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Monday, 31 October 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, 8 November 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, 7 November 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 - 12)

11th October 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. 21/01412/OUT (Pages 13 - 24)

Outline planning application for the erection of 1no. Dwellinghouse with approval being sought for scale and layout at Farmers Garage Limited – Land Adjacent, Smedley Street, Matlock, Derbyshire.

5.2. APPLICATION NO. 22/00194/FUL (Pages 25 - 58)

Erection of 18 no. Dwellinghouses at Land South West of Normanhurst Park, Darley Dale, Derbyshire.

5.3. APPLICATION NO. 22/00558/FUL (Pages 59 - 72)

Retention of single storey building to rear used in association with existing business at Mad Hatter, 34 Crown Square, Matlock, Derbyshire, DE4 3AT.

5.4. APPLICATION NO. 22/00615/FUL (Pages 73 - 84)

Erection of agricultural workers dwelling at Oakfields Farm, North Lane, Brailsford.

5.5. APPLICATION NO. 22/00634/REM (Pages 85 - 100)

Approval of reserved matters for the erection of 12no. dwellinghouses (outline planning consent 19/00455/OUT) at Land Off Millers Green Wirksworth Derbyshire.

5.6. APPLICATION NO. 22/00769/FUL (Pages 101 - 124)

Conversion and change of use of barn to 1no. dwellinghouse and erection of outbuilding comprising of stables and carport at 1 High Street, Bonsall.

5.7. APPLICATION NO. 22/00770/LBALT (Pages 125 - 134)

Internal and external alterations in association with conversion of barn to dwellinghouse at 1 High Street, Bonsall.

5.8. APPLICATION NO. 22/00798/FUL (Pages 135 - 142)

Erection of two storey rear extension at 7 Collingwood Crescent, Matlock, Derbyshire, DE4 3TB.

5.9. APPLICATION NO. 22/00934/FUL (Pages 143 - 150)

Erection of free standing pergola with retractable roof to cover rear terrace area at The Miners Arms Public House, Miners Hill, Brassington, Matlock, Derbyshire, DE4 4HA.

5.10. APPLICATION NO. 22/00952/FUL (Pages 151 - 158)

Change of use from garage block to dwellinghouse (retrospective) at Cotonwood Lodge, Muse Land, Boylestone, Ashbourne, DE6 5AB.

5.11. APPLICATION NO. 22/00961/FUL (Pages 159 - 176)

Erection of temporary rural workers dwelling for a period of 3 years at Land East of Turlowfields Lane, Hognaston.

5.12. APPLICATION NO. 22/00971/FUL (Pages 177 - 182)

Reconstruction of Bandstand, Ashbourne Memorial Gardens, Cokayne Avenue, Ashbourne.

6. APPEALS PROGRESS REPORT (Pages 183 - 206)

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

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, Janet Rose and Peter Slack

Nominated Substitute Members:

Substitutes – Councillors Matt Buckler, Paul Cruise, Chris Furness, Dawn Greatorex, Andrew Statham, Colin Swindell 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, 7 November 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

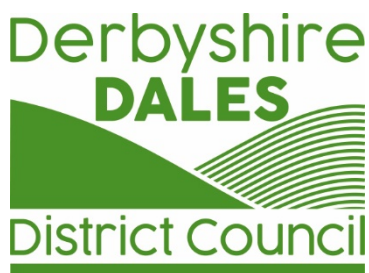
At the Chairman's discretion, the time limits above may be reduced to keep within the limited one hour per meeting for Public Participation.

- 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.

SITE VISITS

LEAVE OFFICE		10.00
22/00934/FUL	Miners Arms, Miners Hill, Brassington, DE4 4HA	10.25
22/00634/REM	Land Off Millers Green, Wirksworth, Derbyshire	11.00
22/00769/FUL & 22/00770/LBALT	1 High Street, Bonsall, Matlock, DE4 2AS	11.30
22/00798/FUL	7 Collingwood Crescent, Matlock, DE4 3TB	11.55
22/00558/FUL	Mad Hatter, 34 Crown Square, Matlock, DE4 3AT	12.20
RETURN		12.40

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Planning Committee

Minutes of a Planning Committee meeting held at 6.00 pm on Tuesday, 11th October, 2022 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Jason Atkin - In the Chair

Councillors: Jacqueline Allison, Neil Buttle, Tom Donnelly, Richard FitzHerbert, Helen Froggatt, David Hughes, Stuart Lees, Peter O'Brien, Garry Purdy, Janet Rose and Peter Slack

Present as Substitute - Councillors: Paul Cruise and Andrew Statham

Kerry France (Legal Services Manager), Chris Whitmore (Development Control Manager), Joseph Baldwin (Senior Planning Officer), Tommy Shaw (Democratic Services Team Leader) and Angela Gratton (Democratic Services Officer)

Members of the Public – 17

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): Robert Archer, Sue Burfoot and Graham Elliott

164/22 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Jason Atkin, Seconded by Councillor Garry Purdy and

RESOLVED

That the minutes of the meeting of the Planning Committee held on 13 September 2022 be approved as a correct record.

Voting

11 For

0 Against

1 Abstentions

The Chairman declared the motion **CARRIED**.

165/22 - INTERESTS

Item 5.3 Application No. 22/00814/FUL

Councillor Janet Rose declared a non-pecuniary interest in Item 5.3.

166/22 - APPLICATION NO. 22/00194/FUL

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

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

In accordance with the procedure for public participation, Mr A Stock (Agent) spoke in support of the application. Councillor Jason Farmer (Darley Dale Town Council), Mr Dave Oakley (Local Resident), Mr Rodney Howlett (Local Resident), Mr L Purslow (Local Resident), and Mr David Allday (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 final comments received from the Lead Local Flood Authority and further background information provided by a local resident and a correction to the comments in 7.5 of the Officer's report. Whilst the site falls within the Parish of Darley Dale, it falls within the defined settlement boundary of Matlock which is a first tier settlement and the main focus for growth and development.

During debate Councillor Peter O'Brien raised issues with design and layout in respect of mitigating the effects of adapting to climate change, particularly with regard to maximising the potential for microgeneration, overheating, water efficiency, space for home working and access to high speed internet connection. He also required details of play equipment to serve the development and details of future management.

Cllr Slack added that details of the drainage infrastructure and flooding should also be included.

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

RESOLVED

That consideration of the item be deferred to future meeting, to allow officers to consider the design and layout of the development in respect of mitigating the effects of and adapting to climate change, particularly with regard to maximising the potential for microgeneration, preventing overheating, water efficiency, space for home working and access to high speed

internet connection, details of play equipment to serve the development and to consider the adequacy of the drainage infrastructure to prevent flooding.

Voting

8 For

6 Against

0 Abstentions

The Chairman declared the motion **CARRIED**.

167/22 - APPLICATION NO. 22/00807/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 Roger Thornley (Local Resident) spoke in support of the application as spokesman for the local residents.

It was moved by Councillor David Hughes, seconded by Councillor Peter Slack and

RESOLVED (unanimously)

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

The Chairman declared the motion **CARRIED**.

168/22 - APPLICATION NO. 22/00814/FUL

At **7:17pm** Councillor Janet Rose left the room as she had declared a non-pecuniary interest in application 22/00814/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 A Stock (Agent) spoke in support of the application.

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

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Tom Donnelly and

RESOLVED (unanimously)

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

The Chairman declared the motion **CARRIED**.

169/22 - APPLICATION NO. 22/00644/FUL

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

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

In accordance with the procedure for public participation, James Clarke (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 the final consultation comments from the Lead Local Flood Authority.

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

RESOLVED (unanimously)

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

The Chairman declared the motion **CARRIED**.

170/22 - APPEALS PROGRESS REPORT

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

RESOLVED (unanimously)

That the report be noted.

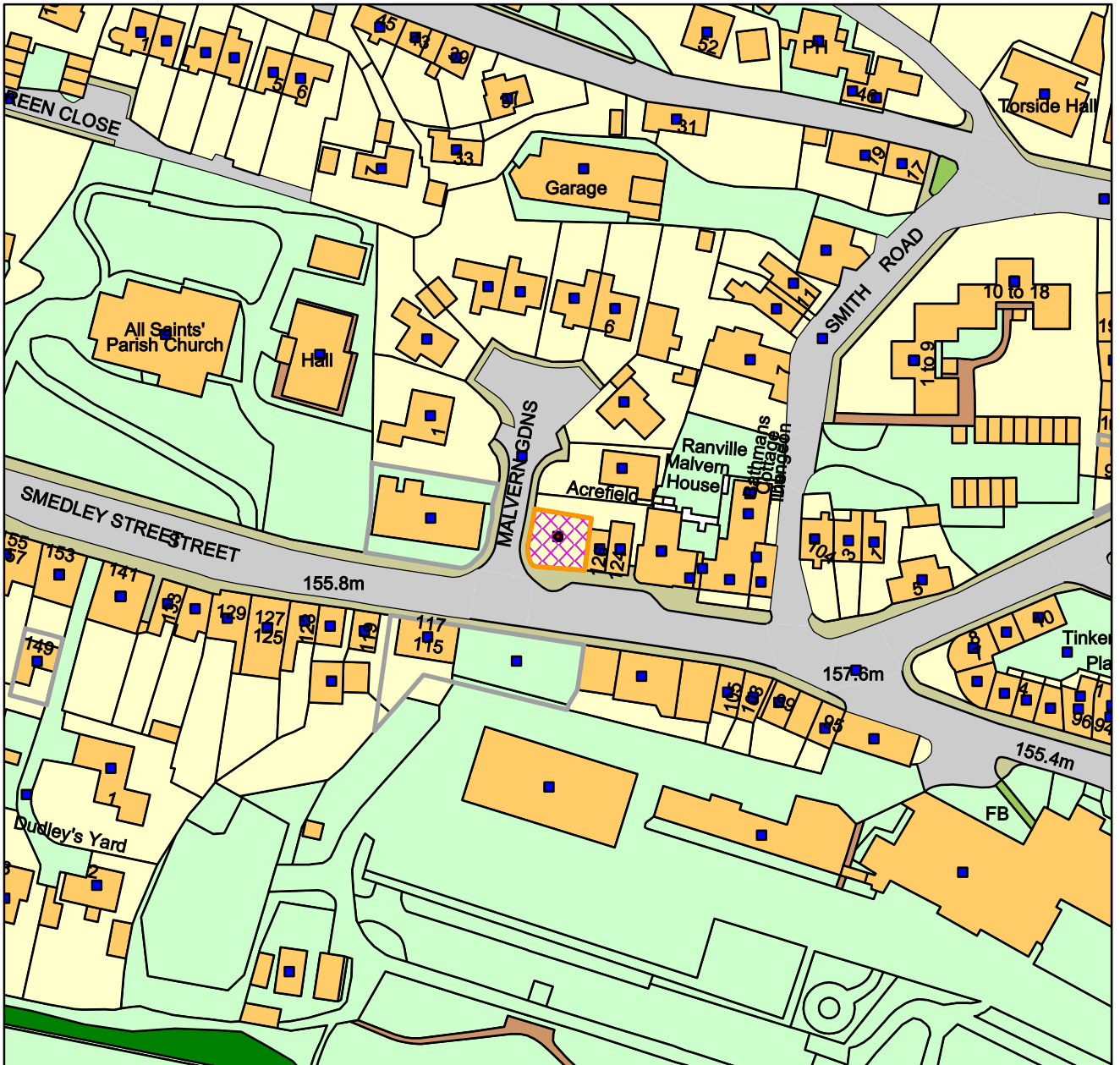
The Chairman declared the motion **CARRIED**.

Meeting Closed: 7.29 pm

Chairman

21/01412/OUT

Land Adjacent Farmers Garage Ltd, Smedley Street, Matlock



Derbyshire Dales DC

1:1,250

Date: 27/10/2022

100019785

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

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APPLICATION NUMBER		21/01412/OUT	
SITE ADDRESS:		Farmers Garage Limited - Land Adjacent, Smedley Street, Matlock, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Outline planning application for the erection of 1no. Dwellinghouse with approval being sought for scale and layout	
CASE OFFICER	Heaton Planning	APPLICANT	Mr T. Halliwell
PARISH/TOWN	Matlock	AGENT	Mr Simon Molsom, Gaskell Building Surveyor
WARD MEMBER(S)	Cllr. M. Burfoot Cllr. S. Burfoot Cllr. S. Wain	DETERMINATION TARGET	20 th May 2022 (EOT agreed up to the 11 th November 2022)
REASON FOR DETERMINATION BY COMMITTEE	More than 5 unresolved objections received.	REASON FOR SITE VISIT (IF APPLICABLE)	N/A

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • The appropriateness of the development in policy terms • Impact on heritage assets • Impact on the character of the area • Highway safety, and; • The effect of the development on the residential amenity of the occupants of nearby properties.

RECOMMENDATION
That the application be Granted with Conditions

1. THE SITE AND SURROUNDINGS

1.1 The application site forms a square shaped corner plot at the junction of Malvern Gardens and Smedley Street in Matlock. The site is currently used for the parking and display of vehicles associated with the car showroom, Farmers Garage. The site is bounded by two single storey commercial units to the east, and Malvern Gardens and Smedley Street to the west and south respectively. Malvern Gardens is a cul-de-sac of residential properties which rise above Smedley Street and the application site. The closest of these properties bounds the site to the north. The site is located within the Matlock Bank Conservation Area. The closest listed building is the Grade II Church of All Saints approximately 65m to the west. The site currently benefits from direct vehicular access onto Malvern Gardens just before it adjoins Smedley Street.



