to the centre of Wirksworth. Wirksworth footpaths 36 and 37 start to the north of the site off St Helen's Lane and finish on Water Lane near the Anthony Gell Secondary School. To access this route, walkers would have to walk along the sections of Hay Lane and St Helen's Lane which is narrow with no pavements. This would be the most direct route and would be 0.8 miles, taking on average 15 minutes. There are other footpaths to the east of the top fields, however, to access the routes would involve crossing private land.
- 7.8 Therefore it is considered that the application site is not located within, or in close proximity to existing settlements with good connections to the main highway network, public rights of way network and/or cycle ways, and is neither served by public transport or within a safe attractive ten minute walk of regular public transport services. The site does not benefit from a direct links to public footpaths to the centre of Wirksworth.
- 7.9 In terms of sustainability, the creation new build holiday accommodation, in this otherwise remote and isolated location within the countryside, where visitors are most likely to depend on their own private motor vehicle to visit the site, given the lack of infrastructure available to make the fullest possible use of public transport or walking and cycling routes would constitute an unsustainable form of development which does not promote sustainable rural tourism.

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

- 7.10 Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) seeks to ensure that new development protects and where possible, enhances the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment.
- 7.11 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, development on the edge of settlements to enhance and/or restore landscape character, contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.

- 7.12 Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017) seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape.
- 7.13 Policy EC9 of the Adopted Derbyshire Dales Local Plan (2017) further states that proposals for caravan and campsite developments will be permitted provided they would not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape and that any visual impact would be screened by existing landscape features from areas outside the site to which the public has access for the whole of the proposed operating season. Camping, caravan and chalet development will need to be carefully controlled to ensure that they do not have an adverse impact.
- 7.14 No assessment of landscape impact has been submitted with the application, only a drone image is provided in the Supporting Statement.
- 7.15 The Site lies within character area 50 – Derbyshire Peak Fringe and Lower Derwent : enclosed moors and heaths. The glamping pods are proposed on the southernmost field on higher land to the north east of where the access and agricultural building are located. They are positioned in a line along the northern boundary with the stone wall with the amenity block to the west. The land slopes slightly to the north but is generally flat. There would be long distance views of the structures from lanes to the south especially due to lighting at night. Public views from the north would be limited due to the lower land level and intervening woodland. Views from the east would be screened by woodland and to the west land levels drop significantly preventing views.
- 7.16 The introduction of built development in the form of six arctic cabins and an amenity block on this isolated site divorced from any associated built development on the holding is not considered appropriate in this landscape context and is considered harmful to the character of the local and wider landscape. The application fails to provide any landscape assessment or propose any mitigation to inform the decision as required by Policy PD5. The site is on an elevated plateau with little intervening screening where the structures would be visible from land to the north and would appear incongruous and intrusive in the landscape, contrary to Policies S4, PD1, PD5 and EC8.

Impact on the setting of the heritage asset

- 7.17 The closest development to a designated heritage asset (which is Hardhurst Farm and farm buildings – grade II) is proposed ‘amenity block A’. This is already in place and the application seeks its retention. It is located abutting the gable end of a large late 20th century agricultural barn and has been built from timber cladding with a grey roof. It is also raised (on concrete blocks) and has steps and a veranda and associated balustrading.
- 7.18 Whilst a timber clad amenity block may not look out of place in this particular location, it is considered that its design, form and detailing is over decorative and does not reflect a plain, simple and straightforward ‘block’ that could have been placed in this visible location. In its current design it attracts the eye and appears at odds with the large agricultural shed. In this regard, there is a modest impact on the setting of the listed building. It is not considered the building would constitute adverse harm to the heritage asset but a re-design of the Amenity Block to be much plainer and simpler and more ‘agricultural’ in its design concept etc. is likely to present a more neutral introduction/element in this particular location. On this basis, the amenity block A is not considered to have appropriate design and detailing failing to be sympathetic and minimising harm to the asset.

- 7.19 The degree of harm to the setting of the listed building is considered to be less than substantial. NPPF paragraph 202 advises that “*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*”. The public benefits of the provision of six units of accommodation with the resultant impacts of increased tourism in the area and employment in terms of the construction and servicing of accommodation when occupied are considered to be relatively limited. Therefore, this does not outweigh the harm identified to the significance of this heritage asset. On this basis, the proposed development is considered to be harmful to the setting of the grade II listed building, contrary to Policy PD2 and NPPF paragraph 202.

Highway safety

- 7.20 The Highways Authority originally objected to the application prior to the removal of the camping element and reduction to six cabins on the basis that the increase in traffic on the local highway network whereby access to the site has restricted visibility and is via single vehicle width lanes with no footpaths or passing places. There would be a potential dangerous conflict with drivers / vehicles and pedestrians to the detriment of highway safety. Furthermore the site access is not in a sustainable location in relation to its accessibility and therefore does not reduce the need to travel by car.
- 7.21 The Highways Authority have been re-consulted on the amended application and due to the significant reduction with the loss of the 140 camping pitches they consider that their objection on the basis of six cabins would not be sustainable. Therefore, the amended scheme has overcome the highway safety objection.

Residential Amenity

- 7.22 Policy PD1 requires that development achieves a satisfactory relationship to 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.
- 7.23 Many objections describe the impacts on the development on their amenity on the basis of the use of the land for camping and caravanning last summer and this year. Last year due to the pandemic the usual 28 limit on the use of land for temporary purposes was extended to 56 days. However, caravans are excluded from this provision. Schedule 2, Part 4, Class B of the General Permitted Development (England) Order as amended states the following:-

The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of—

(a) the holding of a market;

(b) motor car and motorcycle racing including trials of speed, and practising for these activities,

and the provision on the land of any moveable structure for the purposes of the permitted use.

- 7.24 Therefore the applicant may have previously used the site for camping and holding events within the summer due to this permitted development provision. The use of the land during this summer is being investigated by Enforcement Officers currently. Environmental Health have received complaints in terms of impacts on the amenity of neighbouring properties in respect of noise and disturbance. The use of amenity block A is a concern as it is isolated from the camping fields down a steep track so customers are using their vehicles to access it at all hours with the resultant noise and disturbance to

neighbouring residential properties. The external lighting on the building is also causing light intrusion to neighbours. On this basis, it is recommended that this block be discontinued from use or restricted to daylight hours.

- 7.25 The camping element has been omitted and therefore no longer forms part of this planning application. The on-going use of the site for camping is subject to investigation by Enforcement Officers as a separate matter. However, the retention and use of amenity block A remains part of the application. The use of this amenity block which is isolated from the proposed cabins and close to neighbouring properties is considered to be detrimental to the residential amenity of these properties in respect of noise, light and disturbance, contrary to Policy PD1.

Other matters

- 7.26 Derbyshire Wildlife Trust consider that a Preliminary Ecological Appraisal of the site so that the value of the grassland can be clearly described and assessed is required in order to assess the impact of the proposal on biodiversity and any measures to avoid, minimise or mitigate impacts can be proposed. Insufficient information has been provided contrary to Policy PD3.
- 7.27 Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design. Whilst no details submitted have been submitted to consider the requirements of Policy PD7, as measures to mitigate the impact of the development could be controlled via condition, the lack of consideration in this respect is not considered to be sufficient to warrant a reason for refusal on its own merits.
- 7.28 The applicant proposes a mobile septic tank to the rear of the amenity block B, however, a drainage scheme statement submitted details a composting toilet and tank system with 2 to 3 tanks with differing capacities. Adequate drainage for the amenity blocks and for the customers would have to be provided, however, due to the principle issues it was not considered expedient to require further information in this case.

Conclusion

- 7.29 The development of new build holiday units, in this otherwise remote and unsustainable location within the countryside, would promote an unsustainable form of rural tourism where users of the facility would be heavily reliant on the private motor vehicle for access.
- 7.30 The reduced scheme has overcome the highway safety objection in terms of the increase in the use of the access and country lanes as the proposed increase would not now be significant with an objection on this basis not being sustainable.
- 7.31 Insufficient information has been supplied in terms of the ecological value of the grassland in order to assess the impact of the proposal on biodiversity and any measures to avoid, minimise or mitigate impacts, contrary to Policy PD3.
- 7.32 The use of this amenity block which is isolated from the proposed cabins and close to neighbouring properties is considered to be detrimental to the residential amenity in respect of noise, light and disturbance, contrary to Policy PD1.

- 7.33 Taking the above into consideration the application does not satisfy the relevant provision of the Adopted Derbyshire Dales Local Plan (2017). There are no other material considerations which indicate that planning permission should be granted. Accordingly the application is recommended for refusal.