2. THE APPLICATION

- 2.1 The application as originally submitted sought outline planning permission for 2 no. dwellings on the site with all matters reserved. In accordance with Article 5 of Part 3 of the Town and Country Planning Act (Development Management Procedure) (England) Order 2015 (as amended) the Local Planning Authority considered it necessary, to call in details of scale, layout and appearance to consider the impact of the development on the character and appearance of this part of Matlock Bank Conservation Area and the setting of the Church of All Saints. Details of layout and scale were subsequently provided and were deemed sufficient to assess the impact of the development on these heritage assets.
- 2.2 The number of dwellings has subsequently been reduced and therefore the application now seeks permission for the erection of 1 no. dwellings on the site with approval being sought for scale and layout. All other matters including access are reserved. The original proposed layout had the dwelling flush with and abutting the existing commercial units to the east of the site. However, a revised layout has been submitted with the dwelling positioned in the west of the site at the corner of Smedley Street and Malvern Gardens. The building would be two storey and detached from the single storey commercial units to the east and an indicative parking space is shown in between the buildings.
- 2.3 The proposed site plan provides for one off street parking space. Limited external amenity space would be provided to the north (rear of the dwelling) for future residents. In terms of dimensions, the dwelling would be up to 8m in depth and 7m in width. The building would be 4.8m high up to the principal eaves, and up to 7.3m in height to the highest central ridge.
- 2.4 The amended drawings lowered the height of the principal eaves by 0.4m and the height to the highest central ridge by 0.1m.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan 2017

S1 Sustainable Development Principles
S2 Settlement Hierarchy
S3 Development within Defined Settlement Boundaries
S7 Matlock / Wirksworth / Darley Dale Development Strategy
PD1 Design and Place Making
PD2 Protecting The Historic Environment
PD3 Biodiversity and the Natural Environment
PD7 Climate Change
PD8 Flood Risk Management and Water Quality
HC1 Location of Housing Development
HC19 Accessibility and Transport
HC21 Car Parking Standards

Other:

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

4. RELEVANT PLANNING HISTORY

0298/0076	Erection of car showroom and provision of three customer parking spaces	A	08/04/1998
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03/01/0049		A	17/03/2003
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Erection of car showroom and provision of three customer parking spaces (renewal of planning permission DDD/0298/0076/C)

5. CONSULTATION RESPONSES

5.1 Local Highway Authority:

26/04/2022 – *“In principle there are no objections to the proposed dwelling and although access is not for determination, I would raise the following points:*

The access utilises the existing access into the parking/display area which currently emerges onto Malvern Gardens. The rail across the front of the site prevents vehicles taking direct access onto Smedley Street. The layout as submitted removes the railing and forces the driver to leave directly onto Smedley Street, across the existing pedestrian dropped kerb.

Notwithstanding the above comments, please include the following conditions on any consent granted:

The dwelling the subject of the application shall not be occupied until vehicular access and off-street parking (including secure cycle parking) has been provided in accordance with a detailed scheme, first submitted to and approved in writing by the Local Planning Authority, and maintained thereafter free from any impediment to its designated use.”

06/08/2022 – *“Further to my response dated 15 August 2022 the applicant has addressed the comments made by extending the red line boundary to include land not shown as being within the adopted highway. It is not clear whether the applicant owns this land or has served notice on the owner, however it would need to be demonstrated at the time of forming the access in highway that they have a lawful right to cross the third party land.*

Notwithstanding this, the proposed access emerges within the existing layby and accordingly the kerblines and footway will need to be modified (the layby will need to be shortened).

The proposed access is just under 4m width and an element of pedestrian intervisibility is demonstrated - in view of the high pedestrian footfall along this route it is recommended that the land to the front of the proposed dwelling is maintained free from any objects exceeding 600mm in height.

Accordingly if you are minded to grant permission please include the following conditions on any consent granted:

- 1. The dwelling the subject of the application shall not be occupied until the proposed access to Smedley Street has been formed in accordance with a scheme first submitted to the Local Planning Authority for approval - (for the avoidance of doubt this will require the existing kerblines to be moved and the redundant part of the layby fully reinstated as footway; the applicant will be required to enter into a Section 278 Agreement with the Highway Authority to undertake this work and ultimately discharge the condition)*
- 2. The dwelling the subject of the application shall not be occupied until one off street parking space (and secure cycle parking) has been provided in accordance with the application drawing and maintained thereafter free from any impediment to its designated use.*

3. *The proposed access/parking shall not be taken into use until pedestrian intervisibility has been provided across the dwelling frontage, the area in advance maintained clear of any object exceeding 600mm in height*
4. *The sole means of vehicular access to the site shall be via the proposed access only. There shall be no vehicular access via Malvern Gardens and to this end a permanent barrier shall be erected and the footway/kerb fully reinstated.*
5. *In association with condition 1 above, there shall be no gates*

Please include the following advisory notes:

1. *Pursuant to Section 127 and 278 of the Highways Act 1980 no works may commence within the limits of the public highway without the formal written agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes can be obtained from the Highway Authority - email: development.implementation@derbyshire.gov.uk. The applicant is advised to allow at least 12 weeks in any programme of works to obtain a Section 278 Agreement*
2. *Pursuant to Section 163 of the Highways Act 1980 steps shall be taken to ensure that mud or other extraneous material is not carried from the site and deposited on the public highway. Should such deposits occur it is the applicant responsibility to ensure that all reasonable steps (eg street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness."*

5.2 Matlock Town Council:

No objection to amended scheme.

5.3 Conservation and Design Officer (DDDC):

The site lies within the Matlock Bank Conservation Area. The site is currently used for car parking associated with the adjacent Farmer's Garage. Historically, this site was open land up until the 1960s/70s when Malvern Gardens was built out. The site is adjacent to two 1970s mono-pitched roofed commercial units.

The application is for outline planning for the erection of 1no. two-storey, dwelling house with approval being sought for scale and layout.

It is considered that an appropriately designed, orientated and detailed two-storey dwelling house could be accommodated on this site. The proposed scale of the dwelling (as indicatively illustrated on submitted drawing 'GBS/1974/303') is of two-storeys with dual pitched roofs over. This may be acceptable in this particular location, subject to design, character, appearance & detailing. It is to be built directly against the eastern end of the small commercial units (as no gap is indicated on the proposed layout plan).

(Whilst approval is not being sought for external appearance etc. at this stage the submitted, indicative, east elevation is architecturally poor and would be deemed inappropriate for this site & context within the Conservation Area).

6. REPRESENTATIONS

- 6.1 A total of seven representations have been received, mostly from residents of Malvern Gardens, and mostly raising concerns or objections to this application and applications 21/01246/OUT and 21/01447/OUT. The responses can be summarised as follows:

- Parking on Malvern Gardens is restricted and the proposed development would cause conflict with current residents;
- Privacy will be in jeopardy;
- Development not in keeping with the street scene of the Conservation Area;
- A covenant restricts the height of any development on this site;
- Cumulative impact of these three applications is unacceptable;
- The road and footpath are very busy and car parking has not been considered, would a traffic risk assessment/survey be carried out?;
- Would there be any affordable housing for local residents?
- The proposed houses may well have their own parking areas, but there won't be enough room for cars visiting these houses;
- The proposal would have a detrimental effect on access to Malvern Gardens, causing issues to refuse collection and emergency vehicles;
- Properties would be cramped with minimal rear gardens. However, there exists an opportunity to replace the existing out-of-character development and improve the street scene.
- This property would be overlooked at its rear by Nos 7 & 8 Malvern Gardens.
- Parking and access into Smedley Street would require passing over a busy footpath used by children going to and from school;
- Conservation area build must be of stone in order to match the surrounding buildings.

6.2 One representation has been received in regard to the amended plans. The response is summarised as follows:

- Advocate a traditional form of development to tie in with the predominant character of Smedley Street – two storey with stone walls and a pitched roof using dark grey slates.
- The further details are not consistent with this approach. The new dwellings show the ridge line at right angles and a gable end facing onto Smedley Street which is not appropriate. The drawings do not show the design of the frontage to Smedley Street.
- This is a corner location and the opposite corner on the showroom site will almost certainly be redeveloped at the same time. A matching design on both corners would be appropriate. Making a modest feature of the corners would also be in keeping with other corner sites in Matlock (eg at the Smedley Street/Smith Road corner one hundred metres to the East).

7. OFFICER APPRAISAL

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017). The National Planning Policy Framework (2021) is also a material consideration in respect of this application.
- 7.2 The application seeks outline planning permission for the erection of 1 no. dwellinghouse with all matters reserved except for scale and layout.
- 7.3 The site is located in the settlement of Matlock, a tier one settlement identified in the Adopted Derbyshire Dales Local Plan (2017) as one of the District's main towns with a primary focus for growth and development. Policy HC1 promotes the effective reuse of land by encouraging housing development including infill. It is considered the site is a sustainable location for a residential development and the erection of one dwelling would make full and effective use of the land to satisfy the objectives of the Adopted Derbyshire Dales Local Plan (2017). The principle of development is therefore considered to be acceptable.

- 7.4 Policy S3 requires development to be of a scale, density, layout and design that is compatible with the character of the area and Policy PD2 requires development to conserve heritage assets. The site is located within the Matlock Bank Conservation Area.
- 7.5 Policy PD1 requires development to be of high quality and 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. Policy PD2 require development to conserve heritage assets including Conservation Areas and the setting of listed buildings. The proposed development would be of an appropriate scale and layout, matching that of residential properties in the locality. The proposal would result in a development which assimilates with the street scene, which in this part of Smedley Street is characterised by dense development taking up the bulk of their respective plots and built up close to the public highway.
- 7.6 Concerns are raised about the detailed design and form of the proposed dwelling. The external appearance of the dwelling is a reserved matter and this would be considered in detail as part of a separate planning application in due course. Officers would expect to see a traditional design, form and materials which reflects the built form of development on this part of Smedley Street East. The footprint of the building is suitable to achieve such a design. Therefore subject to conditions the proposed scale and layout is appropriate and would in principle not harm the Conservation Area or the setting of the nearby listed church in accordance with policies PD1 and PD2.
- 7.7 Policy PD1 also requires development to achieve 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. The proposed dwelling would be a standalone residential property sited at a lower level than existing residential properties on Malvern Gardens to the north. Given the distance and orientation of the dwelling in relation to the nearest neighbouring property, it is not considered the proposed scale and layout would create any unacceptable impacts on neighbouring residential amenity. The position of windows and any resultant loss of privacy will be a consideration in respect of the appearance of the development, which is a reserved matter.
- 7.8 In terms of highway safety, the Highway Authority were re-consulted on the amended drawings as the proposed layout (which is for consideration in this outline application) will have a direct consequence on access (which is a reserved matter for a subsequent application). Nonetheless, the final details of the access remains to be considered at the reserved matters stage.
- 7.9 The Highway Authority has no objection in principle, and do not raise any objections, subject to a planning conditions requiring the implementation of the access, parking and cycle storage. The requirements for access and parking will be dealt with at the reserved matters stage. It is also noted that appropriate modification to the layby will be required as part of those details. The proposed site plan indicates space for a single off-street parking space with access onto Smedley Street and sufficient space for the storage of refuse bins within the site. The Highway Authority raise no objection to this layout and therefore it is considered acceptable, subject to details.
- 7.10 The applicant/agent was requested to a) confirm that the land in question is under the ownership of the applicant and to amend the redline boundary to show a connection to the public highway. The revised drawing shows an amended redline connecting to the public highway and that this is part of the applicant's landholding. This is considered to resolve the above comments from the Highway Authority.

- 7.11 In order to ensure the development proposal does not put an unreasonable burden on existing infrastructure, a condition is recommended to the consent which requires surface and foul water drainage details to form part of a future reserved matters submission to satisfy the requirements of Policy PD8. Appropriate foul and surface water connections will also need to be made to meet building regulations.
- 7.12 Policy PD7 requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions. The application site is located in a first tier sustainable settlement, with public transport, shops, services and facilities within walking distance of the site. It is considered reasonable to attach a condition requiring details of how the development contributes to mitigating greenhouse gas emissions and ensure planning policy is met.
- 7.12 Policy PD3 seeks to ensure development delivers a net overall gain to biodiversity. Given the small size of the site, it is considered the potential for biodiversity enhancements are limited. It is however recommended that the development should include a detailed biodiversity enhancement scheme as part of any approval of reserved matters application.
- 7.13 The principle of residential development in this location is acceptable and the proposed scale and layout of the dwelling is in accordance with the Adopted Derbyshire Dales Local Plan (2017). The amount of development is such that there is no requirement to make any developer contributions or to deliver any affordable housing. A recommendation to grant outline planning permission for the scale and layout of the development, subject to conditions is made on this basis.

8. **RECOMMENDATION**

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

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 external appearance of the development;
 - b) the landscaping of the site;
 - c) access insofar as details of vehicular access and off-street parking.

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. As part of any reserved matters for this site, a scheme for foul and surface water drainage which shall include a timetable for the completion of the works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be completed in accordance with the approved details.

Reason:

To ensure proper drainage of the site in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

4. This permission relates solely to the application as detailed on drawing numbers GBS/1974/301 and GBS/1974/303 D.

Reason:

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

5. The scale of the approved dwelling shall follow the parameters set out on drawing numbered GBS/1974/303 Rev D insofar as it relates to the maximum eaves and ridge heights only. As part of any approval of reserved matters application concerning appearance, the external built form of the development and design shall positively respond to / address Smedley Street East and adjacent development.

Reason:

To safeguard the residential amenity of the occupants of nearby dwellings and to ensure a satisfactory external appearance in accordance with the aims of Policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

6. As part of any reserved matters application for this site details of secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Reason:

To ensure that secure cycle facilities are provided in this sustainable location in accordance with Policy HC19 and HC20 of the Adopted Derbyshire Dales Local Plan (2017).

7. As part of any reserved matters application for this site details of arrangements for the storage of bins and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Reason:

In the interests of maintaining public health and safety in accordance with Policy PD1 and H11 of the Adopted Derbyshire Dales Local Plan (2017).

8. As part of any reserved matters planning application, details of biodiversity enhancement measures associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be provided prior to the occupation of the dwellings and retained throughout the lifetime of the development.

Reason:

In the interests of including measures to contribute positively to the biodiversity of the area and ensure there is a net overall gain to biodiversity in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

9. As part of any reserved matters or full planning application, details of how the development contributes to mitigating greenhouse gas emissions, including any sustainable construction methods or measures to reduce energy or water consumption, or promote renewable energy generation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason:

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

INFORMATIVES:

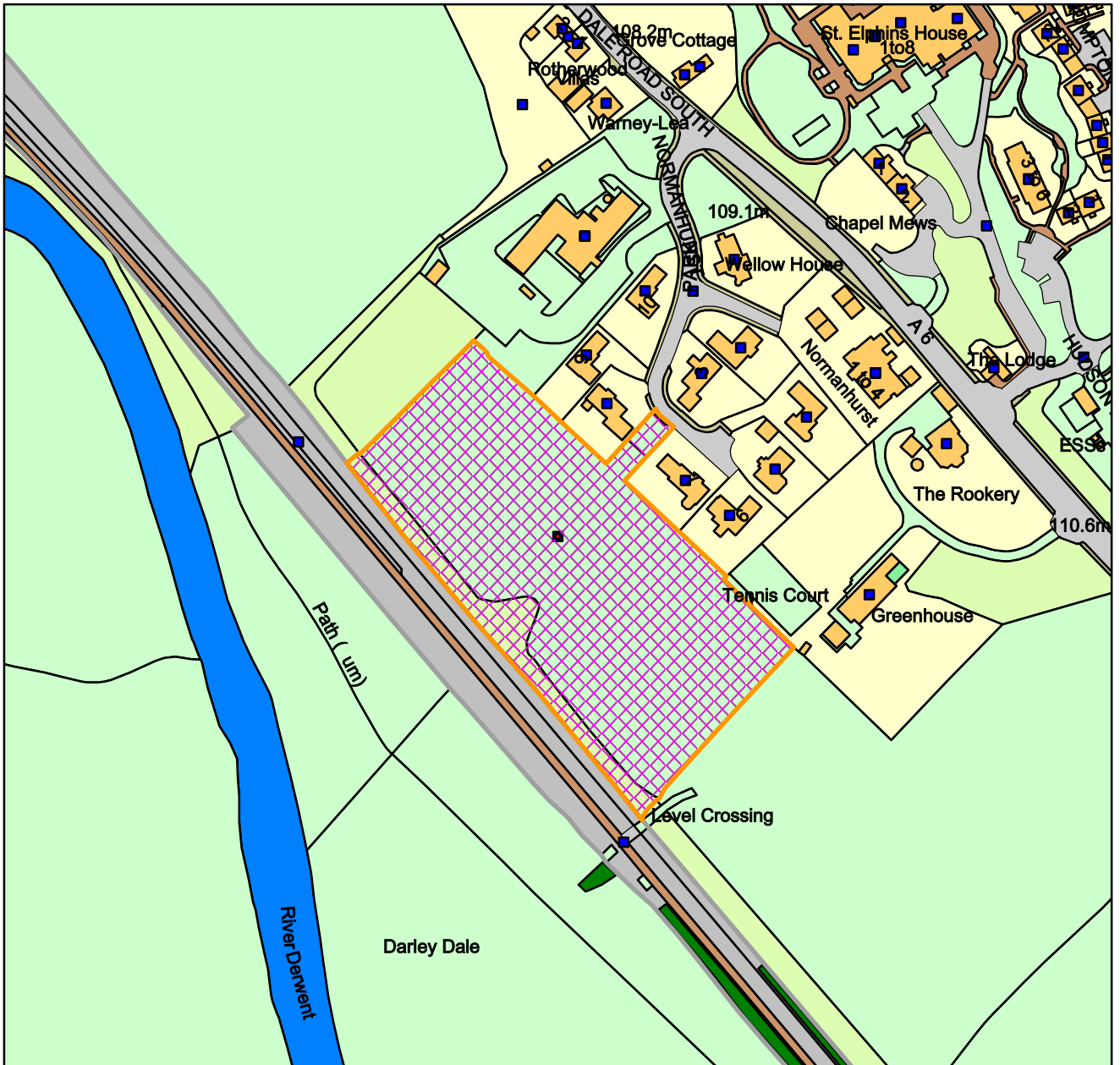
The Local Planning Authority considered the application as submitted to be acceptable subject to conditions. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.

This decision notice relates to the following documents received by the Local Planning Authority:

- Planning Application Forms
- Design and Access Statement
- GBS/1974/301 – Site Location Plan (1:500 and 1:1,250) (June 2021)
- GBS/1974/303 D – Proposed Site Plan and Site Elevation View (1:100 and 1:200) (Aug 2022)

22/00194/FUL

Land South West of Normanhurst Park, Darley Dale



Derbyshire Dales DC

1:2,500

Date: 29/09/2022

100019785

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

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APPLICATION NUMBER		22/00194/FUL	
SITE ADDRESS:		Land South West of Normanhurst Park, Darley Dale, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Erection of 18 no. Dwellinghouses	
CASE OFFICER	Mr J. Baldwin	APPLICANT	Mr George Henshaw (Chevin Homes)
PARISH/TOWN	Darley Dale	AGENT	Mr George Henshaw (Chevin Homes)
WARD MEMBER(S)	Cllr Jason Atkin Cllr Mark Salt Cllr Andrew Statham	DETERMINATION TARGET	10/06/2022
REASON FOR DETERMINATION BY COMMITTEE	Major application and due to number of unresolved objections received	REASON FOR SITE VISIT (IF APPLICABLE)	N/A visited site before October meeting.

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 • Density, housing mix and developer contributions

RECOMMENDATION
<p>That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to conditions, and following the completion of a planning obligation agreement to secure 2 no. first homes and an off-site affordable housing contribution equivalent to 3.4 units (£154,577.60) and a contribution of £168,198.42 towards secondary and post 16 school places.</p>

1.0 INTRODUCTION:

1.1 This application was considered at a previous committee meeting on 11th October 2022 where it was deferred for the following reasons which will be addressed within the issues section of this report: To allow officers to consider the design and layout of the development in respect of mitigating the effects of adapting to climate change, particularly with regard to maximising the potential for microgeneration, preventing overheating, water efficiency, space for home working and access to high speed internet connection, details of play equipment to serve the development and to consider the adequacy of the drainage infrastructure to prevent flooding.

2.0 THE SITE AND SURROUNDINGS

2.1 Normanhurst Park is a small development of large detached dwellinghouses of stone construction accessed off Dale Road South (A6) opposite St Elphin's Park. This application relates to an open agricultural field (approx. 1.4ha) to the south west of Normanhurst Park. The site is currently accessed via an existing gated field access between 7 and 8 Normanhurst Park. The site is identified by the Darley Dale Neighbourhood Plan as being in the Lower Hackney area of Daley Dale.

2.2 The site is relatively flat but does fall gradually toward the south western boundary. The boundaries to the site comprise post and rail fencing and planting to the north western, north eastern and south eastern boundaries. The south western boundary comprises mature tree planting with the Peak Rail line, Darley Dale public footpath 26 and the River Derwent beyond. A number of trees on site are subject to Tree Preservation Orders.

2.3 The site is identified by policy HC2 of the Adopted Derbyshire Dales Local Plan (2017) and is an allocated housing site – HC2 (I).





3.0 DETAILS OF THE APPLICATION

3.1 The application initially sought full planning permission for 23 no. dwelling houses. During the consideration of the application, and following negotiation with the Local Planning Authority, the application now seeks full planning permission for the construction of 18 dwellinghouses with a number of attached and detached garages on site as set out in the amended plans and documents received by the Local Planning Authority on 16/08/2022 and 23/08/2022.

3.2 As set out in the submitted statement from the applicant, the proposed development would comprise the following housing mix:

Number of units	Number of bedrooms	House Type	%
4	2 bedroom	Houses	22.2%
10	3 bedroom	Bungalows	38.8%
		Houses	16.6%
4	4 bedroom	Houses	22.2%

3.3 The amended site layout plan shows the development would be accessed between 7 and 8 Normanhurst Park via a new road down the centre of the site. The road would then split forming two cul-de-sacs with footpath links back to the site entrance. The belt of mature, protected trees along the south western boundary would be retained.

3.4 The development is proposed to be constructed utilising Birchover coursed stone and plain roof tiles to match the adjacent Normanhurst development.

4.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - S1: Sustainable Development Principles
 - S2: Settlement Hierarchy
 - S3: Development Within Defined Settlement Boundaries
 - S7: Matlock/Wirksworth/Darley Dale Development Area Strategy
 - S10: Local Infrastructure Provision and Developer Contributions
 - PD1: Design and Place Making
 - PD3: Biodiversity and the Natural Environment
 - PD4: Green Infrastructure
 - PD5: Landscape Character
 - PD6: Trees, Hedgerows and Woodlands
 - PD7: Climate Change
 - PD8: Flood Risk Management and Water Quality
 - PD9: Pollution Control and Unstable Land
 - HC1: Location of Housing Development

HC2: Housing Land Allocations
HC4: Affordable Housing
HC11: Housing Mix and Type
HC14: Open Space and Outdoor Recreation Facilities
HC19: Accessibility and Transport
HC21: Car Parking Standards

2. Darley Dale Neighbourhood Plan (2019):
NP1: Protecting the Landscape Character of Darley Dale
NP7: Protecting the Landscape Character of Lower Hackney
NP10: Protecting the Setting of the Peak District National Park
NP11: Design Principles for C3 Residential Development
NP17: Design Principles for C3 Residential Development in Lower Hackney
3. Landscape Character and Design SPD (2018)
Developer Contributions SPD (2020)
Climate Change PSD (2021)
4. National Planning Policy Framework (2021)
National Planning Practice Guidance

5.0 RELEVANT PLANNING HISTORY:

None.

6.0 CONSULTATION RESPONSES

Environment Agency

- 6.1 The Environment Agency will not be making any formal comment on the submission for the following reason: The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency. If, however, the proposal subsequently changes such that you feel that it may pose a significant environmental risk then please do not hesitate to contact us and we will be pleased to review our response.

Natural England

- 6.2 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites Clough Woods Site of Special Scientific Interest and has no objection. Further advice has been provided by Natural England' regarding designated sites/landscapes and advice on other natural environment issues.

Chesterfield Royal Hospital

- 6.3 Section 106 impact on health to be considered. Initial modelling suggests that the impact of this development is up to £20k

NHS Commissioning Group

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

Peak Rail

- 6.5 The proposed design layout opens up a thoroughfare from the A6 through the site to its south eastern boundary towards a private accommodation crossing over the railway line. There is currently no public right of access to the White Peak Loop trail at this point. The proposal as it stands, therefore, invites misuse, vandalism and criminal trespass on

operational railway land by the public as well posing risks to life and limb, potentially including Peak Rail's, employees, volunteers and passengers. This situation would be totally unacceptable to Peak Rail so we would advise that the matter of future access to the trail is resolved and implemented before any development takes place through a collaborative process involving Peak Rail, the District Council and the Highways Authority, with advice from the Office of Rail and Road.

Peak Rail needs to be re-assured that the works on site follow safe methods of working and have also taken into consideration any potential impact on Peak Rail land and its operational railway infrastructure. With this in mind, Peak Rail would wish to see a Risk and Method statement for any works taking place within 10 metres of the operational railway under Construction Design and Management Regulations, this in addition to any planning consent. Any measurements must be taken from Peak Rail's boundary, not the track itself as the land between may contain critical infrastructure such as communication equipment etc.

The applicant must ensure that proposed drainage does not increase Peak Rail's liability or cause flooding, soil slippage or boundary issues on its land. Proper provision must be made to accept and continue any drainage discharging from Peak Rail's property.

Peak Rail is aware that residents of new dwellings adjacent to or in close proximity to an operational railway have in the past discovered issues with noise and other disturbance upon occupation of dwellings. Mitigation measures should therefore be included in the design process. It should be noted that the current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains particularly in holiday seasons. Peak Rail may also need to conduct emergency works on the railway which may not be notified to residents in advance due to their safety critical nature.

Environmental Health (Derbyshire Dales)

6.6 No objections subject to conditions.

Development Control Archaeologist (Derbyshire County Council):

6.7 The proposed development area is just under 1.22 Ha in area and has no known Historic Environment assets within the PDA recorded on the Derbyshire HER. The site however does lie on the edge of the floodplain of the River Derwent, 390 metres to the north-west of a site on which archaeological investigation uncovered worked wood C14 dated to the middle Iron Age as well as probable buried prehistoric land surface sealed by slope wash (colluvium). It is possible, in my opinion, that these conditions may also appertain to the proposed development area and so there is the possibility of the survival of palaeo-environmental remains and/or prehistoric archaeology within the site that should be tested.

I would recommend that a scheme of archaeological work be undertaken as a condition attached to consent under the provisions of the National Planning Policy Framework, paragraph 205. I would envisage an initial auger survey followed by targeted evaluation trenching. These works can be secured by condition.

Cllr Jason Atkin

6.8 Having looked at the plans to me it would seem that this application for 23 dwellings is over development of this site, even given in the Local Plan the site is for up to 20 units and may only be able to accommodate under 15 units given the street scene and local vernacular of development and surrounding properties in my opinion. My second point for this development is its lack of open spaces and provision of play facilities for the development and the wider community.

Derbyshire County Council (Highways)

6.9 It is considered that the site can be served by a suitable vehicular access to Normanhurst Park with both appropriate visibility splays and width being achievable. It is also considered that the site offers suitable parking provision commensurate with the number and size of dwellings. Based on these comments, there are no objections to the principle of the development.

There are however some issues with the internal access road which will require improvement if the applicant wishes for the road(s) to be adopted as publicly maintainable highway. These issues are as follows:

1. The road width is indicated as 4.8m wide; the minimum acceptable width is 5m throughout the development to be adopted.
2. The left hand side of the access road after the entrance has only a 1m margin indicated; this will need to be increased to a 2m wide footway up to the private drive serving plots 10-13.
3. The swept path analysis is based on a 11.2m refuse vehicle. The required vehicle size is a 11.6m refuse vehicle. The footway/margin run over, which is identified using the 11.2m vehicle, would not be acceptable for an adopted layout and may be worsened by an 11.6m vehicle.
4. The entrance in to the site off Normanhurst Park shows 4m radii; these will need to be increased to 6m radii.
5. Clarification would be required on the length of road which is intended to be adopted as the site layout plan and the swept path analysis plan differ.