8. RECOMMENDATION

That planning permission be refused for the following reasons;

1. The proposal is in a remote rural location not served by public transport such that visitors would be wholly reliant on the private car to access the facility. The proposal as such is an unsustainable form of rural tourism contrary to Policies S1, S4 and EC9 of the Adopted Derbyshire Dales Local Plan (2017).
2. The siting of the proposal being isolated from any associated built development on the holding is not considered appropriate in this landscape context and is considered harmful to the character of the local and wider landscape, appearing incongruous and visually intrusive in the landscape. The application fails to provide any landscape assessment or propose any mitigation to inform the decision. The application is therefore contrary to Policies S4, PD1, PD5 and EC8 of the Adopted Derbyshire Dales Local Plan (2017).
3. Insufficient information has been supplied in terms of the ecological value of the grassland in order to assess the impact of the proposal on biodiversity and any measures to avoid, minimise or mitigate impacts, contrary to Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).
4. By virtue of its design and detailing, the retention of amenity block A would harm the setting of the grade II listed Hardhurst Farm. The harm would be less than substantial but would not be outweighed by any public benefits. The application is therefore contrary to Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework.
5. The use of amenity block A would be detrimental to the residential amenity of neighbouring properties in respect of noise, light and disturbance, contrary to Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a reduced scheme, however, it was considered 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:

Location Plan received 11th August 2022

Block Plan received 11th August 2022

Block / Site Plan Annotations Key received 11th August 2022

Small Holding Farm Diversification Plan received 11th August 2022

Septic Tank Plans

Drainage Scheme statement

Block A elevations and floorplan

Block B Plan layout and view

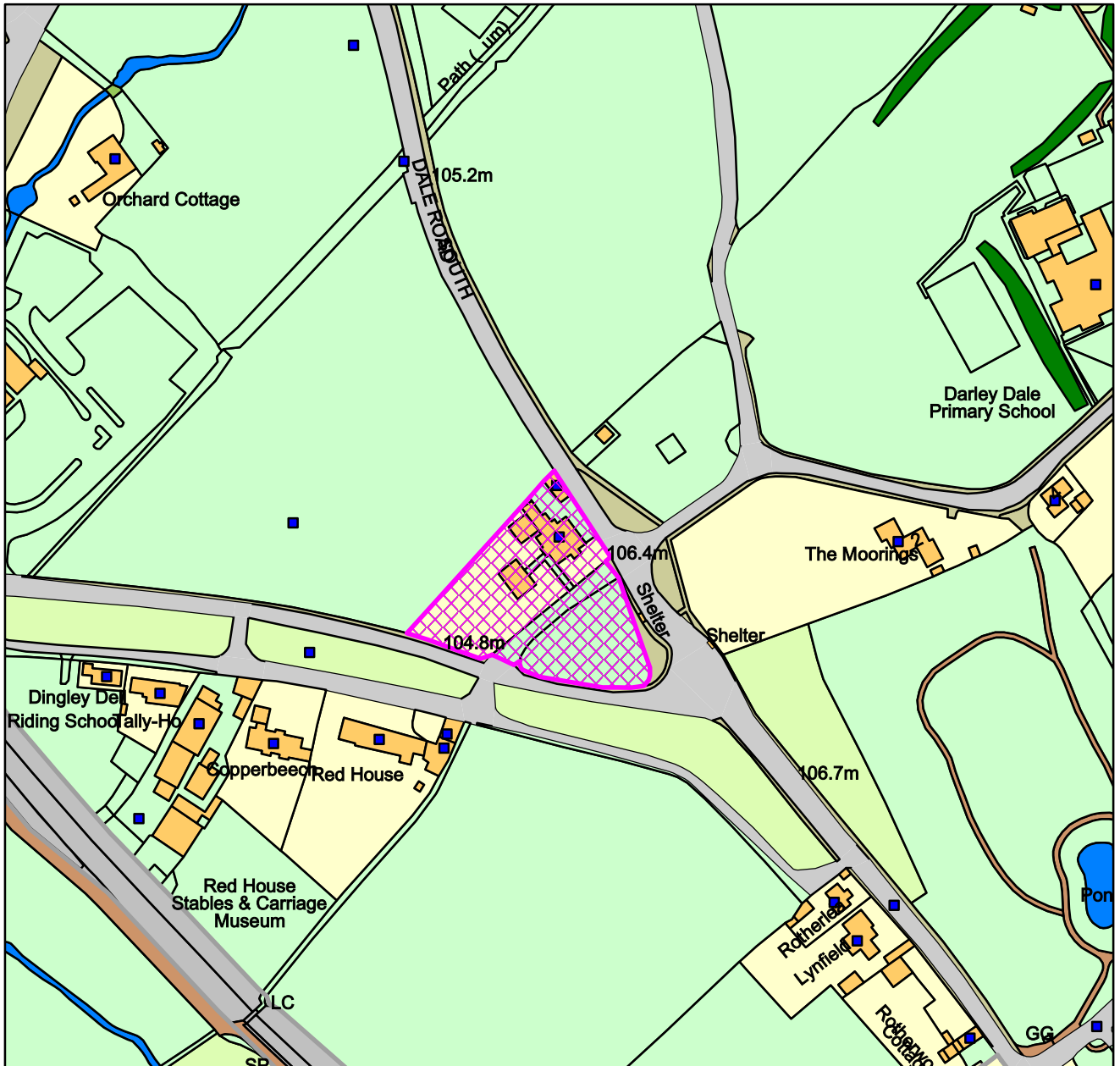
Block B front view L, front view R, rear view and side view

Arctic cabins plans 01A, 02A, 03A and 3D view

This page is intentionally left blank

22/00395/FUL

Young Explorers Day Nursery, Old Road, Darley Dale



Derbyshire Dales DC

1:2,500

Date: 02/09/2022

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

This page is intentionally left blank

APPLICATION NUMBER		22/00395/FUL	
SITE ADDRESS:		Young Explorers Day Nursery, Old Road, Darley Dale, Matlock	
DESCRIPTION OF DEVELOPMENT		Change of use from former Day Nursery (Use Class E) to a Residential Care home for children and young people with complex care needs (Use Class C2) with associated alterations	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr Alan Cartlidge
PARISH/TOWN	Darley Dale	AGENT	Mr Paul Doughty
WARD MEMBER(S)	Cllr M Salt Cllr A Statham Cllr J Atkin	DETERMINATION TARGET	1 st June 2022
REASON FOR DETERMINATION BY COMMITTEE	At Chairs request	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 – Impact on residential amenity – Character and appearance

RECOMMENDATION
Refusal

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located on the corner of Old Lane and the A6 in Darley Dale. The building originally was a large detached 'Swizz Style' dwelling, with previous uses as a hotel and most recently a children's day nursery. The building sits adjacent to the A6 with extensive grounds to the west and a large car park to the south on the corner of the two roads with a Coach House and outbuildings to the north west. Mature trees are within the grounds adjacent to the car park and within the rear garden area. There is a private access enclosed by stone walls off Old Lane just west of the junction with the A6. The site is isolated from residential properties with the nearest to the south west on Old Road.



2.0 DETAILS OF THE APPLICATION

- 2.1 The proposal is to make alterations to the existing building to create separate residential accommodation for three young people with complex care needs. The use class of a children's day nursery falls within Class E and the proposed use would be categorised as Class C2 (Residential institutions). The proposal includes provision of facilities for staff, facilities and overnight accommodation in the existing outbuildings to the north west, removal of the porch on the south eastern elevation and removal of the canopy over the rear garden area together with reducing the glazed section on the link to the ground floor extensions to a window and a door.
- 2.2 The existing car parking area to the south east of the building would be retained and laid out with 31 spaces. The main building would be divided into three separate flats, one for each occupant. Two large one bedroom flats would be accommodated on the ground floor together with a kitchen and store. A smaller one bedroom flat would be on the second floor with two staff rooms including an en-suite bedroom. The roof space would be utilised for three staff rooms and a store room. Each person would have separate circulation space

both within and outside the building in order to meet their needs. The separate two storey building within the courtyard would accommodate a staff kitchen and dining room on the ground floor with administration rooms on the second floor.

- 2.3 The arboricultural report recommends the removal of three groups and eight individual trees to facilitate the development, four of which are category B trees.
- 2.4 The applicant has put forward the following in support of their application, stating that the proposal would:
- Regenerate and preserve a building that is in decline into a vibrant facility
 - Facilitate the provision of a much needed health service through targeted investment
 - Bring displaced complex needs children back into Derbyshire where care facilities are not always available to cater for these children
 - Offer stable and comprehensive care to the children for their journey into adulthood or the provision of a 'home for life'
 - Create circa 50x Full Time Equivalent local jobs at much higher than national minimum wage to stimulate the local economy
 - Support the wider Government objectives for the provision of specialist care to children
 - Replace a community use that is no longer needed with a facility for which there is a clear need

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan 2017
 S4 Development in the Countryside
 PD1 Design and Place Making
 PD6 Trees, Hedgerows and Woodlands
 PD10 Matlock to Darley Dale A6 Corridor
 HC8 Conversion and Re-use of Buildings for Residential Accommodation
 HC15 Community Facilities and Services
- 3.2 Darley Dale Neighbourhood Plan 2019
 NP 1 Protecting the Landscape Character of Darley Dale
 NP 20 Enhancing the Provision of Community Facilities
- 3.3 Other:
 The National Planning Policy Framework (2021)
 National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

10/00452/FUL	Erection of outdoor weather canopy	PERC	03/08/2010
05/00623/FUL	Change of use and extension of coach house to dwelling	REF	29/09/2005
06/00208/FUL	Change of use and conversion of coach house to living accommodation	PERC	07/06/2006
1290/1072	CONVERSION OF STORAGE BUILDING TO ADDITIONAL HOTEL ACCOMMODATION	A	06/02/1991

1290/1059	EXTENSION TO HOTEL (FUNCTION ROOM)	A	31/01/1991
1188/0866	EXTENSION TO HOTEL	A	17/01/1989
0888/0584	EXTENSION TO HOTEL TO PROVIDE CONFERENCE SUITE AND ADDITIONAL BEDROOMS	R	14/09/1988
01/08/0562	Change of use of existing hotel to 4 no. apartments and erection of three storey extension to accommodate 6 no. apartments	R	03/10/2001
01/08/0561	Erection of 12 apartments	R	03/10/2001
99/10/0711	Erection of two dwellings (outline), Dales and Peaks Hotel Car Park, Old Road, Darley Dale	R	22/11/1999

5.0 CONSULTATION RESPONSES

- 5.1 Highway Authority: No objections in view of previous use of the site.
- 5.2 Environmental Health: No objection.
- 5.3 Darley Dale Town Council: No objection to the proposed change of use of the building however object to the proposed removal of trees and shrubbery surrounding the building.
- 5.4 Tree and Landscape Officer: No objection subject to submitted reports / proposals.