As submitted, the site layout would not be suitable for the development to be adopted as publicly maintainable highway.

It is also considered that the applicant provides an informal pedestrian crossing point on the A6 Dale Road South to allow pedestrians to cross and access the bus stops on the A6 in the vicinity of the site. This should be conditioned accordingly and the work undertaken as part of a legal agreement between the applicant and Derbyshire County Council under Section 278 of the Highways Act 1980.

Please include the following conditions in any consent granted:

1. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.
2. Throughout the period of the 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 or other extraneous material on the public highway.
3. Before any other operations are commenced a new vehicular access shall be created to Normanhurst Park in accordance with the application drawings, laid out,

constructed and maintained in perpetuity free from any impediment to its designated use.

4. Before the first occupation of the dwellings space shall be provided within the application site in accordance with the application drawings for the parking of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
5. The premises, the subject of the application, shall not be occupied until the proposed new estate streets within the application site have been designed and laid out in accordance with the County Council's Design Guide Delivering Streets and Places which can be accessed at http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control and constructed to base level to adoptable standards all as agreed in writing with the Local Planning Authority.
6. Detailed designs shall be submitted to the Local Planning Authority for written approval indicating the provision of an uncontrolled pedestrian crossing on the A6 Dale Road South in the vicinity of the site, the proposed works being completed in accordance with the approved scheme prior to the first occupation of the dwellings.

Planning Policy (Derbyshire County Council):

- 6.10 Following an evaluation of recently approved major residential developments within the normal area of Darley Dale Primary School shows new development totalling 57 dwellings, amounting to an additional 14 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 6 primary pupils arising from the proposed development (based on a development of 23 houses).

It is advised that the proposed development falls within and directly relates to the normal area of Highfields School. The proposed development of 23 dwellings would generate the need to provide for an additional 7 secondary pupils (including post16). This figure would be reduced to 6 school places based on a development of 18 dwellings based on the formula used.

Highfields School has a net capacity for 1,392 pupils with 1,250 pupils currently on roll. The number of pupils on roll is projected to increase to 1,397 during the next five years.

An evaluation of recently approved major residential developments within the normal area of Highfields School shows new development totalling 648 dwellings, amounting to an additional 182 secondary pupils (including post16).

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 6 secondary, including post16 pupils, arising from the proposed development.

Mitigation

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 would therefore request a financial contribution as follows:

- £168,198.42 towards the provision of 6 secondary places (including post 16) at Highfields School + additional education facilities.

The County Council also advise that an advisory note is included to request that the developer works with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. If it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.

Darley Dale Town Council:

6.11 Objections on the following grounds:

- a. Cllr Oakley:
 - i. Access road not suitable
 - ii. Pollution from railway
 - iii. Severn Trent high pressure pipe running through site is not fit for purpose
 - iv. Site is prone to flooding
- b. Cllr Elliot:
 - i. Risk of over-development
 - ii. Does not blend in with local housing
 - iii. No green space/play area for children
 - iv. Risk of increased flooding downstream
- c. Cllr Farmer:
 - i. Access road not suitable/fit for purpose for larger development
 - ii. Difficulty of access for delivery/service vehicles
 - iii. Proposed development does not suit the area
 - iv. Close proximity to active railway – noise pollution/particulate pollution
 - v. Lack of parking facilities for potential residents

Lead Local Flood Authority (Derbyshire County Council):

6.12 22/03/2022:

I have been going through the planning application and would like to request some further details:

- Groundwater is estimated to be less than 3m below the surface. The likelihood of groundwater should be demonstrated by way of boreholes, for example, to ensure the suitability of the attenuation tanks.
- We would also like some more details regarding the management of the proposed storage crates in relation to groundwater, should levels rise.
- I can see some of the Micro-Drainage calculations have been provided in the FRA. We would like to request the calculations for the entire drainage network, including all pipes and manholes.

27/09/2022:

As per our previous comments we would like assurance that potential for groundwater near the surface has been considered, in particular as crate attenuation is proposed. As per CIRIA C737, calculations should be provided to determine if mitigation for floatation of the attenuation is likely to be required and if so what mitigation is recommended. We appreciate that the developer would prefer this to be resolved by a suitable condition but given the potential for groundwater near the surface the drainage strategy may have to be amended depending on the results of further investigations and this could have implications for the layout of the site.

07/10/2022:

No objections subject to conditions.

6.13 The Preliminary Ecological Appraisal report (Ramm Sanderson, March 2022) for the above application recommends further survey work, inc. botanical survey and bats in trees. We also advise that reptile surveys should be undertaken to fully understand impacts to local reptile populations. The site comprises part of a wider strip of wet and dry grassland, with areas of fen, north of the rail line and south of the A6 (optimal reptile habitat), which is gradually being encroached upon over time by development. Records of grass snake (and common toads) are present and it should be ensured that the site design fully considers such species, habitat fragmentation is avoided and mitigation measures are secured. All surveys should be carried out prior to determination and the report updated to an Ecological Impact Assessment suitable for planning, as per Section 2.1 of the report. Proposals should demonstrate a net biodiversity gain, as per national and local planning policy. A Net Gain Plan should be submitted which should include the metric calculations, UKHabs habitat plans both pre- and post-development, a summary of how proposals meet the BNG Best Practice Principles and a strategy for dealing with any residual net loss. We note that a BNG assessment is proposed in the PEA and that the ecologists were waiting for the optimal survey season to conduct the habitat survey.

03/10/2022 (following the submission of further surveys/details from the applicant):

We advise that protected species issues can be dealt with through appropriate conditions, however Biodiversity Net Gain has not been properly addressed at this stage. Trading rules should be met to achieve a real net gain, in line with best practice guidelines. Additional information should be provided by the consultants to justify the grassland assessment and further information should be provided to ensure that a net gain is realised whilst meeting the trading rules.

Trees and Landscape Design Officer (Derbyshire Dales)

6.14 The trees on site are subject to a DDDC Tree Preservation Order. It is important that all trees on site are retained unless their current structural condition would present unacceptable risk of harm to people or damage to property in the proposed new land use in their vicinity. I recommend that:

1. An Arboricultural Impact Assessment, which is based on the new site layout design, should be required to be submitted for approval pre-determination. The AIA should include a tree protection plan with fencing/ground protection specifications, and a tree shading plan.
2. In the event that any development or site activity would encroach into the root protection area (calculated according to the guidelines in BS5837 : 2012) or canopy spread of any retained trees, then a detailed site specific Arboricultural Method Statement should be required to be submitted for approval to discharge a condition to any grant of planning consent. The AMS should provide details of how any such works / activity could be undertaken without harm to retained trees.

Planting proposals

Details relating to proposed planting and soft landscaping should be submitted for approval. This should aim to improve biodiversity and support wildlife.

Strategic Housing (Derbyshire Dales)

6.15 The existing proposal for the affordable housing scheme is based upon a block of flats with each unit on two levels. Unsurprisingly this scheme has not proved popular with Registered Providers given the inherent risks associated with this form of development. The management and successful occupation by tenants of these types of flats will be prone to difficulty and no doubt lead to issues between neighbours.

The Housing Department at the Council is keen to see the development of 1 and 2 bedroom units in order to meet local housing need, 50% of the Council's Housing Register comprises single people. I believe the Council could secure a far more appropriate development of affordable homes on a different site, delivered in partnership with a local housing

association. The off-site financial contribution would enable, when added to Homes England grant and borrowing from the registered provider, more of the right type homes in a planned and commissioned way. This would achieve a far better outcome for residents in housing need.

7.0 REPRESENTATIONS RECEIVED

7.1 A total of 21 representations have been received. A summary of the representations is outlined below:

- Concerns regarding additional traffic along the A6
- Does the number of development in the vicinity warrant the re-opening of the rail passenger services between Darley Dale and Matlock?
- Request that a pedestrian crossing over the railway be formed to allow access to the cycleway and fields beyond.
- There has been no consideration for Biodiversity Net Gain and the application fails to take account of the recommendations within the Ecological Assessment.
- The owners of properties at Normanhurst Park have for the last 20 + years leased cropped and maintained this site for use as an amenity area. The current owners have for the last two years made no attempt to crop or maintain this land in any way shape or form.
- The proposed development does not comply with the Neighbourhood Plan
- The proposed development does not comply with the Local Plan regarding green space.
- The development was added to the local Plan without any consultation with Darley Dale Town Council nor the residents of Darley Dale as a whole.
- The development as set out increases the number of properties from 20 to 23 contrary to that set out in the local plan.
- The development would result in harm to the character and appearance of the neighbourhood.
- The proposed apartment block is completely out of character with surrounding properties.
- The adopted road dimensions do not meet the highways criteria for large service vehicles and police fire and ambulance.
- The refuse truck for example would have to reverse into this new development. The development would increase traffic through a narrow pinch point at the drives of numbers 3,7 and 8 Normanhurst Park where it's difficult for two vehicles to pass safely.
- There is an excessive number of dwellings proposed for this site which would have an adverse impact on the character of the neighbourhood.
- The design of the development is out of character with Normanhurst Park.
- The open space on the northern side of the railway offers visual amenity to the neighbourhood and provides a corridor for wildlife.
- The development will harm the view from the neighbouring properties.
- A TPO tree is not shown on the plan. This tree should be retained.
- Insufficient parking is provided on the development which could lead to vehicles parking and turning on Normanhurst Park.
- The current Normanhurst Park road is a "pinch point" with insufficient room for a car to park and large vehicles to pass this could cause issues for emergency and delivery vehicles.
- The development does not take into consideration the difficulties in crossing the A6 or the width of parts of the pavement which would not be possible to use with a pushchair etc.,
- It is understood that the SUDS components of the drainage strategy will be managed by a management company. This would mean the properties would need to be leasehold which is not in line with government policy.
- There is no play space for children
- The development pays no heed to green energy provision.

- The development has 66 parking spaces with shared access driveways which would appear as a giant car park.
- Local school and health services are struggling to keep up with current demand.
- The development will harm the character of the landscape when viewed across the valley.
- The development will cater for younger families which is out of character with the existing retired community of Normanhurst Park.
- This development further contributes to the intensification of the ribbon development between Matlock and Darley Dale.
- The development is contrary to policy NP17 of the Darley Dale Neighbourhood Plan which prevents 3 storey properties in Lower Hackney.
- The site suffers from both air, odour and noise pollution from the adjacent railway line.
- The development will introduce a number of children to the area which could be dangerous due to the proximity of the railway.
- The urbanisation of the area will result in a loss of visual and residential amenity to existing occupants.
- An appropriate boundary wall and level crossing over the railway would help to mitigate some of the impacts.
- The meadow southwest of Normanhurst Park should be preserved for the public good. It provides attractive views from the Matlock to Rowsley cycle path and from Peak Rail.
- Concerns regarding the impact on biodiversity and protected species on site.
- The loss of a greenfield/meadow for development will increase the risk of flooding of the site and further down the river,
- Darley Dale is being transformed from a pleasant rural village into an urban settlement which, in a short space of time, will extend to Matlock.
- Concerns regarding disturbance to neighbours during construction of the new dwellings.
- The development would be hugely intrusive and therefore contrary to policy PD1.
- The field used to be green belt.
- The properties proposed have limited garden space which is inappropriate for young families.
- There are no jobs in the immediate area for residents of the new development.
- Object to the council's failure over the years to maintain the concept of greenbelt protection which was government policy in the late 1990s.
- The proposed number of dwellings constitutes overdevelopment of the site.
- The tilted balance should not be an argument used to approve and opposed development.
- Support provision of affordable homes but only where they are required to support local housing need.
- Request amendments to the A6 due to safety concerns.
- Request a zebra crossing due to highway safety concerns.
- Areas of the site are marshy and there are historic Victorian drains running through the site.
- New jobs should be provided prior to new homes being built to prevent the homes being occupied by retired residents or as second homes.
- The development could devalue properties on Normanhurst Park.
- There is no case for affordable housing.
- Attached an appraisal of Ardent Flood Risk Assessment and Drainage Strategy submitted by Chevin Homes which raises a number of issues.
- There is no direct access to the multi user path.

8.0 OFFICER APPRAISAL

8.1 This application seeks full planning permission for the erection of 18 dwellings.

- 8.2 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) and the Darley Dale Neighbourhood Plan (2019). The National Planning Policy Framework (2021) is also a material consideration in respect of this application.
- 8.3 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).
- 8.4 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
 - Climate Change
 - Highway safety
 - Flood risk and drainage
 - Pollution and Unstable Land
 - Residential amenity impacts
 - Impact on trees
 - Impact on biodiversity and wildlife, and
 - Developer contributions and housing mix

Suitability of the location

- 8.5 The application site is located within the settlement boundary of Matlock, a first tier settlement as defined by policy S2 of the Adopted Derbyshire Dales Local Plan (2017). Policy S2 outlines that first tier settlements are the District's main towns and should be the primary focus for growth and development.
- 8.6 In this case, the application site is also identified by Policy HC2 of the Adopted Derbyshire Dales Local Plan (2017) as a strategic housing land allocation (HC2 (I)). The site has been allocated for 20 dwellings to help contribute to the District Councils housing requirement as set out in policy S5.
- 8.7 On the basis of the above, given that the application relates to the development of an allocated housing site, within a high order settlement, the proposed development is considered in principle to be acceptable.

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

- 8.8 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.
- 8.9 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.