6.0 REPRESENTATIONS RECEIVED

- 6.1 Cllr Sarah Halliwell has made the following comments:

“At a full Darley Dale Council meeting earlier this year I expressed my delight that such an important resource was being proposed in our community. Consequently, I was surprised to see this property go on the open market and so booked a viewing with the vendor to discover why the original scheme had apparently failed.

I spoke with the applicant and he explained that the buildings were on the market at the direction of the district planning office. I asked him to forward the relevant correspondence to me so I could better understand the objections to the scheme and he has sent me the relevant correspondence and I must confess to be puzzled by the approach adopted.

[REDACTED] Derbyshire
Dales has inadequate levels of provision for some of its most vulnerable residents. I am delighted that this former nursery is being considered for such a key unmet community need. Whilst it has been sad to see the closure of this nursery, it is entirely understandable that it ceased to trade. Not only did COVID 19 significantly impact the way we work, decreasing the demand for nursery places. Nurseries have experienced increasing challenges to how they finance their business model. The pressure to professionalise nursery care, changes to funding and rises in National Insurance has made many financially unviable. The market supply for nursery places locally exceeds current demand, with many childminders also having vacancies. (Please see attached research). These should be more than sufficient to meet any increased demand produced by the families

moving in to the Whitworth Dale development. In this context, given that H15a has been met. I do not see the community benefit in requiring a prolonged period of marketing.

Whilst I appreciate your vigilance in seeking to safe guard a community asset, I am struggling to see why we are preventing the development of a provision that is desperately needed in our local area, at an ideal site, with reputable and experienced care providers. The applicant informs me that both the adult and children's care commissioners have visited the site and are eager to partner with applicants. Recognising it is an ideal site. In this application, we have the opportunity to support the most unsupported members of our wider community and their families. These individuals can't speak for themselves. Their needs repeatedly go unmet; causing harm to both them, their siblings and families. Provision, assessed as necessary by EHC plans and the SENDIST tribunal cannot be met locally.

Having unmet needs due to lack of provision is common within SEND community, with children often placed hundreds of miles away from their families. Families and young people are regularly unable to access short breaks as part of specialist children and youth groups.

Extremely vulnerable and complex children and young people are often removed from their home county and sent out of county to receive the care that they are legally entitled to. They are denied the right to a family life, as family have to travel extended distances for regular contact. This places a huge and excessive financial burden on the council's care budgets. Families additionally face the financial and emotional pressure of juggling home life with visiting a child miles away. It is common for carer-parents to be in food and fuel poverty, to develop stress related health complaints and to become reliant on benefits to survive. Furthermore the impact on the environment, from numerous car journeys should not be overlooked. We can and must do better.

I note from the original Local plan that a closing nursery needs to meet either HC15A or H15B & C. This appears to have been fulfilled. Has this policy change been amended and ratified by the district council to include these updated directions as this direction seems to place additional restrictions on this proposal, beyond the spirit of the original neighbourhood plan. This plan will bring substantial investment to Darley Dale and enable the regeneration of this building into a sustainable socially responsible business.

Instead of insisting that this building remain on the market for 12 months, slowly declining, please reconsider this recommendation and approve the application, allowing the redevelopment to move ahead. I respectfully suggest we embrace the spirit of the local plan and its wording, and encourage this application. The result would be more employment for local people in a wide range of roles, providing up to the equivalent of 50 full time roles. We need local employers in the area and I urge you to consider how we might work to bring this needed provision to our locality."

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Character and appearance
- Residential Amenity

Principle of development

- 7.1 The site is located outside the settlement boundaries of both Matlock and Darley Dale and therefore is in open countryside. The part of the site used for car parking is covered by Policy PD10 - Matlock to Darley Dale A6 Corridor which seeks to safeguard the intrinsic character and quality of the open spaces through the Derwent Valley between Matlock and

Darley Dale and prevent further coalescence of the settlements. Policy S4 allows the conversion and re-use of buildings in accordance with Policy HC8. Policies HC15 and Neighbourhood Plan Policy NP 20 are relevant for development of community facilities, though Policy NP 20 only refers to the provision of new or improved facilities.

- 7.2 A nursery is classed as a community facility and Policy HC15 states that development which involves the loss of a community asset or facility will only be supported where it can be demonstrated that the existing use is no longer needed to serve the community, it is no longer financially or commercially viable as demonstrated. The nursery was severely impacted by the pandemic and closed in 2021. Prior to the pandemic it only cared for 42 children and had 13 staff and post Covid children could only be accommodated in bubbles of 16. The submitted Planning Statement identifies thirteen competing businesses now offering nurseries services for Matlock and Bakewell.
- 7.3 The application therefore provides some evidence of the lack of viability of the existing use together with the renovation costs required to upgrade it. With regard to the proposed use, a letter from DCC Children's Services has been submitted which states that there is a need for specialist provision to support complex older children in Derbyshire. This letter does demonstrate the need for such facilities within the County, however, in order to balance the loss of a community facility the need would have to be established within the District rather than County wide. In the absence of this justification the proposal cannot be considered a facility meeting the needs of the community and as such Policy HC15 requires the property to be marketed.
- 7.4 The supporting text to Policy HC16 states at Para 6.45 that loss of an important local service and facility will not be granted until all possible options have been explored to maintain the existing use. Policy HC15 states that the loss the use of the building as a community facility would only be supported where:
- a) There is evidence to demonstrate that the existing use is no longer needed to serve the needs of the community or
 - b) The existing facility is no longer financially or commercially viable as demonstrated by a robust and comprehensive marketing exercise with the facility actively marketed at a realistic price for a continuous period of at least 12 months immediately prior to submission of an application and
 - c) The use or facility has been offered to the local community for their acquisition/operation at a realistic price.
- 7.5 Whilst it is clear from the evidence that the effect of competition and the Covid-19 virus has had an impact upon the financial viability of the business significant enough to warrant closure of the existing building as a day care nursery. It is also clear that the building has not been subject to a 12 month period of marketing nor has the building been offered to the local community for their acquisition/operation at a realistic price. As such, the proposal is able to satisfy Criterion (a) but cannot fully satisfy either criterion (b) or (c).
- 7.6 Given the wording of Para 6.45 in the adopted Derbyshire Dales Local Plan that says that planning permission will not be granted until all possible actions have been explored to maintain the existing use, it does require compliance with a combination of criteria (a) and criteria (c) or criteria (b) and (c). It is considered that criteria (b) and (c) have not been complied with. The owners of the site have been undertaking a marketing exercise since July. Originally the marketing was considered insufficient as the price was not specified, however, this was changed on the 16th August 2022 to offers over £1,200,000. Therefore, by the date of the planning committee on the 13th September 2022 the premises would have been marketed for a period of 28 days, whereby a sufficient

marketing period specified in the Policy HC15 is for a period of at least 12 months immediately prior to the submission of an application.

- 7.7 The applicant sought pre-application advice and in the response received on the 30th March 2022 it specified that a marketing exercise would be required in order to comply with Policy HC15. In an appeal for the Darley Hillside Methodist's church the Inspector concluded that adequate marketing had been undertaken and this was in a form of a 'property performance report' which incorporated details of where the premises were advertised and appropriate interest and feedback was summarised. The inspector thus concluded that marketing methods were undertaken and it was on the basis of its current community use and offers in the region of the valuation and took the view that based on the evidence of the agents valuation he had no reason to disagree that it was not a realistic price within current market conditions. Furthermore, in that case, marketing was undertaken for over the required 12 month period. It is therefore, on this basis, with only the limited period of marketing and evidence that it is considered that insufficient marketing has been undertaken in this case and refusal is recommended.

Character and appearance

- 7.8 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.
- 7.9 The proposed change of use would renovate the existing building which is in need of repair and maintenance and this is welcomed. The external changes are minor and are considered acceptable. The building is prominent on the A6 and makes a positive contribution and can be converted without extensive alteration, extension or rebuilding and as such accords with Policy HC8.
- 7.10 The proposal would affect existing mature trees on site a number of which would be removed to facilitate the development. The Tree and Landscape Officer has been consulted and raises no objection provided that the development and works are carried out in accordance with the submitted reports. Any mitigation and replacement planting could be secured by appropriate planning conditions.

Conclusion

- 8.0 Therefore, the main issue in this case is that sufficient marketing evidence is required to assess the re-use of this community facility. Whilst the need for the proposed development is recognised, the facility for care should reflect a local need rather than a county wide need in order for it to be balanced against the loss of the nursery, a facility which policies generally seek to retain for use by the local community.