- 8.10 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.
- 8.11 The existing Normanhurst Park estate is characterised by large detached dwellings of stone construction with attached garages in close proximity to the open countryside. In this context, the proposed development as originally submitted which sought a total of 23 dwellings, including a three storey flat block was deemed to appear overly developed, cramped and out of character.
- 8.12 Amended plans have since been received which have reduced the total number of dwellings proposed to 18 and have also removed the affordable housing element of the proposed development which was previously to be accommodated with the 3 storey flat block. The development now comprises a number of larger, predominantly 3 or 4 bedroom dwellings, constructed in Birchover stone. Where there are smaller 2 bedroom dwellings, these have been designed as semi-detached dwellings which when appreciated with the attached property, appear as a larger, detached dwellinghouse in terms of their general footprint and form.
- 8.13 A buffer has been created between the existing Normanhurst Park and the proposed properties, with bungalows also sited toward the boundaries of the site in order to allow for more open view through the development and into the open countryside beyond. The existing mature protected tree buffer along the south eastern boundary has also been retained.
- 8.14 Whilst the amendments to the proposed scheme have impacted on the housing mix which is now proposed on site (the impact of which will be assessed below), in considering the proposed layout, design of dwellings and materials proposed, solely in terms of the impact of the development on the character and appearance of the local landscape and the surrounding properties, the development is now considered to respect the character, identity and context of this part of the district.

Highway Safety:

- 8.15 The application proposes to take access from Normanhurst Park. The Highway Authority raise no objection to the proposed access as it would be a suitable geometry and be provided with appropriate visibility splays. There would be sufficient space within the development for refuse and emergency vehicles to manoeuvre. The proposed access therefore would be safe and traffic generated by the development would not adversely affect the highway network in accordance with Policy S3.
- 8.16 The Highway Authority has stated that the proposed access would not meet technical requirements to be adopted as public maintainable highway. However, the proposed access arrangements are acceptable on their merits and there is no requirement for the access to be built to adoptable standards provided it is appropriately managed and maintained.
- 8.17 Each dwelling would be provided with suitable off-street parking provision in accordance with Policy S3 and HC21. The provision of these parking spaces can be secured by planning condition.
- 8.18 The Highway Authority has recommended a planning condition to secure the provision of an informal pedestrian crossing point on Dale Road South (A6). This would be to allow pedestrians to cross and access the bus stops in the vicinity of the site. The provision of a crossing point would be reasonable to secure accessibility to local public transport in accordance with Policies S1 and HC19. This can be secured by condition.

8.19 Therefore, subject to planning conditions to agree site a construction compound, wheel cleaning facilities, provision of access, parking, prior entry and a crossing point on the A6 the development would not harm highway safety and be in accordance with Policies S1, S3, HC19 and HC21.

Residential amenity impacts

8.20 The revised layout shows larger properties provided with off-street parking and front and rear gardens. The development would be easy to move through and around integrating car parking and pedestrian / cycle routes. The dwellings would exceed minimum National space standards. The proposed dwellings would be sited so that there would be no significant overlooking between occupants of the development and neighbouring properties and the development would not result in any significant loss of light or be overbearing.

8.21 The development would be located adjacent to the Peak Rail line to the south west boundary. There is the potential for noise and vibrations for occupants, however the mature tree planting on this boundary would be substantially retained and would mitigate any impact from the infrequent use of the railway.

8.22 Therefore occupants of the proposed development would have a high standard of privacy and amenity and the development would not harm the privacy or amenity of neighbouring properties in accordance with Adopted Local Plan Policies S1 and PD1.

Archaeology and the historic environment

8.23 The site is not located within a designated Conservation Area or within the setting of any designated or non-designated heritage asset. The development therefore would not harm any built heritage asset in accordance with policy PD2.

8.24 The site is located 390m to the north-west of a site on which archaeological investigation uncovered worked wood dated to the middle Iron Age as well as probable buried prehistoric land surface sealed by slope wash (colluvium). The County Archaeologist advises that these conditions may appertain to the application site and therefore there is the possibility of the survival of palaeo-environmental remains and/or prehistoric archaeology within the site.

8.25 The County Archaeologist therefore recommends that a scheme of archaeological work be undertaken before development commences on the site. This is considered to be reasonable and necessary given the possibility of archaeological interest on the site. Therefore a planning condition is recommended to require a written scheme of investigation to be approved and carried out to meet the requirements of Policy PD2.

Impact on trees

8.26 The trees on site are subject to a District Council Tree Preservation Order (TPO). The application is supported by an Arboricultural Impact Assessment (AIA) which identifies that a total of 15 Category C trees, 5 Category U trees and 1 Category B tree would be removed to facilitate the development. Furthermore a group of category U Ash trees would be removed and pruning works to the southern branches of a category C group of Cypress and Ash would be carried out.

8.27 The Trees and Landscape Officer recommends that all trees on site are retained unless their current structural condition would present unacceptable risk of harm to people or damage to property in the proposed new land use in their vicinity. Policy PD6 states that development should seek, where appropriate, to enhance the tree and woodland resource. Trees and woodlands should be retained and integrated within development wherever possible. Where

the loss is justified replacement provision will be required utilising indigenous tree species and hedgerows as a minimum of an equivalent value to the trees and hedgerows to be lost.

- 8.28 The trees, which have been recommended for removal are all either category U or category C trees, with the exception of lime tree T15 which is a category B Lime tree. The proposed works are required to directly facilitate the development and where trees are unsuitable for retention. Therefore there is no objection to the loss of trees subject to securing a revised AIA to take into account the revised layout and appropriate replacement planting.
- 8.29 The application does include indicative plans showing replacement tree planting as part of biodiversity net gain. If planning permission is granted, conditions would be recommended to secure the submission and implementation of a revised AIA and Arboricultural Method Statement (AMS) to mitigate impacts upon retained trees and a detailed landscaping plan including proposed replacement tree and hedgerow planting.
- 8.30 The development therefore demonstrates that, subject to planning conditions, it can be accommodated on the site without any significant harm to trees and that replacement planting can be secured in accordance with policy PD6.

Impact on biodiversity and wildlife

- 8.31 The development area does not form part of any internationally or nationally designated site, however, it comprises part of a wider strip of wet and dry grassland with areas of fen north of the railway line and south of the A6 which has potential for reptile and bat habitat and has been encroached upon over time by development.
- 8.32 Policy PD3 seeks to protect, manage and where possible enhance biodiversity by ensuring that development will not result in harm. Development will not be permitted which directly or indirectly results in significant harm to biodiversity interest unless it can be demonstrated that there is no appropriate alternative site available, statutory and regulatory requirements have been satisfied and appropriate conservation and mitigation measures are provided.
- 8.33 The application was submitted with a Preliminary Ecological Appraisal Report (PEAR). Further survey work has been carried out following advice from Derbyshire Wildlife Trust (DWT) along with Biodiversity Net Gain plans and assessment.
- 8.34 DWT have commented on the amended scheme and the additional survey and reports. The submitted reports demonstrate that the development can be accommodated without any significant harm to identified protected species and their habitat, subject to the provision of appropriate mitigation which can be secured by planning condition. Concerns have been raised by DWT about whether the Biodiversity Net Gain assessment follows the relevant trading rules.
- 8.35 Policy PD3 also encourages development to include measures to contribute to biodiversity to ensure that there is a net overall gain to biodiversity. The development would result in loss of neutral grassland and some areas of woodland closest to the developed area. Nevertheless the submitted biodiversity net gain matrix demonstrates that the development would result in a total on-site net gain of 19.63% habitat units and 7613.78% hedgerow units. This would be achieved through the provision of tree planting along the south-west and north-east boundaries, provision of marginal wildflower / grassland planting around the site and provision of native hedgerow along the north-east and south-east boundary and for boundary treatments throughout the site.
- 8.36 The applicant has demonstrated that, subject to planning conditions, the development can be accommodated on the site without harm to protected species or their habitat. Notwithstanding the concerns raised by DWT it is considered that the applicant has

demonstrated that, subject to planning conditions, the development can secure biodiversity net gain in accordance with policy PD3. DWT have suggested a number of conditions which will be attached to any permission in order to secure this.

Climate Change

8.37 Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) states that the District Council will “promote a development strategy that seeks to mitigate global warming, adapts to climate change and respects our environmental limits”. The District Council also have an Adopted Climate Change SPD which provides guidance on the implementation of policy PD7 structured around the following objectives:

- Securing enhanced green infrastructure
- Managing drainage, flood risk and conserving water
- Using less energy, increasing energy efficiency and promoting renewable energy
- Reducing the need to travel and promoting sustainable transport
- Improving building design and layout to meet the objectives

8.38 This application is accompanied by a Sustainability and Energy statement which sets out how the development seeks to meet the requirements of policy PD7 and the SPD.

8.39 The applicants outline the retention of existing planting and additional planting and green space provided throughout the site as securing ecological benefits within the scheme. The application also demonstrates that a biodiversity net gain is achievable. Management of drainage and flood risk is assessed further within this report. Measures to use less energy and promote renewable energy throughout the scheme include designing the dwellings to achieve a minimum of Code for Sustainable Homes level 4, maximising solar gain through the orientation of dwellings and utilising low energy bulbs to internal and external light fittings. The statement also outlines the proximity of the site to bus stops and footpath links and the sustainable nature of the site being within a tier one settlement boundary. With regard to improved building design the following measures are set out:

- Installation of EV charging points for each dwelling;
- Energy-efficient building fabric and insulation to all heat loss floors, walls and roofs;
- Installation of high-performance insulated ground floors;
- High-efficiency double-glazed windows throughout;
- Quality of build will be confirmed by achieving good air-tightness results throughout to reduce air leakage;
- Efficient building services including high-efficiency heating systems;
- Low-energy lighting throughout the dwellings; and
- Water usage will meet the standards set out in Part G of the building regulations, which seek to promote water efficiency.

8.40 The submitted statement is considered to largely be acceptable however, in order to secure such measures, specific details of the materials or measures outlined above would be required by condition. Similarly, it is also considered to be necessary to secure the EV charging points by condition.

Pollution and Unstable Land

8.41 Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017) aims to “protect people and the environment from unsafe, unhealthy and polluted environments” Consultation comments have been received from Environmental Health (Derbyshire Dales) which raise potential concerns regarding contamination of the land and request that a condition should be imposed, prior to commencement of development to investigate and if required, remedy any

potential contamination. In accordance with the aims of policy PD9, it is considered that this condition would be necessary and reasonable in this case.

Density, Housing Mix and Developer Contributions

- 8.42 The District Council seeks to secure the housing mix prescribed in Policy HC11 of the Adopted Derbyshire Dales Local Plan. However, it is recognised that final mix achieved on any site will be informed by the location, nature and size of the development site, character of the area, evidence of local housing need, turnover of properties at the local level and local housing market conditions.
- 8.43 A housing mix statement has been prepared by the applicant, which considers housing need and the character of the area. It is recognised that the site will deliver 7 bungalows, which will help meet a known demand, which is reflected in the market assessment information presented for housing to meet the needs of the elderly. Bungalows are more land hungry, which reflects the reduced numbers of dwellings in the amended scheme. Such provision, however, enables a more appropriate response to the site and its relationship with existing development and the countryside beyond. The market assessment information also demonstrates the need for larger family housing. This and the strong character of the adjacent Normanhurst Park application, which comprises larger, house types provides justification for a skew towards larger housing types on the site. Taking the above into consideration the amount of development and mix of housing is considered to make full and effective use of the site and respond positively to its constraints and the character of the surrounding area. The development is therefore considered to satisfy the relevant provisions of the development plan in this respect.
- 8.44 In terms of affordable housing provision, policy H4 requires that 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 affordable housing provision should be in the form of 80% social and affordable rented accommodation with the balance being provided as intermediate housing or discount starter homes. Affordable housing provision should normally be provided in the form of completed dwellings, designed as an integral part of the development site itself and in perpetuity. In exceptional cases, the Council may however allow provision of affordable housing off-site or by means of a financial contribution of equivalent value.
- 8.45 The Director of Housing has advised that the provision of affordable housing on the site (based on local need) has not proved popular with Registered Providers. They advise that the Council could secure a far more appropriate development of one and two bed (based on current need) affordable homes on a different site, delivered in partnership with a local housing association. They therefore consider that an off-site financial contribution would be more appropriate in this case which, when added to Homes England grant and borrowing from the registered provider, more of the right type homes in a planned and commissioned way. This would achieve a far better outcome for residents in housing need and meet the requirements of Policy HC4. Notwithstanding the above, the government requires that at least 25% of all affordable housing units delivered by developers through planning obligations should be in the form of first homes (discounted sale units – which must be discounted by a minimum of 30% against the market value). This is the governments preferred discounted market tenure. On allocated sites such as this, first homes should be delivered. It is recommended that 2 no. first homes (37% provision) should be delivered. Based on housing need this should comprise two of the 2 bedroomed dwellings to be provided. The remainder of the affordable housing should then be provided in the form of an off-site contribution (equivalent to 3.4 units). Applying the formula for an off-site contribution in the Developer Contributions SPD a sum of £154,577.60 (3.4 x £45,464) would be required. This would constitute acceptable provision in accordance with the aims of Policy HC4 and national planning policy guidance.

8.46 In addition to the above, the County Council have advised that a financial contribution towards secondary and post 16 school places of £168,198.42 is required. Such contributions would need to be secured through a s106 legal agreement to ensure that appropriate developer contributions are made to meet the needs arising from the development. The Clinical Commissioning Group have not requested a health contribution in this case as the development falls under their assessment threshold. A request has been made from Chesterfield Royal Hospital for a contribution of £19,510 however the amount is revenue/service funding based and is not related to a capital project to meet the needs arising from this development. Such a contribution would not be CIL regulations compliant in this respect and cannot be requested. Appropriate provision for open space will be made on site and play equipment of an appropriate design / appearance can be delivered with the associated landscaping works, which will need to be agreed by condition.

Flood Risk and Drainage

8.47 Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017) deals with flood risk management and water quality and advises that the District Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere, where this is viable and compatible with other policies aimed at achieving a sustainable pattern of development. The policy also requires new developments shall incorporate appropriate Sustainable Drainage Measures (SuDs) in accordance with National Standards for Sustainable Drainage Systems.

8.48 The application is accompanied by a flood risk assessment and drainage strategy. Flood mapping provided by the EA shows the site is located outside of the 1 in 1000- year fluvial flood extent and the 1 in 100-year + 20% climate change allowance. As part of the development of the site, it is considered much of the surface water flood risk, which originates within the site, can be managed through the proposed surface water drainage strategy. It is, however, recommended that the proposed finished floor levels of the dwelling units should reside above external levels.