8.0 RECOMMENDATION

That planning permission be refused for the following reason:

1. Insufficient evidence has been provided of an appropriate marketing campaign offering up the sale of this community building for continued community use at a realistic price which reflects its current use rights to justify the permanent loss of the existing community facility. As such the proposal would result in the unjustified loss of a local community facility contrary to the aims of policy HC15 of the Derbyshire Dales Local Plan 2017.

9.0 NOTES TO APPLICANT:

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 submission of some evidence, however, this has not overcome the principal issue of lack of appropriate marketing for community use.

This permission relates solely to the following application plans and documents:

Plan no's PL. 001, 002, 003, 005, 006, 007 Rev A

Letter from DCC dated 11th February 2022

Applicant's email of the 16th August 2022 regarding marketing

Planning Statement

Arboricultural Report by Thompson Tree Services dated January 2022

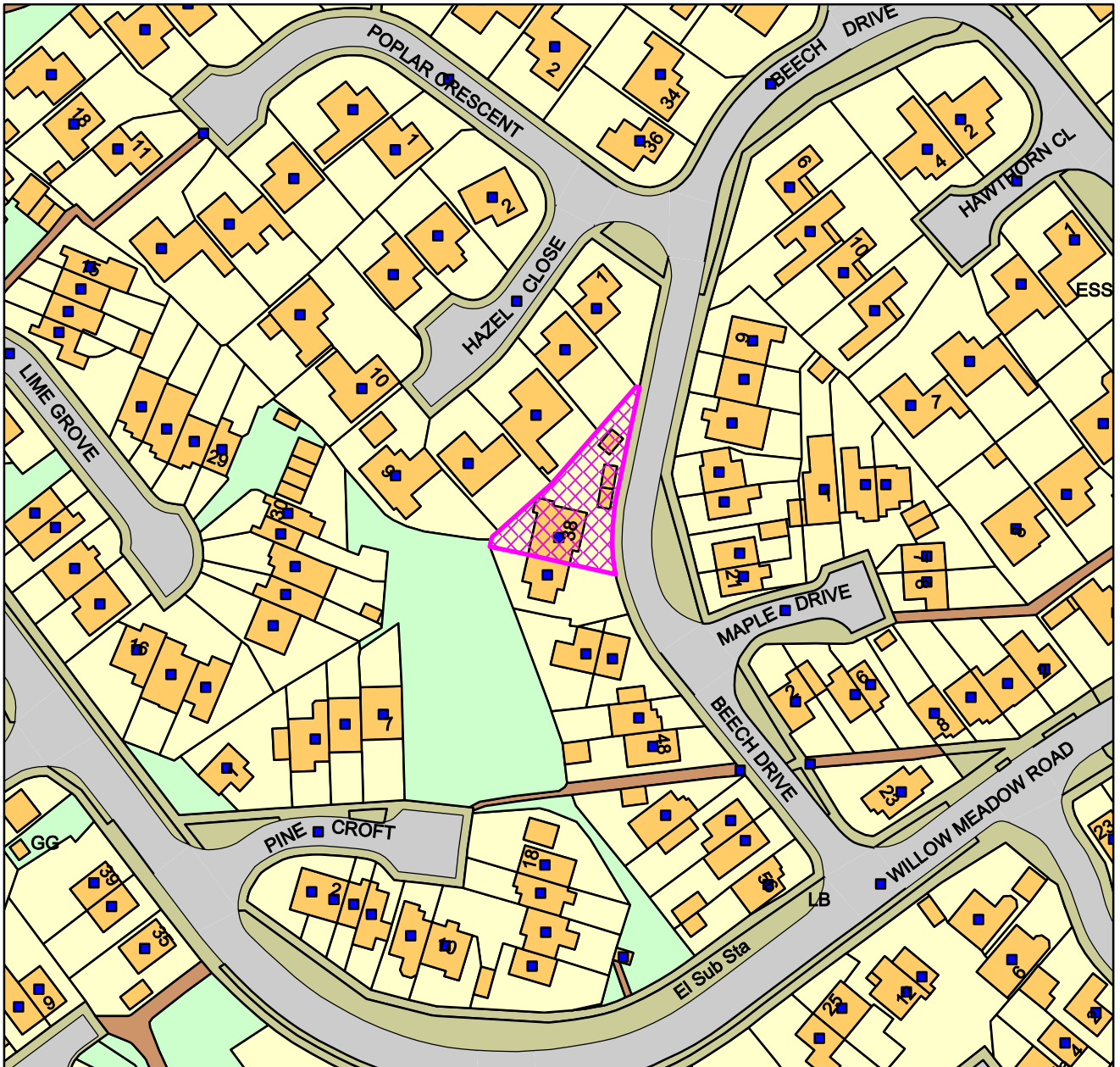
Tree Location Plan

Tree Constraints Plan

Tree Schedule

22/00439/FUL

38 Beech Drive, Ashbourne



Derbyshire Dales DC

1:1,250

Date: 02/09/2022

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

This page is intentionally left blank

APPLICATION NUMBER		22/00439/FUL	
SITE ADDRESS:		38 Beech Drive, Ashbourne, Derbyshire, DE6 1HL	
DESCRIPTION OF DEVELOPMENT		Proposed subdivision of house to form 2no. dwellinghouses with associated widening of access	
CASE OFFICER	Mr Joe Baldwin	APPLICANT	Mr Eccles
PARISH/TOWN	Ashbourne	AGENT	Mr D Wright
WARD MEMBER(S)	Cllr Archer Cllr Donnelly	DETERMINATION TARGET	14/09/2022
REASON FOR DETERMINATION BY COMMITTEE	Due to local objection	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site in its context and the surrounding area.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of development - Impact on highway safety/car parking provision

RECOMMENDATION
<ul style="list-style-type: none"> - Granted with conditions

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application relates to a 4 bedroom semi-detached property located on the western side of Beech Drive. The property is of red brick construction and has benefitted from previous extensions/alterations. Access to the property is gained directly off Beech Drive. The main garden area of the property extends to the north and is occupied by a number of existing outbuildings and enclosed by existing boundary hedgerows. The property is surrounded by neighbouring residential dwellings to the south and east on Beech Drive and properties on Hazel Close to the north.



2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the sub-division of the existing dwelling to form a 3 bedroom property within the original dwellinghouse and a 1 bedroom property within the later extension as shown on the submitted plans. It is also proposed to widen the existing access to allow for a single parking space to the front of both properties. No external alterations are proposed to the property to facilitate the development.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

Adopted Derbyshire Dales Local Plan (2017)

- S1: Sustainable Development Principles
- S3: Development Within Defined Settlement Boundaries
- S8: Ashbourne Development Strategy
- PD1: Design and Place Making
- HC1: Location of Housing Development
- HC9: Residential Sub-Division of Dwellings
- HC19: Accessibility and Transport
- HC21: Car Parking Standards

Ashbourne Neighbourhood Plan (2021)

- DES1: Design
- TRA1: Transport

National Planning Policy Framework (2021)
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

03/01/0003	First floor side extension	Granted with conditions	12/03/2003
02/09/0749	First floor side extension	Refused	14/11/2002
02/05/0404	Two storey rear extension	Refused	10/07/2002
0385/0239	Extension to dwelling	Granted with conditions	10/05/1985

5.0 CONSULTATION RESPONSES

Ashbourne Town Council:

5.1 No objection

Derbyshire County Council (Highways)

5.2 No objection (subject to condition and advisory notes).

Cllr Robert Archer

5.3 Residents have raised concerns about the impact of this proposed development on parking and access. The road is narrow and there are already several cars that park on the street making access for some residents difficult. The drawings do not show the other access driveways that are opposite and adjacent to the property and there is concern that highways may not have fully understood the impact of this development in the true context of the location if they only conducted a paper exercise rather than visiting the site.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 5 representations have been received. A summary of the concerns raised is outlined below:

- a) Concerns regarding existing parking situation at the property and surrounding area which may be exacerbated if permission is granted and more cars would be on site.
- b) The potential for increased parking on the highway may impact on the ability of emergency vehicles and refuse collection vehicles accessing the road.
- c) Concerns regard the loss of value of the adjoining property which would become an end of terrace property rather than a semi-detached property.
- d) Concerns regarding the visual impact of storage of bins on the frontage of the property and its impact on the character and appearance of the area.
- e) Concerns regarding potential future applications on site.
- f) The proposed planting of trees would cross neighbouring boundaries.
- g) The submitted drawing does not show the driveways of 17 and 19 Beech Drive opposite.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact on highway safety/car parking provision

Principle of Development

7.1 The application site is located within the Settlement Boundary as defined by policy S2 of the Adopted Derbyshire Dales Local Plan (2017). Ashbourne is identified as a first tier

settlement and should therefore be considered a primary focus for growth and should continue to provide significant levels of jobs and homes.