8.49 A surface water drainage strategy has been proposed, which directs surface water runoff from the public highways to a combination of swales and filter drains. The runoff from the dwelling and private driveways will be drained through permeable paving. The flow from the aforementioned SuDS will be attenuated via two below ground lined geo-cellular crates storage tanks. The volume optimisation throughout the surface water drainage network will be achieved through a hydro-brake flow control device where it will limit the flow from the site to 4.0l/s before discharging into STW manhole 9901 located mid-way near the southern boundary of the site. The site is located in $\geq 25\%$ to $<50\%$ area susceptible to groundwater flooding. The Lead Local Flood Authority sought assurances that that potential for groundwater near the surface had been considered. The applicant prepared calculations in relation to the risk of flotation of the attenuation features and on the basis of these calculations and subject to conditions the Lead Local Flood Authority have raised no objections to the proposed development

Reasons for deferral of the application at previous committee meeting

8.50 As set out in paragraph 8.49, calculations were submitted by the applicant regarding the risk of flotation of the attenuation features on site. These calculations along with the final comments from the Lead Local Flood Authority were presented to Members in the form of late representations. On the basis of the information submitted, the Lead Local Flood Authority have raised no objections to the proposed development subject to conditions. The conditions requested by the Lead Local Flood Authority are included in section 9.0 of this report and as a result it is considered that issues with regard to flood risk and drainage have been comprehensively addressed.

- 8.51 Members raised concerns regarding the provision of play equipment on site and the location of such equipment within the development. The applicants have set out in submitted plan NMP-CHD-Z1-XX-DR-W-03001 an indicative layout of play equipment within the site. The proposed area is either side of the site entrance, set away from the Peak Rail line to the south western boundary of the site and is deemed to present an improved location in terms of the safety of the users of the equipment. Various pieces of play equipment are indicated on the submitted plan. Whilst at this stage the plan remains indicative, the applicants have stated that they are agreeable to a condition securing the final details, a timetable for installation and details of the management mechanism. This is secured by conditions 12, 13 and 20 set out in section 9.0 of this report. The proposals are acceptable and would meet the requirements of policy HC14 of the Adopted Derbyshire Dales Local Plan (2017).
- 8.52 In addition to the measures set out in paragraph 8.39 of this report, the applicants have submitted a further indicative plan to present the potential locations for photovoltaic panels and air source heat pumps both of which present a sustainable form of microgeneration which is supported by both policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) and the Adopted Climate Change SPD. The plan shows that the majority of dwellings have a south-west or south-east roof slope which would be suitable for the installation of photovoltaic panels. The plan also presents an indicative location for air source heat pumps across all dwellings. The agent states that the dwellings have been designed to provide good internal daylight, natural ventilation and have been orientated to maximise solar gain being predominately south facing. Natural shading is provided through the inclusion of building overhands and trees within the site. The level of information provided at this stage is considered to meet the requirements of policy PD7 and the Adopted Climate Change SPD. Whilst Condition 16 remains necessary in order to secure the final details of the measures to mitigate climate change the submitted information demonstrates what the site layout is capable of achieving in this regard.

Conclusion

- 8.53 As set out in paragraph 8.6 the site is allocated in the Adopted Derbyshire Dales Local Plan (2017) for residential development under Policy HC2(I). Such sites are critical to the District Council meeting the spatial strategy and vision set out in this plan, particularly in respect of the delivery of housing to meet the districts objectively assessed housing needs. Subject to the applicant entering into a S106 planning obligation agreement to secure 2 no. first homes and an off-site affordable housing contribution equivalent to 3.4 units (£154,577.60) and a contribution of £168,198.42 towards secondary and post 16 school places and conditions the development, in its revised form, addresses the relevant provisions of the development plan and national guidance. A recommendation of approval is put forward on this basis.

9.0 RECOMMENDATION

- 9.1 That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to the below conditions, and following the completion of a S106 planning obligation agreement to secure 2 no. first homes and an off-site affordable housing contribution equivalent to 3.4 units (£154,577.60) and a contribution of £168,198.42 towards secondary and post 16 school places.
1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason:

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

2. This consent relates solely to the following plans and documents received by the Local Planning Authority:

Planning Statement (Design and Access Statement) (11/03/2022)
Arboricultural Assessment (11/03/2022)
Headline Biodiversity Results (20/09/2022)
Biodiversity Metric Tool (16/09/2022)
Sustainability and Energy Statement (15/09/2022)
Flood Risk Assessment (11/03/2022)
Ecological Survey (08/03/2022)
NHCA Email (24/08/2022)
Housing Needs Assessment (23/08/2022)
Housing Mix Letter (23/08/2022)
Site Location Plan (11/03/2022)
Biodiversity Net Gain Baseline Habitat Plan (15/09/2022)
Biodiversity Net Gain Proposed Habitat Plan (15/09/2022)
Topographical Survey (11/03/2022)
Amended 02001 - Planning Layout as Proposed (16/08/2022)
Amended 2105420-SK02(B) – Transport Site Layout Review (16/08/2022)
Amended CH_21-002_100-010 - High Ridge Plot 11 Elevations (16/08/2022)
Amended CH_21-002_100-011 - High Ridge Plot 11 (16/08/2022)
Amended CH_21-002_100-012 – Priory Plot 12 Elevations(16/08/2022)
Amended CH_21-002_100-013 - Priory Plot 12(16/08/2022)
Amended CH_21-002_101-014 – Brakenhurst Plot 7(16/08/2022)
Amended CH_21-002_101-015 – Priory Plot 18 Elevations (16/08/2022)
Amended CH_21-002_101-016 – Priory Plot 18 (16/08/2022)
Amended CH_21-002_101-017 – Hawksmoor Plot 3 and 4(16/08/2022)
Amended CH_21-002_101-018 – Kinder Plot 6 (16/08/2022)
Amended CH_21-002_101-019 – Kinder Plot 10 and 13 (16/08/2022)
Amended CH_21-002_101-020 – Kinder Alt 1 Plot 9 (16/08/2022)
Amended CH_21-002_101-021 – Kinder Alt 2 Plot 8(16/08/2022)
Amended CH_21-002_101-023 - Corner Pair Plot 1, 2, 16, 17 (16/08/2022)
Amended CH_21-002_101-024 - Corner Pair Plot 1, 2, 16, 17 Elevations (16/08/2022)
Amended CH_21-002_101-025 – Glade Plot 14(16/08/2022)
Amended CH_21-002_101-026 – Starkholmes Plot 15 (16/08/2022)
Amended CH_21-002_101-027 – Starkholmes Plot 15 Elevations(16/08/2022)
Amended CH_21-002_101-028 – Filburn Plot 5 (16/08/2022)
Amended CH_21-002_101-029 – Garages Plot 6 and 7(16/08/2022)

Reason:

For the avoidance of doubt.

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

Reason:

In the interests of highway safety in accordance with policy S3, PD1 and HC19 of the Adopted Derbyshire Dales Local Plan (2017)₄₆

4. Throughout the period of the 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 or other extraneous material on the public highway.

Reason:

In the interests of highway safety in accordance with policy S3 of the Adopted Derbyshire Dales Local Plan (2017).

5. Before any other operations are commenced a new vehicular access shall be created to Normanhurst Park in accordance with the application drawings, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.

Reason

To ensure that a suitable form of access is made available to serve the development in accordance with policy S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

6. Before the first occupation of the respective dwellings space shall be provided within the application site in accordance with the application drawings for the parking of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason:

In the interests of amenity and highway safety in accordance with Adopted Local Plan Policies S3 and HC21.

7. The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing 2 monitoring shall also be determined.
4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.

Reason:

To ensure that appropriate assessment, remediation and verification of ground contamination / ground gas and controlled waters is undertaken in accordance with Adopted Local Plan Policy PD9.

8. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of any part of the development/the development being brought into use. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

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 policy PD9 of the Adopted Derbyshire Dales Local Plan (2017)

9. No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am-6pm Monday to Friday 8am-1pm Saturday and at no time on Sundays, Bank or Public Holidays.

Reason:

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

10. 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).

11. No development shall take place until a revised Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that mitigation and enhancement measures are implemented to conserve protected species in accordance with Adopted Local Plan Policy PD3.

12. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority within 56 days of the commencement of development, the details of which shall include:

- a) indications of all existing trees, hedgerows and other vegetation on the land;
- b) soil preparation, cultivation and improvement;

- c) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- d) grass seed mixes and sowing rates;
- e) finished site levels and contours;
- f) means of enclosure;
- g) car park layouts;
- h) other vehicle and pedestrian access and circulation areas;
- i) hard surfacing materials;
- j) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- k) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- j) play equipment to serve the development.

Reason:

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

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

Reason:

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

14. No dwelling shall be occupied until a Landscape Ecological Management Plan (LEMP) which shall include the provision, timescales for implementation, management and maintenance schedules of landscaping on-site and proposals for biodiversity net gain has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and managed throughout the lifetime of the development.

Reason:

To ensure that the development is carried out and managed and to conserve and enhance biodiversity in accordance with Adopted Local Plan Policy PD3.

15. No development shall take place until a Written Scheme of Investigation (WSI) of investigation for archaeological work has been submitted to and approved in writing by the Local Planning Authority, and until any pre-start element of the approved WSI has been completed to the written satisfaction of the Local Planning Authority. The WSI shall include an assessment of significance and research questions; and

- The programme and methodology of site investigation and recording
- The programme for post investigation assessment

- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person, persons or organisation to undertake the works set out within the WSI.

No development shall take place other than in accordance with the approved WSI.

16. No part of the development shall be occupied until the site investigation and post investigation have been completed in accordance with the programme set out in the WSI approved under condition 15 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

To safeguard the identification and recording of features of historic and/or archaeological interest associated with the site in accordance with policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

17. Prior to construction of the approved dwellinghouses, details of measures to mitigate the effects of and adapt to climate change at the site and associated timetable for delivery of the measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be carried out in accordance with the approved details.

Reason:

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

18. Notwithstanding the provisions of Class A, Class E or Class F of Part 1 of Schedule 2 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 extensions, buildings or hard surfaces shall be erected within the curtilage of plot 12 and plot 14 without the prior written permission of the Local Planning Authority on an application submitted to it.

Reason:

To safeguard protected and new trees in accordance with policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

19. 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 development falling within Class B of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority on an application submitted to it.

Reason:

To preserve the character and appearance of the development and wider area in accordance with policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

20. Prior to first occupation of any dwelling, details of the legal and funding mechanism for the maintenance and management of all landscaped areas (excluding privately owned gardens), including the play equipment, highways / footways and areas of hardstanding shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure an appropriate standard of landscaping and maintenance of the road and footpath infrastructure in accordance with the aims of Policies, S3, PD5 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

21. No dwelling shall be occupied until an uncontrolled pedestrian crossing on the A6 Dale Road South in the vicinity of the site has been provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure pedestrian connectivity in accordance with the aims of policies S1, S3, HC19 of the Adopted Derbyshire Dales Local Plan (2017).

22. No development shall commence until a detailed design and associated management and maintenance plan of the surface water drainage for the site has been submitted to and approved in writing by the Local Planning Authority, in accordance with the principles outlined within:

- a. FOUL AND SURFACE WATER DRAINAGE STRATEGY 2105420/001 Rev B 10.03.2022 including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team; and
- b. DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015);

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

Reason:

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

23. No development shall commence until a detailed assessment has been submitted to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance and to obtain a full understanding of the springs within the site and any associated mitigation requirements. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. And to ensure that development will be safe from flood risk including from groundwater and natural springs in accordance with policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

24. No development shall commence until details of measures to prevent and avoid additional surface water run-off from the site during the construction phase have been submitted to

and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be carried out and operational before the commencement of any works which would lead to increased surface water run-off from site during the construction phase.

Reason:

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

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

Reason:

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

26. Prior to the commencement of works (including clearance of grassland, refugia piles, scrub, groundworks or compound set up) a Method Statement for Site Clearance shall be submitted to and approved in writing by the Local Planning Authority to safeguard reptiles, along with any other amphibians or hedgehogs encountered. This shall include reasonable avoidance measures, seasonal timings and instructions in the event animals are discovered. The Method Statement shall be implemented in full and a statement of compliance shall be submitted to the Local Planning Authority at the end of site clearance works.

Reason:

In the interest of conserving protected species in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

27. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The aim of the LBEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats and should combine both the ecology and landscape disciplines. It shall be suitable to provide to the management body responsible for the site and shall include the following:-

- Description and location of habitats/features to be retained, created, enhanced and managed, in line with the approved layout and biodiversity metric for the site.
- Aims and objectives of management.
- Appropriate management methods and practices to achieve aims and objectives, including the desired habitat conditions as set out in the metric.
- Prescriptions for management actions.
- Preparation of a work schedule (including a 30 year work plan capable of being rolled forward in perpetuity).
- Details of the body or organisation responsible for implementation of the plan.
- A monitoring schedule to assess the success of the enhancement measures

- A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason

To ensure biodiversity enhancement and net gain is achieved in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2021)

28. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented in full and maintained thereafter. The plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- integrated bird boxes at a ratio of 1:1 with dwellings, in accordance with British Standard 42021:2022.
- integrated bat boxes in 20% of dwellings.
- insect bricks in 20% of dwellings.
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

Reason:

To ensure biodiversity enhancement and net gain is achieved in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2021)

10.0 NOTES TO APPLICANT:

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to

The 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.

Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by emailing ETE.DevControl@derbyshire.gov.uk. The

applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained by emailing ETE.DevControl@derbyshire.gov.uk.

The developer is encouraged to work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. If it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.