- 7.2 Policy S3 sets out a number of criteria which development must meet in order to be acceptable within defined settlement boundaries including the provision of a safe layout and access, appropriate parking provision and ensuring that the development is of an appropriate scale/design such that it would not result in any harm to the character and appearance of the surrounding area. Subject to the above, the principle of subdividing an existing dwelling to form two residential dwellings in this location is considered to be acceptable.
- 7.3 Policy HC9 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with Residential Sub-Division of Dwellings and states that when considering application for such development proposals the District Council will have regard to:
- a) the provision of adequate vehicular access, car parking, amenity space and facilities for recycling and refuse storage;
 - b) the adequacy of the internal accommodation in terms of privacy, natural light and outlook relative to the intensity of occupation envisaged;
 - c) the likely impact on the character and appearance of the immediate neighbourhood of the design, scale, form and footprint of any proposed extension or alteration;
 - d) no significant new extension should be made to any dwelling located outside defined settlement development limits: minor extension may be permitted only where essential in order for the new units to achieve basic living standards;
 - e) the sustainability of the new development based around the site location and its relationship to the Plan's settlement hierarchy, including accessibility to shops, services and facilities;
 - f) the need to minimise built form through the conversion of any existing outbuildings.
- 7.4 No external alterations or extensions are proposed to the dwelling so the impact on the character and appearance of the area as a result of the proposed development is neutral. As highlighted above, the site is located within a First Tier Settlement and therefore is a highly sustainable location due to its access to local services and facilities. Subject to the development providing adequate amenity space, vehicular access and car parking provision (which will be assessed below) the development is in accordance with policies S2, S3 and HC9 of the Adopted Derbyshire Dales Local Plan.

Impact on highway safety/car parking provision

- 7.5 Concerns have been raised by neighbouring residents that the development would exacerbate an existing issue at the site regarding a number of vehicles parking on the highway which could potentially cause further nuisance for neighbouring residents and could potentially cause issues with access for refuse and emergency vehicles.
- 7.6 The Local Highway Authority have raised no concerns with the proposed development in terms of car parking or highway safety subject to the new car parking being provided prior to the occupation of the new dwelling. Whilst it is acknowledged that neighbouring residents have raised concerns that the Highway Officers have not fully appreciated the site and the relationship with other neighbouring properties/driveways which are not visible on the submitted plans, confirmation has been sought that the Local Highway Authority did not deem a site visit to be necessary in this case and that a desktop survey utilising street view images and the submitted information was sufficient in providing formal comments.
- 7.7 Policy HC21 of the Adopted Derbyshire Dales Local Plan (2017) sets out the appropriate levels of car parking for developments. The existing single car parking space would be retained for the original dwelling which would be reduced in scale to a three bedroom

property. The new one bedroom property would be provided with a single new parking space which is sufficient level of off-street parking. Therefore, whilst the concerns of local residents are noted, the application does demonstrate that the development would be provided with sufficient off-street parking. Therefore there is no justification for a refusal of planning permission on parking or highway safety grounds.

- 7.8 Subject to a condition securing the new car parking space prior to occupation of the new dwelling, the development is considered to be in accordance with policies S3, HC9 HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017) and policy TRA1 of the Ashbourne Neighbourhood Plan (2021) with regard to the level of car parking proposed and the impact on the safety of highway users.

Other Issues

- 7.9 Whilst the property is surrounded by neighbouring residential properties, there are no external alterations proposed as part of the development and as a result is not deemed to be any additional overlooking/loss or overshadowing suffered by neighbouring occupants.
- 7.10 Concerns have been raised regarding the loss of value of the adjoining property due to its change in status from a semi-detached dwelling to an end of terrace property. This is not a material planning consideration and therefore cannot be afforded any weight.

Conclusion

- 7.11 On the basis of the above, the development, subject to conditions is considered to be in accordance with the relevant parts of the Adopted Derbyshire Dales Local Plan (2017) and the Adopted Ashbourne Neighbourhood Plan (2021). A recommendation of approval is made 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. Prior to the first occupation of the new 1 bedroom dwelling hereby approved, the designated parking and manoeuvring area shall be laid out, constructed and available for use in accordance with the submitted site layout plan (Drg no 9647/Site). The parking and manoeuvring area shall be maintained thereafter free from any impediment to its designated use throughout the lifetime of the development hereby approved.

Reason:

In the interests of highway safety in accordance with policies S3, HC9, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

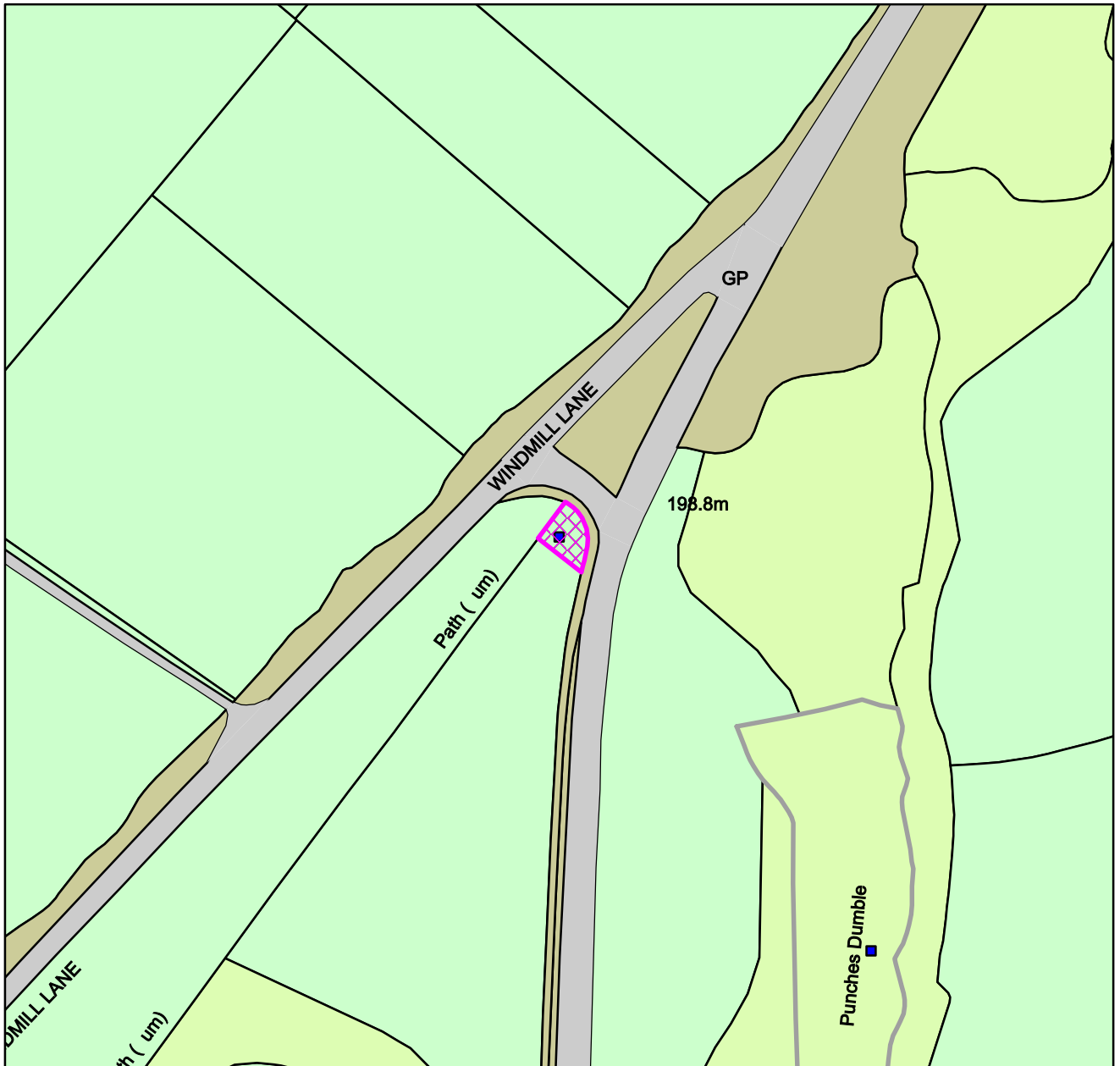
1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive

and proactive manner to resolve any planning problems and permission was granted without negotiation.

2. The Town and Country Planning (Fees for Applications 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.
3. Pursuant to Section 184 of the Highways Act 1980 prior notice shall be given to the Highway Authority before any works commence in the highway on the proposed widened vehicular access. Email: highways.hub@derbyshire.gov.uk
4. This decision notice relates to the following documents:
 - Design and Access Statement
 - Site location Plan
 - Block Plan
 - Site Layout Plan
 - Plans as Existing
 - Plans as Proposed

22/00675/FUL

Land at the Junction of Windmill Lane, Ashbourne Green



Derbyshire Dales DC

1:1,250

Date: 02/09/2022

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

This page is intentionally left blank

APPLICATION NUMBER		22/00675/FUL	
SITE ADDRESS:		Land at the junction of Windmill Lane, Ashbourne Green, Ashbourne, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Erection of a commemorative beacon	
CASE OFFICER	Adam Maxwell	APPLICANT	Ashbourne Town Council
PARISH/TOWN	Offcote and Underwood	AGENT	Mr Darren Archer – Channel Design Ltd.
WARD MEMBER(S)	Cllr S Lees Cllr S Bull	DETERMINATION TARGET	02/09/22
REASON FOR DETERMINATION BY COMMITTEE	Called in by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	To fully assess the issues raised.

MATERIAL PLANNING ISSUES

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

RECOMMENDATION

That the application be approved with conditions.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located to the north west of Ashbourne on Ashbourne Green between the B5035 and Windmill Lane. Ashbourne Green is a Local Wildlife Site (LWS DD327).