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

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

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

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

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

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

The applicant should provide a flood evacuation plan which outlines:

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

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

Surface water drainage plans should include the following:

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

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

On Site Surface Water Management;

- . The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- . The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 30 year + 35% climate change and 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- . Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- . A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

Peak Flow Control

- . For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.
- . For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

Volume Control

- . For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- . For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event. Note:-If the greenfield run-off for a site is calculated at less than 2l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).
- . Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- . Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- . Guidance on flood pathways can be found in BS EN 752.
- . The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site

and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

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

- . Ground percolation tests to BRE 365.
- . Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- . Soil/rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
- . Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 - Table 25.2.
- . Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- . Drawing details including sizes and material.
- . Details of a sedimentation chamber (silt trap) upstream of the inlet should be included. Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

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

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

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

This Decision Notice relates to the following documents and plans:

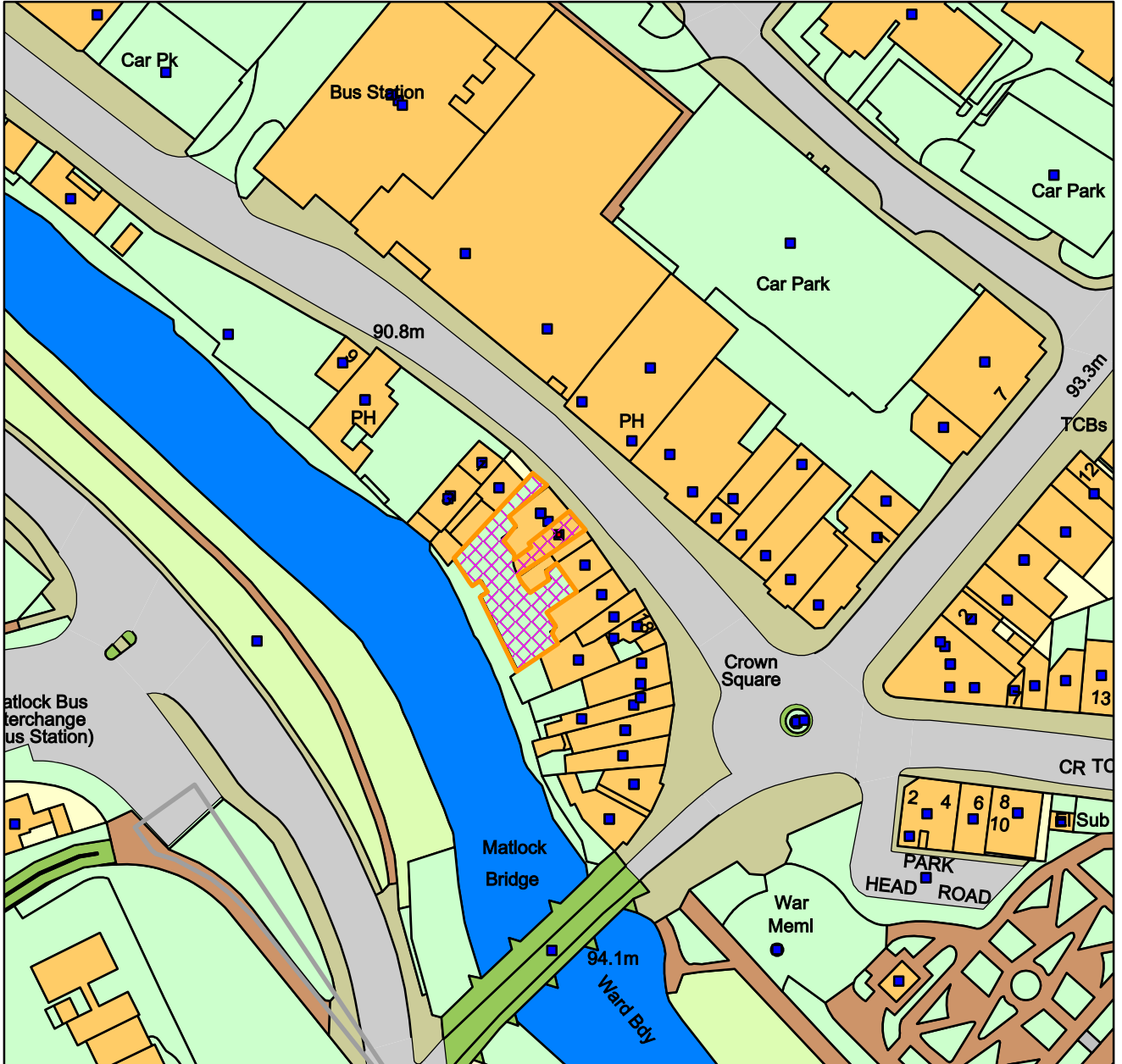
- Planning Statement (Design and Access Statement) (11/03/2022)
- Arboricultural Assessment (11/03/2022)
- Headline Biodiversity Results (20/09/2022)
- Biodiversity Metric Tool (16/09/2022)
- Sustainability and Energy Statement (15/09/2022)
- Flood Risk Assessment (11/03/2022)
- Ecological Survey (08/03/2022)
- NHCA Email (24/08/2022)
- Housing Needs Assessment (23/08/2022)
- Housing Mix Letter (23/08/2022)
- Site Location Plan (11/03/2022)
- Biodiversity Net Gain Baseline Habitat Plan (15/09/2022)
- Biodiversity Net Gain Proposed Habitat Plan (15/09/2022)
- Topographical Survey (11/03/2022)
- Amended 02001 - Planning Layout as Proposed (16/08/2022)
- Amended 2105420-SK02(B) – Transport Site Layout Review (16/08/2022)
- Amended CH_21-002_100-010 - High Ridge Plot 11 Elevations (16/08/2022)
- Amended CH_21-002_100-011 - High Ridge Plot 11 (16/08/2022)
- Amended CH_21-002_100-012 – Priority Plot 12 Elevations(16/08/2022)

Amended CH_21-002_100-013 - Priory Plot 12(16/08/2022)
Amended CH_21-002_101-014 – Brakenhurst Plot 7(16/08/2022)
Amended CH_21-002_101-015 – Priory Plot 18 Elevations (16/08/2022)
Amended CH_21-002_101-016 – Priory Plot 18 (16/08/2022)
Amended CH_21-002_101-017 – Hawksmoor Plot 3 and 4(16/08/2022)
Amended CH_21-002_101-018 – Kinder Plot 6 (16/08/2022)
Amended CH_21-002_101-019 – Kinder Plot 10 and 13 (16/08/2022)
Amended CH_21-002_101-020 – Kinder Alt 1 Plot 9 (16/08/2022)
Amended CH_21-002_101-021 – Kinder Alt 2 Plot 8(16/08/2022)
Amended CH_21-002_101-023 - Corner Pair Plot 1, 2, 16, 17 (16/08/2022)
Amended CH_21-002_101-024 - Corner Pair Plot 1, 2, 16, 17 Elevations (16/08/2022)
Amended CH_21-002_101-025 – Glade Plot 14(16/08/2022)
Amended CH_21-002_101-026 – Starkholmes Plot 15 (16/08/2022)
Amended CH_21-002_101-027 – Starkholmes Plot 15 Elevations(16/08/2022)
Amended CH_21-002_101-028 – Filburn Plot 5 (16/08/2022)
Amended CH_21-002_101-029 – Garages Plot 6 and 7(16/08/2022)

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22/00558/FUL

Mad Hatter, 34 Crown Square, Matlock



Derbyshire Dales DC

1:1,250

Date: 27/10/2022

100019785

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

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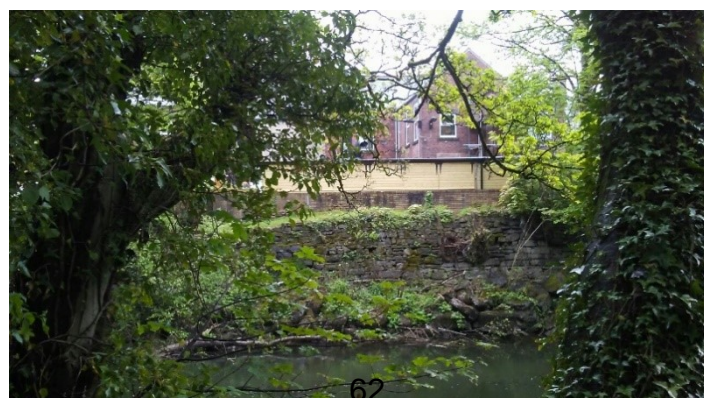
APPLICATION NUMBER		22/00558/FUL	
SITE ADDRESS:		Mad Hatter, 34 Crown Square, Matlock, Derbyshire, DE4 3AT	
DESCRIPTION OF DEVELOPMENT		Retention of single storey building to rear used in association with existing business	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Wendy Spencer
PARISH	Matlock All Saints	AGENT	N/A
WARD MEMBERS	Cllr. M. Burfoot Cllr. S. Burfoot Cllr. S. Wain	DETERMINATION TARGET	30 th August 2022
REASON FOR DETERMINATION BY COMMITTEE	Considered sensitive by the Development Manager	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the timber structure contextually with the flood wall and its potential for impact on the amenity of neighbouring residents and the character and appearance of the Matlock Bridge Conservation Area

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

RECOMMENDATION
That the application be refused

1. THE SITE AND SURROUNDINGS

1.1 The property is a commercial business located within the town centre of Matlock and it is also within the Matlock Bridge Conservation Area. It fronts onto the Crown Square area and the embankment to the River Derwent is to the rear of the property. This is a commercial area of what are predominantly retail or café/takeaway uses with residential or commercial use on the upper floors.





2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the retention of a single-storey, detached, timber building with dual pitched roof to the rear of the premises which is in association with the existing business. The structure has been designed to be constructed in 3 metre panel sections which are secured together using heavy duty bolts. These are fixed to a floor frame which is sat on concrete pads on the existing solid carpark floor so the whole structure is removable. It is advised that the structure has been designed in such a way that, when it is in use, all the river facing side is open to the fresh air, along with the full front elevation by way of large wooden bi-fold doors and large opening hatches.
- 2.2 Access to the structure is gained through the rear door of Madhatter, with additional gated access via the alley to the side of Esta Moda hairdressers, where the applicant has large, vehicle access gates for deliveries and waste collections and a separate foot gate. The applicant advises that the access also enables them to provide a full service to disabled customers which was previously constrained due to the steps at the entrance to Madhatter. The remaining area of the carpark has been used for outdoor seating and filled with plants to make it a haven for local birds & insects.
- 2.3 The applicant advises that the structure creates an outside/inside feel for customers and is used for eating and drinking and the playing of music. It was erected during the period of the Covid-19 pandemic where, to assist with social distancing as a reflection on Government advice at the time, certain structures could be erected, for a temporary period, to assist public houses/restaurants, etc. with their footfall.
- 2.4 The applicant advises that customers are now less happy to be inside the enclosed internal eating area and, as this was seriously affecting the business and the long term livelihood of employees, it was decided to create an outdoor eating area to make the most of the area which was previously a horrible tarmac carpark. The applicant is of the view that the structure allows customers to sit in a peaceful, calm outdoor space where they can enjoy overlooking the river and benefit from the fresh air.
- 2.5 The structure is made solely out of timber and the applicant believes it blends in perfectly with the surrounding area and greatly improves upon what was previously there and that it is not overlooked by any other properties. Whilst it can be seen from the footpath on the opposite river bank, the applicant *considers 'as it looks so good and in keeping with Matlock'*, that this attracts walkers to the business. The applicant advises that the creation of this structure has provided employment for more local people and provides somewhere for customers that no other business in Matlock can provide. The applicant hopes that the structure will help the business survive after the horrendous time suffered throughout the pandemic, which the hospitality industry is still suffering.
- 2.6 The applicant has submitted statements with regard to the structure given an objection to

the development by the Environment Agency and concerns raised by the District Council's Environmental Health Section.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S3	Development within Defined Settlement Boundaries
S7	Matlock/Wirksworth/Darley Dale Development Area Strategy
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC19	Accessibility and Transport
HC21	Car Parking Standards
EC1	New Employment Development
EC6	Town and Local Centres
EC7	Primary Shopping Frontages

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

3.3 Matlock Bridge Conservation Area Appraisal

3.4 National Planning Policy Framework

3.5 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

4.1 16/00272/FUL - Change of use from retail (Use Class A1) to café/bar (Use Class A3/A4) and single storey rear extension - Granted

5. CONSULTATION RESPONSES

5.1 Town Council

- no objection.

5.2 Environment Agency

- object given the proximity of the structure to the flood wall.

5.3 Local Highway Authority (Derbyshire County Council)

- no objections to loss of parking in view of town centre locations, but applicant to demonstrate that delivery vehicle access and turning is not affected by the proposals.

5.4 Design and Conservation Officer (Derbyshire Dales District Council)

- in terms of its location and overall height the structure is relatively well concealed from public vantage points
- glimpses/views can be had from the adjacent bridge (listed & scheduled) and from the walkway on the opposite side of the river
- whilst its presence and impact on the Conservation Area (and setting of the bridge) is fairly neutral, it is considered that it would benefit from being stained/painted an opaque, recessive, colour (to approval).

5.5 Environmental Health (Derbyshire Dales District Council)

- applicant is fully aware of current noise complaints about Mad Hatter and The Loft and aware of at least two local residents who have made noise complaints about both premises
- have had noise complaints about previous events held in that rear outside area, when a live female singer was performing and would not be happy with that area being used to house any form of musical performance, other than perhaps background music via a small speaker, but this should be managed to ensure no noise nuisance exists.