2.0 DETAILS OF THE APPLICATION

- 2.1 The erection of a 5.6m commemorative beacon on the site.
- 2.2 The beacon would be formed by a steel basket attached to a steel post with bracket and decorative shield. The basket, post and bracket would be finished matt black.

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

PD5 Landscape Character

PD9 Pollution Control and Unstable Land

HC15 Community Facilities and Services

HC19 Accessibility and Transport

Other:

The National Planning Policy Framework (2021)

National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

22/00481/PREAPP SITING OF A BEACON

CLO

11/05/2022

5.0 CONSULTATION RESPONSES

5.1 Offcote and Underwood Parish Meeting: No response to date.

5.2 Cllr Susan Bull: No response to date.

5.3 Cllr Stuart Lees: Object and makes the following comment:

"I wish this to be brought to the planning committee for a site visit as ward member and a planning committee member I feel that that this has issues regarding public safety, highways issues and being in a location which in the summer months would create a fire issue for surrounding grass land. With regards to the highways issues if lit this would be in a very prominent position causing traffic to park on the grass verge of the road where already a fatality has occurred involving a pedestrian. A much better location could be found in the town centre where onlookers could park in the car parks without causing any danger. Also this is I believe on private land and not land owned by DDDC."

5.3 DDC Highways: No objection and makes the following comment:

"Whilst not dimensioned, the beacon has been relocated a distance that appears to measure in excess of 4.5m from the adjacent carriageway edge and avoids the public right of way. Accordingly there are no further highway comments. Please include the following advisory note"

Advisory note: The application site is affected by a Public Right of Way (Footpath 15 Offcote and Underwood 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 533190.

5.4 DDC Footpaths: No objection and makes the following comment:

"I can confirm that Offcote and Underwood Public Footpath No. 15 runs adjacent to the proposed development site. Currently, the walked line of the path runs slightly to the west of the Definitive line, away from the proposed development. Both the Definitive line of the path and the walked line must be safeguarded. As there are no widths shown in the Definitive Statement, it should be assumed that the Definitive line of the path, the position of which is shown on the attached plan, has a minimum width of 2 metres."

The Rights of Way Section has no objection to the proposals as it appears that the route will be ultimately unaffected by the proposed works. I should be grateful however if you would advise the applicant as follows:

- Both the Definitive line and the walked line of the footpath must remain open / available and unobstructed.
- There should be no disturbance to the path surfaces without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the path during the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development.

- There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way Section.

5.5 Derbyshire Dales Ramblers: No objection providing that:

- “i) Offcote & Underwood FP 15 remains unaffected at all times, including the path surface, both during and after any development
- ii) That the beacon does not affect the safe passage of the RoW by users in any way
- iii) Any fencing that is erected has the permission of PRow
- iv) Both the DM FP line and the adjacent informal path are not affected in any way”

5.6 Peak and Northern Footpaths Society: No objection provided that:

“The full width of Footpath Offcote and Underwood 15 remains unobstructed at all times. The proposed fence around the beacon must be installed so that it does not encroach on the legal width of the footpath.”

5.7 Derbyshire Wildlife Trust: No objection subject to planning conditions:

“Given the small footprint of the beacon and the location at the edge of the grassed area, we consider that the siting of the beacon is unlikely to affect the integrity of the LWS. However, we would like to highlight the importance of avoiding wider impacts to the grassland during installation of the beacon. The footprint of works should not extend further into the grassland around the beacon i.e., it is not suitable to create a compound or store machinery within the LWS habitats. We have included a screenshot of the LWS boundary and designation overleaf. Given that the beacon will be located within grassland, we also query whether any fire avoidance measures will be implemented during use? We would be concerned that if a tall sward of grass were present beneath the beacon when lit, a fire risk would be posed to the surrounding LWS habitats.”

To safeguard the Local Wildlife Site habitat we recommend that planning conditions are imposed to secure implementation of fire prevention measures and precautionary working measures.

5.8 Environment Agency: No objection.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 3 representations have been received in objection to the application. The material planning reasons for objection are summarised below:

- a) Siting the beacon so close to a 60 MPH highway introduces significant risk all parties must be aware of and mitigate.
- b) There has been one fatality on this stretch of road in recent years.
- c) Although the Highway Department at DCC may not object, I suggest that this may be because they have to site lampposts and telephone poles this close – where there is no alternative in many cases.
- d) When the beacon is lit it will attract the public. In this location visitors will arrive by car and there is nowhere to park. On-street parking will add to public safety concerns.
- e) Vehicles would damage the green if they parked on it.
- f) Windmill Lane is narrow and not suitable for on-street parking. Cars parked on the B5305 would be hidden to vehicles heading southwards creating a dangerous situation.
- g) The beacon induces a risk of fire. The grass is currently 1m high and no one can predict the time of year the beacon will be used. The Town Council have said that they do not intend to light the beacon but someone will if they don't.

- h) Reference to statement from Coroner and guidance on the Platinum Jubilee website appertaining to Bonfires and Beacons which states that they should not be sited within 60m of a highway.
- i) There are more suitable sites within the town boundary.
- j) The proposed beacon would be a large metal structure which is quite inappropriate for this rural and undeveloped site.
- k) The beacon was commissioned for the Platinum Jubilee celebrations. It was not used for that weekend and the beacon is therefore redundant. No need to site the beacon in this location indefinitely.

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 the residential amenity of the occupants of neighbouring properties.
- Impact upon parking and highway safety.

- 7.1 This site is located in open countryside beyond the edge of Ashbourne. Policies S1 and S4 are relevant state that development should make a positive contribution to the achievement of sustainable development. Outside of defined settlement boundaries new development must protect and enhance the landscape, historic and cultural environment while facilitating sustainable rural community needs.
- 7.2 This development proposed by the Town Council is for a commemorative beacon which would be lit to commemorate various events in the future. The beacon would be a community facility and while policies S4 and HC15 support this provision these policies state that new development should be located within defined settlements where they are most accessible.
- 7.3 Given the nature of this development as a commemorative beacon the proposed site is logical as it is on a prominent approach to Ashbourne while remaining reasonably well related to the town. The site is also logical in terms of minimising any impacts upon neighbouring properties. Therefore, while there may be other sites within the town, in principle there is no objection to the proposed development which is supported by policies S1, S4 and HC15.
- 7.4 The beacon would be in a prominent position but visual impacts would be limited to the green and from the nearby roads and footpaths. Impact upon the wider landscape would be limited and therefore the development would not harm landscape character or the setting of any heritage assets in accordance with policy PD2 and PD5.
- 7.5 The site is part of Ashbourne Green which is a Local Wildlife Site (LWS DD327). The site is designated for unimproved grassland, broadleaved woodland, hedgerows and flowing water habitats.
- 7.6 Given the small footprint of the beacon and the location at the edge of the grassed area the siting of the beacon is unlikely to affect the integrity of the LWS. However, having regard to the advice of the Derbyshire Wildlife Trust (DWT), care is needed during installation to ensure that building works do not extend into the grassland around the beacon. Furthermore, fire avoidance measures are also considered to be reasonable to mitigate any additional risk created by the beacon.
- 7.7 Subject to planning conditions to secure this the development would not adversely affect the LWS or any other protected species or their habitat in accordance with policy PD3. The

development would not present an unacceptable or unmanageable risk of fire and smoke and light pollution would be limited to when the beacon is lit. The development would not cause unacceptable or unmanageable pollution in accordance with policy PD9.

- 7.8 Concern has been raised in regard to parking and highway safety. We have consulted the Highway Authority who raise no objection provided that the beacon is sited no closer than 4.5m to the edge of the highway. An amended plan has been received showing the beacon re-sited in accordance with this requirement. The Highway Authority therefore raise no objection to the development. The beacon would also avoid interfering with the public footpath in accordance with consultee comments.
- 7.9 The beacon is likely to generate public interest visits, particularly when it is lit. There is no off-street parking available for visitors and limited on-street parking along Windmill Lane which is narrow. Therefore there is potential for off-street parking to affect the amenity of the area. However, the site is not so remote that all visitors would arrive by car and visits would only be likely during periods when the beacon is lit. Many visitors would be likely to remain at the site for a limited period of time. Therefore any additional on-street parking would not harm highway safety or the amenity of the area.
- 7.10 The development would introduce a vertical structure adjacent to highways. This could potentially introduce a risk of collision for highway users. Smoke from the beacon would also have the potential to reduce visibility for highway users, particularly during foggy conditions. Reference has been made to guidance on siting beacons for the Queen's Platinum Jubilee, however, the reference to a 60m minimum recommended distance appears to be in relation to bonfires. The risks associated with collision and visibility would be limited and no objection has been received from the Highway Authority on this issue. Therefore public safety concerns do not represent a reason to refuse the planning application.
- 7.11 Given the distance of the beacon from neighbouring properties there are no concerns that the development would harm the amenity, security or privacy of any neighbouring property. The development would have a limited visual impact in relation to neighbouring properties and any smoke would not be harmful provided the development is properly managed. Any additional vehicle movements, noise or activity around the beacon would be limited and temporary and therefore not likely to harm the amenity of neighbouring properties.

Conclusion

- 7.12 The development is acceptable in principle and subject to planning conditions would not harm the landscape, biodiversity, highway safety or the amenity of neighbouring properties.
- 7.13 The proposal is in accordance with the development plan and in the absence of any further material considerations indicating that permission should be refused, the application is recommended for approval.

8.0 RECOMMENDATION

- 8.1 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 following approved plan to which this decision notice relates:

01B – Proposed Plans and Elevations

Reason:

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

3. The beacon hereby approved shall not be lit until a written statement of fire prevention methods has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter not be carried out other than in complete accordance with the approved written statement.

Reason:

To mitigate the impacts of fire to conserve biodiversity and amenity in accordance with Adopted Local Plan Policies PD3 and PD9.

4. Prior to the installation of the beacon a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall limit impacts to grassland and other habitat within Ashbourne Green Local wildlife Site (LWS) during installation and shall include:

- Plan of proposed construction works, including parking of construction vehicles and storage of plant, machinery and materials.
- Any fencing and signage to prevent encroachment into LWS habitats.
- Disposal of waste arising from the development.
- Timescale for construction works.

The development shall thereafter not be carried out other than in complete accordance with the approved construction method statement.

Reason:

To mitigate the impact of the development upon biodiversity during construction in accordance with Adopted Local Plan Policy PD3.

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;
01B – Proposed Plans and Elevations.

3. 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.

4. 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.
 5. The application site is affected by a Public Right of Way (Footpath 15 Offcote and Underwood 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 533190.
- Both the Definitive line and the walked line of the footpath must remain open / available and unobstructed.
 - There should be no disturbance to the path surfaces without prior authorisation from the Rights of Way Section.
 - Consideration should be given to the safety of members of the public using the path during the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development.
 - There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way Section.

22/00728/FUL

Tinkerbell Cottage, Main Street, Hopton



Derbyshire Dales DC

1:1,250

Date: 02/09/2022

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

This page is intentionally left blank

APPLICATION NUMBER		22/00728/FUL	
SITE ADDRESS:		Tinkerbell Cottage, Main Street, Hopton, Matlock, Derbyshire, DE4 4DF	
DESCRIPTION OF DEVELOPMENT		Retention of garden room, shed and extended patio area.	
CASE OFFICER	Mr. Ecclestone	APPLICANT	Mr. Howard
PARISH/TOWN	Hopton	AGENT	None.
WARD MEMBER(S)	Cllr. Mrs. Rose	DETERMINATION TARGET	18 th August 2022
REASON FOR DETERMINATION BY COMMITTEE	Ward Member request.	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the impact of the development on the surrounding area.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Impact on the character and appearance of the property and the surrounding area. • Impact upon the setting of the Conservation Area • Impact upon neighbouring properties.

RECOMMENDATION
Planning permission be approved.

1. THE SITE AND SURROUNDINGS

- 1.1 Tinkerbell Cottage, is a detached, stone-built house, situated on the eastern side of Hopton. The site is set back from the road with direct access from Main Street. The dwelling house and proposed buildings are located outside of the designated Carsington & Hopton Conservation Area, with the access drive and part of the front garden within.
- 1.2 The nearest neighbouring property is Henmore Grange to the north east.



2. DETAILS OF THE APPLICATION

- 2.1 This is a retrospective planning application for the retention of a garden room and garden shed erected within the rear garden of the property. An existing patio area has also been extended to accommodate the buildings.
- 2.2 The garden shed measures 2.9m by 2.5m and 2.2m high. It has a contemporary design, with a flat roof, grey vertical boarding with a glazed strip at the top.
- 2.3 The garden room measures 6.5m by 5.3m and 2.5m high at its highest point, It has a contemporary design, with a shallow pitched roof, vertical timber cladding and glazed window and door openings to the garden facing (west) elevation.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
PD1: Design and Place Making
PD2: Protecting the Historic Environment
HC10: Extensions to Dwellings
- 3.2 Other:
National Planning Policy Framework (2021)
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

WED/0191/0014/C	Erection of house.	Approved
09/00119/FUL	Single / two-storey extensions.	Approved
10/00436/S106D	Discharge of Section 106 Planning Obligation Agreement dated 16th May 1991.	Approved

5. CONSULTATION RESPONSES

Parish Council: Raise concerns about the retrospective nature of the application. Are also aware of neighbouring objections and other matters.

Conservation Officer: No objection subject to conditions.

"The property is a modern (1980/90s) detached house set back and down from the main road and constructed in random coursed stonework, with stone dressings and a clay tiled roof. It is located outside the Hopton Conservation Area but adjacent to it.

The application proposal (although the development has been carried out) is the erection of a detached garden room and a detached garden shed in the south-eastern corner of the garden. Both structures are depicted in the submitted application and are 'contemporary' in design, materials and detailing.

The primary conservation issue is the potential impact(s) of the proposed development on the setting of the adjacent Conservation Area. In assessing views/vistas etc., from within the Conservation Area, of the development (which is a relatively low scale/mass) it is concealed by the house itself and other buildings and landscape features. In this regard, it is considered that the development does not constitute an adverse impact on the setting of the adjacent Conservation Area.

The garden room building has a timber cladding whose colour is light/bright. It is considered that this should be painted/stained a mid-dark grey (colour to be agreed via a condition)."

6. REPRESENTATIONS RECEIVED

11 letters of representation have been received and are summarised below.

6.1 Letters of objection.

- a) Object to the retrospective nature of the application.
- b) Information submitted with the application is incorrect / misleading.
- c) The buildings are located close to the neighbour's garage. A structural engineers report should have been carried out.
- d) The buildings are unsightly by virtue of their materials and appearance and the development harms the character and appearance of the Conservation Area.
- e) The impact of the buildings must be considered with the concrete foundations.
- f) The garden room has been provided with full services. Concern that the garden room would be used for overnight accommodation or residential purposes.
- g) Approval of planning permission will set a precedent for any development within the District.
- h) Concern about lack of enforcement investigation or action by the District Council.
- i) The concrete foundation and buildings have been constructed over the main sewer that serves the village.
- j) Concern that the development may result in foul sewerage and pollution of neighbouring land.
- k) Concern about other alleged works including felling trees on adjacent land and disposal of spoil.
- l) The development has contravened other statutory requirements under the Party Wall Act.
- m) The position of the oil tank contravenes statutory guidelines.
- n) The bank adjacent to the buildings has recently begun slipping and is being professionally monitored.
- o) There are trees in the neighbouring property close to the proposed development and close enough to cause damage if they fell.
- p) The District Council has applied design standards for developments at neighbouring properties and the local area. These standards should be applied to all development.

6.2 Letters of support.

- a) Both the garden room and shed are on a property outside of the Conservation Area and finished to a superb, very high quality. They replaced previous dilapidated sheds that had come to the end of their lives and present a significant improvement to the area.
- b) The specifications are within Permitted Development limits (having been unaware that Permitted Development rights have been removed from their house). For the objectors to present these as building for residential use and claiming they have services, is a falsehood.
- c) I fully endorse the comments in support of the application and can confirm that no aspect of the project has or does create a nuisance.
- d) A similar garden room has been granted elsewhere within the Conservation Area.

7. OFFICER APPRAISAL

- 7.1 Policy PD1 of the Adopted Derbyshire Dales Local Plan requires development to be of a high quality design that respects the character, identity and context of townscapes and landscapes; and requires development that contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, the relationship to adjacent buildings and incorporating well integrated car parking. Policy PD1 also requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, overshadowing, overbearing effect, noise, light pollution, or other adverse impacts on local character and amenity.
- 7.2 Policy PD2 of the Adopted Derbyshire Dales Local Plan states that heritage assets shall be conserved in a manner appropriate to their significance taking into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Particular protection will be given to designated heritage assets and their setting including Conservation Areas.
- 7.3 Policy HC10 of the Adopted Derbyshire Dales Local Plan requires that the plot size is large enough to accommodate the extension without resulting in a cramped or overdeveloped site; and that the height, scale, form and design of the extension is in keeping with the scale and character of the original dwelling and the sites wider setting and location.
- 7.4 Background
- 7.5 Tinkerbell Cottage was built following the grant of planning permission in 1991 (ref: WED/0191/0014/C). Permission was granted subject to planning conditions and a planning obligation. The planning obligation has been subsequently discharged but a planning condition which removed permitted development rights remains. This means that any new extensions or outbuildings within the domestic curtilage require planning permission.
- 7.6 The development has been completed and therefore this application is retrospective and seeks the retention of the garden room, shed and extended patio area. The main issues to assess are the impact that the development has on the character and appearance of the property, the surrounding area, neighbouring properties and the setting of the Conservation Area.
- 7.7 Impact on the character and appearance and the Conservation Area
- 7.8 The garden room, garden shed and the extended patio area are positioned off-set to east side of the property and within the rear garden.

- 7.9 The patio area is set at the level of the existing patio and therefore rises relative the natural ground levels (which fall gently to the south). The patio area is formed by natural stone chippings and retained by a stone wall with steps and coping stones. The patio area is set below the level of the adjoining stone boundary walls and is of an appropriate design, materials and appearance.
- 7.10 The proposed garden room and shed are sited on the patio. These buildings have not been designed to reflect the host dwelling or the local built tradition and are of a contemporary design with shallow / flat roofs and timber / grey vertical cladding. The visual impact of the buildings is limited due to the site being located to the side and rear of the property. The buildings are located outside of the designated Conservation Area (CA) and are largely concealed from views within the CA by Tinkerbell Cottage, other buildings, topography and landscape features.
- 7.11 Therefore the design of the proposed buildings is considered to be acceptable in this context. The buildings would not have a harmful impact upon the character or appearance of Tinkerbell Cottage, the surrounding area or the Conservation Area. The Conservation Officer raises no objection but recommends a planning condition to require the natural timber boarding to the garden room be painted a mid-grey. Given the limited visibility and impact of the development this condition is not considered necessary.
- 7.12 Impact on neighbouring amenity
- 7.13 The development is located adjacent to the boundary with Henmore Grange to the north east. Part of the curtilage of Henmore Grange is elevated relative to the application site but the garden area immediately to the east of the site is set at a similar level with a drystone boundary wall.
- 7.14 The proposed patio extension has raised the level of the land relative to the neighbouring garden. However, the proposed patio level is still below the top of the boundary wall and therefore the development would not result in any significant overlooking or loss of privacy to the occupants of Henmore. There are no openings to the proposed garden room or shed which would result in overlooking.
- 7.15 The proposed garden room and shed are built upon the patio area and are therefore visible from the neighbouring property beyond the drystone boundary wall and existing tree planting. However, these buildings are single storey and therefore do not appear as oppressive or overbearing in relation to the neighbouring garden and would not result in any significant loss of sunlight or daylight.
- 7.16 Concern has been raised in regard to the use or potential future use of the buildings. The application for the proposed garden room and shed must be considered on its own merits and there is no objection in principle to the provision of services to the buildings. Given the relationship of the proposed development and neighbouring properties there are no concerns that use of the buildings for ancillary domestic purposes would be harmful in terms of noise, light or other forms of disturbance.
- 7.17 Therefore the development would not harm the amenity, privacy or security of any neighbouring property. The development is therefore in accordance with the requirements of policies PD1, PD2 and HC10 of the Adopted Derbyshire Dales Local Plan.
- 7.18 Other issues
- 7.19 The proposed development would not affect the existing access or parking arrangements. Therefore there are no objections to the development on the grounds of highway safety.

7.20 Concerns have been raised in respect of the retrospective nature of the development and that the development may not have been carried out in accordance with other statutory requirements. This application must be determined on its own merits and the fact that the application is retrospective does not weigh either in favour or against the development. The application must only be determined on planning grounds. The requirement for applicants to comply with other statutory consent regimes or legal requirements (such as building regulations or the party wall act) is not a material planning consideration. The grant of planning permission does not remove the requirement to comply with other statutory consent regimes.

7.21 Concern has been raised that the bank to the north of the development has been recently slipping. There is no compelling evidence that the proposed development has resulted in land stability issues or has undermined neighbouring buildings such that planning permission should be refused.

7.22 The development has not resulted in harm to any trees in and around the application site.

8 Conclusion

8.1 The development does conserve the character, appearance and amenity of the property, its setting, the setting of the Conservation Area and neighbouring properties. The development has not harmed highway safety. The development is therefore in accordance with relevant policies in the development plan. In the absence of any other material considerations and having taken into account all matters raised in representations the application is therefore recommended for approval.

8.2 No planning conditions are necessary in this case because the application is retrospective.

9. RECOMMENDATION

Planning Permission be granted unconditionally.

10. NOTES TO APPLICANT:

10.1 This Decision Notice relates to the following documents:
Planning application form and drawings, received by the Council on 24th June 2022.

10.2 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.

NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 13th September 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	WR	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 processed
21/01024/VCOND	Beechmount, Pinfold Road, Bradley	WR	Appeal being processed

21/01284/FUL	Land North of the Green Hall, Ashbourne	WR	Appeal being processed
21/01099/FUL	Land off Ashbourne Road, Brassington	WR	Appeal being processed
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 dismissed – copy of appeal decision attached
22/00306/FUL	2 Sir Josephs Lane, Darley Dale	HH	Appeal allowed – copy of appeal decision attached
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
ENF/22/00045	Willersley Castle, Mill Road, Cromford	WR	Appeal being processed

WR - Written Representations

IH - Informal Hearing

PI – Public Inquiry

LI - Local Inquiry

HH - Householder

OFFICER RECOMMENDATION:

That the report be noted.

Appeal Decision

Site visit made on 26 July 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/P1045/D/22/3299634

The Lodge, Farley Hill, Matlock, DE4 3LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Statham against the decision of Derbyshire Dales District Council.
 - The application Ref 21/01485/FUL, dated 8 December 2021, was refused by notice dated 9 March 2022.
 - The development proposed is a single storey extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is a stone-built dwelling which extends to two floors and is accessed directly from Farley Hill.
 4. It is located in a residential area characterised by the presence of terraced and detached stone-built dwellings. Trees and large gardens lend a pleasant sense of greenery and spaciousness to the area.
 5. The appeal property sits below a tall period dwelling and opposite a terraced row of dwellings which, together with the appeal property, afford the area a characterful and attractive sense of history. The presence of stone walls alongside both sides of Farley Hill combine with the dwellings' stone elevations to add significantly to the area's distinctively traditional character.
 6. Farley Hill itself is relatively steep as it approaches and passes the appeal property and I observed during my site visit that the dwelling appears widely in a variety of near and distant views.
 7. The proposal would include a single-storey glazed lean-to extension across the length of the front elevation and would link the main dwelling to a single-storey annexe off-set to the side. The lean-to would appear prominently across the front of the house, facing directly out across the access to Farley Hill.
-

8. I find that the proposed development would detract significantly from the traditional appearance of the appeal property. It would appear as an incongruous feature, unlike any to the front of traditional stone-built dwellings in the area.
9. Its lean-to appearance and large expanses of glazing would combine awkwardly with the prevalence of stone and the traditional character of the host property; and it would appear entirely out of keeping with the stone dwellings behind and opposite the appeal property.
10. Further, I find that the harm arising would be exacerbated as a result of a combination of the prominent, highly visible siting of the proposal to the front of the dwelling and the appeal property's prominent and widely visible position within the wider area. This would increase the attention the proposal would draw to itself as a feature out of keeping with its surroundings.
11. Taking the above into account, I find that the proposed development would harm the character and appearance of the area, contrary to the National Planning Policy Framework; and to Derbyshire Dales Local Plan (2017) Policies PD1 and HC10, which together amongst other things, seek to protect local character.

Other Matters

12. In support of the proposal, the appellants state that the proposal will provide much-needed accommodation, allowing support to be provided for an elderly relative. Whilst this is a factor in favour of the proposal, it does not outweigh the harm identified and hence the decision below.

Conclusion

13. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR



Appeal Decision

Site visit made on 10 August 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2022

Appeal Ref: APP/P1045/D/22/3299674

2 Sir Josephs Lane, Darley Dale, Matlock DE4 2GY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R and Mrs P Buckner against the decision of Derbyshire Dales District Council.
 - The application Ref 22/00306/FUL, dated 14 March 2022, was refused by notice dated 10 May 2022.
 - The development proposed is increase of principal elevation eaves level, addition of dormer windows and single storey rear extension.
-

Decision

1. The appeal is allowed, and planning permission is granted for an increase of the principal elevation eaves level, addition of dormer windows and single storey rear extension at 2 Sir Josephs Lane, Darley Dale, Matlock DE4 2GY in accordance with the terms of the application Ref 22/00306/FUL dated 14 March 2022 and the plans with it, subject to the conditions below:-
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans.

Main Issue

2. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal property is single storey to the front and two storeys at the rear, built of reconstituted stone in an area predominately made up of residential development. A business park is located to the east on the other side of Whitworth Road. The appeal property is largely screened by vegetation and boundary treatment from the busy Bakewell Road to the south.
4. The immediate residential area is made up of various dwelling types, largely constructed in the same reconstituted stone. Overall, there is no dwelling type in the ascendancy when it comes to defining the character of the area.

5. The proposal would see the raising of the eaves to the front elevation and the installation of dormer windows to that elevation. A single storey extension would be built at the rear, and the existing rear conservatory removed. The appeal property has a large expanse of external roof area to the existing front elevation.
6. I find that the disparity in dwelling types removes much of what would create the character in terms of the appearance of dwellings, and the character is more aligned to the nature of construction materials. There are a number of properties that have benefitted by extensions of various types, and this has diluted the character of the area further.
7. The introduction of dormer windows would not represent a previously unknown design feature, as a number of properties already have them, in some cases far more intrusive than those proposed in the appeal property.
8. The raising of the eaves allows for the dormers to be installed and gives the outward appearance of making the appeal property more two-storey in appearance. I do not find this design feature to be incongruous within the street scene, or be materially harmful to it in any way, and the removal of a large section of the external roof area does not detract from the host building.
9. The Council have not raised any issues with the rear extension, and I have no reason to dispute that view, and therefore I shall not raise the matter any further.
10. With regard to the nature of this appeal, I find that the proposal would not cause harm to the character and appearance of the area and as a result, I find no conflict with policies PD1 and HC10 of the Adopted Derbyshire Dales Local Plan (2017), which collectively, amongst other matters, expect development to be of high-quality design and be in keeping with the scale and character of the original dwelling.

Conditions

11. The conditions suggested by the Council are standard conditions relating to commencement, matching materials and in accordance with the approved plans, in the interests of proper planning. I see no reason to amend these or add other conditions.

Conclusion

12. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be allowed.

Paul Cooper

INSPECTOR

BACKGROUND PAPERS

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

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

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

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

This page is intentionally left blank