5.6 Councillor S. Wain

- note the comments regarding this application from consultees and residents in the close proximity this property
- as Lead Flood Warden for Matlock, when this structure was originally erected it was attached to the actual flood wall
- have received a complaint from the Environment Agency that no structures will be attached to the flood prevention infrastructure and certainly not, as in this case, retaining brackets drilled into the wall
- visited the site and saw that the structure was attached and brackets had been drilled in to the top of the wall and advised the owners accordingly and then updated the EA
- plainly obvious, in light of recent collapse of the flood wall a little further downstream, why it is essential to maintain the integrity of all flood prevention infrastructure
- any structure built close to the flood wall, must not be attached to the wall in any way
- whilst supporting the development of all local businesses, note the comments of residents regarding unacceptable noise impacting upon their lives
- seek assurance that, if approved, noise nuisance will be conditioned to minimise impact and licensing advised regarding implementing acceptable hours of business, to ensure residents sleep is not interrupted

6. REPRESENTATIONS RECEIVED

6.1 Two representations have been received raising concerns with the development. A summary of the representations is outlined below:

- it is for Councillors and Officers to judge if the structure complies with risk management assessments, building regulation and highway considerations
- applicant is recognised as an energetic and successful business woman and has significant competition in both day and night-time economies.
- fair competition and cooperation has to be the realistic business model but there has to be a firm framework of law and guidelines and a means of ensuring compliance
- alcohol and music guidelines have to be followed and enforced by all businesses in the sector
- Crown Square has over 20 residential flats all near (within 100 metres of) the Mad Hatter as well as other hospitality businesses
- music and noise generated also creates comment in Snitterton and Imperial Roads
- one core requirement is to be able to sleep between the hours of midnight and 7am at weekends

- Daytime; the Mad Hatter is an original, creative and apparently successful business that has significant social media presence and an active local and tourist customer base - everything within guidelines should be done to encourage the Applicant and approved use of the rear area must be important to the business
- Night-time; together with some competitors, the applicant has a challenge with a small but significant percentage of her customers - the effects of alcohol/drugs mean:
 - excessive noise, both music or shouting, between 12 and 4am most Saturdays and Sundays;
 - vandalism of road signs and furniture;
 - broken glass on pavements and roads;
 - litter;
 - vomit and urination in streets and doorways;
 - broken shop windows; and
 - violence.

Efforts to address these matters need leading, coordinating and enforcing, with new, novel solutions.

- planning permission cannot be given for the present structure for its present uses (relevant from environmental health perspective)
- suggest DDDC, or a local millionaire, purchase the structure from the applicant and situate it in Hall Leys Park, to be used as a base for a Friends of Matlock type organisation that majors on people using energy, presently wasted on anti-social behaviour, for positive creative uses
- suggest the applicant, with consultation and community help, redevelops the back of Mad Hatter within guidelines
- this town should appreciate her positive qualities.

One representation, from the tenant of shops at 10, 14 and 20 Crown Square, supporting the development and which is summarised as follows:

- this enhancement to crown square adds character and drives a higher footfall to the area which is needed after such problems we have had with the floods and covid
- not only is it aesthetically pleasing on the eye, it takes advantage of a true gem, the River Derwent, which Matlock should be proud off
- need more entrepreneurs like this in the town.

7. OFFICER APPRAISAL

Policy Principle

- 7.1 Further to initial guidance during the main period of the Covid-19 pandemic which allowed the erection of temporary structures to provide for further space for public houses, restaurants, etc., the Government has now set parameters by which such structures can be erected going forward in Schedule 2, Part 2, Class G of the Town and Country Planning (General Permitted Development) Order (2015) as amended which advises the following:

Permitted development

G. The provision of one moveable structure within the curtilage, and for the purposes, of a building used for a purpose within—

- (a) *article 3(6)(p) or (q) (drinking establishments etc.) of the Use Classes Order; or*
 (b) *Class E(b) (sale of food and drink etc.) of Schedule 2 to that Order.*

Development not permitted

G.1. Development is not permitted by Class G—

- (a) on land which is or forms part of—
 - (i) a scheduled monument or land within its curtilage;
 - (ii) a listed building or land within its curtilage;
- (b) if any part of the moveable structure would be within 2 metres of the curtilage of any adjacent land that is used for a purpose within Part C (residential uses) of Schedule 1 to the Use Classes Order;
- (c) if the height of the moveable structure would exceed 3 metres;
- (d) if the footprint of the moveable structure would exceed the lesser of—
 - (i) 50% of the footprint of the building, or
 - (ii) 50 square metres;
- (e) if the moveable structure is used for the display of an advertisement.

7.2 However, on the basis of the above, the structure erected is not deemed to be of a temporary nature and is, nevertheless, of a size greater than 50% of the public floor area of the premises and, hence, retrospective planning permission is now required and sought. The development therefore has to be considered having regard to policies contained in the Adopted Derbyshire Dales Local Plan (2017).

7.3 The premises is within an area designated as a primary shopping frontage under policy EC7 of the Adopted Local Plan (2017). However, the proposals will not impact on this designation given that there is no change proposed to the use of the main building. The proposals are also essentially an expansion of the business premises and this meets with the aims of policy EC1 in creating employment opportunities.

7.4 Given the above policies would generally support the principle of development, it is considered that the other matters for consideration are as follows::

- the impact on the character and appearance of Conservation Area (Policy PD2)
- the impact on residential amenity (Policies S1, S3, PD1 and PD9) and
- flooding and drainage matters (Policy PD8); and
- highway matters (Policies S1, S3, HC19 and HC21).

Impact on the Character and Appearance of the Conservation Area

7.5 In terms of its location, and overall height, the structure is relatively well concealed from public vantage points. However, glimpses/views can be had from the adjacent bridge (listed and scheduled) and from the walkway on the opposite side of the river. In this regard, whilst the presence and impact of the structure on the Conservation Area, and on the setting of the bridge, is fairly neutral, it is considered that it would benefit from being stained/painted an opaque, recessive, colour subject to approval. This could be attached as a condition to any grant of planning permission. On this basis, the development would accord with Policies S1, S3, PD1 and PD2 of the Adopted Local Plan (2017)

Amenity

7.6 Concerns have been raised with regard to the impact of noise emanating from the premises. The applicant advises that the music is not on every week and is not amplified, only ever having acoustic singers. They also ensure any music is almost at the level of background music only so shouldn't be heard by anyone that lives nearby. It is also advised that this is more background music for visitors sitting by the river enjoying what Matlock has to offer. The applicant advises music starts at 8pm and is finished by 10pm whereas The Loft plays loud music till 3am every weekend and this doesn't cause any problems with the locality.

7.7 The District Council's Environmental Health (EH) Section has nevertheless raised concerns with the development. EH advise that the applicant is fully aware of current noise complaints

about Mad Hatter and The Loft and aware of at least two local residents who have made noise complaints about both premises. EH advise that they have had noise complaints about previous events held in that rear outside area, when a live female singer was performing, and would not be happy with that area being used to house any form of musical performance, other than perhaps background music via a small speaker, but this should be managed to ensure no noise nuisance exists. To this end, a condition on any planning permission is requested that covers the following:

- no amplified live or recorded music shall be permitted;
- non- amplified music shall not exceed background levels including any acoustic act; and
- a noise management plan should be submitted to the Local Planning Authority that details how noise will be controlled, due to the structure of the building not being sound proof.

On this basis, the development would accord with Policies S1, S3, PD1 and PD9 of the Adopted Local Plan (2017)

Flooding and Drainage Matters

- 7.8 The Environment Agency (EA) has objected to the development which has been undertaken given its proximity to the flood wall. The EA advise that, whilst the applicant has stated that access to the flood wall is available at all times, they require a 2 metre easement to be provided between the flood wall and the structure. It was recommended that the revised plan be submitted to this effect and to include reference to the access to steps, maintenance of vegetation and nothing to be attached to the wall. It is advised that this level of detail would have typically been provided as part of a flood risk activity permit application under The Environmental Permitting (England and Wales) Regulations 2016. However, the development has been undertaken without applying for a permit.
- 7.9 The applicant has considered the objection and submitted further information. This advises that there is nothing in the way of the access steps to the river bank and they remain exactly as they were prior to any construction, with access available at all times if anyone from the EA needs to inspect the wall. The applicant advises that, if any work is required at any time, access can be gained as the construction is designed to be removable.
- 7.10 The construction of the 'freestanding,' outdoor building is of timber sectional panels, bolted together, and the applicant advises that it can be removed at any point to allow any works to be carried out along the full length of the flood defence. This was a major consideration as they didn't want any potential breaches of the wall as this would affect their and the neighbouring businesses severely if this occurred.
- 7.11 The applicant advises that the area over the wall wasn't being looked after prior to the construction and was in a very overgrown state but, as part of the build, the applicant has made it so that customers can sit and overlook the river. As such, the applicant has taken over the full maintenance and care of the berm area and regularly attends to it to prevent any damage by overgrown shrubs and foliage, and keep it as tidy and nice looking as possible.
- 7.12 The applicant advises that the plan for next year is to plant wildflower seeds, so that there is an area that benefits the many insects and birds, and they intend to carry on with the upkeep work on a strict schedule for the duration the outside structure is in place. The applicant has also stated that they would be more than happy to meet with any representatives from the EA at the property to answer any questions and show them the access provisions built into the structure and work with them to put to rest any concerns about the structure and the flood defences.

- 7.13 The applicant advises that, as a small independent business, they cannot compete with the new larger companies/eateries that have opened in Matlock this last year without the outbuilding. In addition, as things are set to get tougher with the cost of living crisis in the coming months, the area outside allows seating for an extra 30 customers and that they employ a total of 32 local people aged 16-50. The applicant states that the outside area therefore gives a fighting chance of the premises staying open.
- 7.14 The EA have been made aware of the applicant's comments and concerns. The EA advise that the floodwall section was constructed in 1981 as part of the Matlock Flood Protection Scheme. The extent of this part of the scheme included the floodwall arrangements between Twiggs Factory Yard and Matlock Bridge. Within the 1981 scheme extents, there are limited access points from the landward side of the flood defence line, which increases the importance of safeguarding any existing access locations. For this particular floodwall section, the archive highlights the working area at the time and indicates that, where the outbuilding is currently situated, a distance of 4m behind the wall was utilised.
- 7.15 The EA recognise that the outbuilding can be demounted in sections but advise that the practicalities around this would not be straightforward when required to do so in the future. With this in mind, maintaining some reasonable back of wall clearance at this location is an important stipulation from a long-term asset maintenance perspective. The EA request is to match the width constraint associated with the existing vehicle access into the car park area, i.e. 2m which would establish and guarantee at least some workable clearance. The principle of retaining clear space would avoid introducing obstructions and the potential for future difficulties with negotiating arrangements to enable the dismantling of the proposed demountable structure when required to do so. The applicant has advised that relocating the structure is impracticable.
- 7.16 The EA advise that, as part of the long-term asset management considerations, they must factor in the potential for future deterioration of the current 2m berm width on the riverside of the floodwall. The River Derwent has suffered from repeated flood events over the last few years, with some of the most significant in its history recently occurring in this area, as seen with the works immediately downstream towards Matlock Bridge, where a section of private riverside wall, with an EA floodwall on top, has collapsed. The EA advises that if loss of the riverside wall supporting the berm area were to occur, then any associated repairs could be substantial and technically challenging, especially if the work had to be approached from within the channel extents. Again, this increases the importance of establishing clearance for access and potential working area extents from the landward side of the floodwall.
- 7.17 The existing arrangement and position of the outbuilding currently prevents access to clearly inspect the full area of the landward face of the floodwall. The floodwall assets within Matlock Flood Risk management system, constructed as part of the 1981 scheme, are routinely programmed for visual asset condition inspections twice a year. If defects are identified, then more frequent inspection and monitoring interventions may be required to understand the asset performance/need for further intrusive investigation/more significant repair intervention. The condition of the landward face is advised to be one of the most critical indications of the overall asset performance.
- 7.18 The EA recognise that, if the structure was not in situ, the area could be reverted back to car parking. However, any parked vehicles in the immediate area would not have hidden the full length of floodwall in the same way, i.e. previous visual inspections could work around these obstructions, localised defects could be identified and, if more detailed observations were required, then this could be easily arranged by moving the vehicles back away from the wall while inspections took place.

7.19 The EA raise concern that defects are already found to be occurring on the other floodwall assets within the scheme extents. Given these issues are evident on assets situated in the same locality, of same age and of the same construction material, the EA advise that it is important that simple and easy access is maintained for regular condition inspections to identify the development of similar defects as soon as possible. In this regard, the current position of the outbuilding would prevent access to monitor and assess issues such as brickwork and mortar damage, and vegetation/moss growth on vertical faces, should they develop on the car park side of the wall. On this basis, the EA objects to the development.

Highway Matters

7.20 The Local Highway Authority initially raised concerns that the development would hinder delivery access. The applicant has advised that access to the rear of the property, and that of their neighbours, as well as any deliveries are not affected by the proposal as they work closely with neighbouring businesses so that delivery days run smoothly for all and that the highway isn't affected or blocked at any time. The applicant considers that the erection of the outbuilding, instead of just tables and chairs outside, will not change access or deliveries wise. To this end, the Local Highway Authority has no advised of no further comments.

Conclusion

7.21 The business clearly contributes to the vitality of the Town Centre and provides employment opportunities. It is also appreciated that the structure has become important during the Covid-19 pandemic in providing social distancing facilities and ultimately additional covered floorspace for the business.

7.22 There are concerns with regard to how the structure is utilised, particularly with noise from amplified music. However, it is considered that this can be addressed with an appropriate condition. In addition, the structure is considered acceptable in this location within the Matlock Bridge Conservation Area, albeit subject to it being stained in a more appropriate colour, for which a condition can again be attached to any grant of planning permission.

7.23 However, the EA have raised clear concerns with regard to the proximity of the structure to the flood wall and, despite being advised by the applicant of how the proximity could be offset by this being a demountable structure, in full or in part, the EA still maintains its objection and advises that a permit under The Environmental Permitting (England and Wales) Regulations 2016 has not been sought. To this end, whilst efforts have been undertaken to seek a resolution to the objection raised by this statutory consultee, it is the recommendation that planning permission be refused given the current position of the outbuilding would restrict access to monitor and assess issues with respect to the flood wall and for its maintenance and repair.

8. RECOMMENDATION

That planning permission be refused for the following reason:

1. The location of the outbuilding restricts access to monitor and assess issues with respect to the flood wall and for its maintenance and repair. As such, the development constitutes a potential risk to flood alleviation and therefore fails to comply with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant, Derbyshire Dales District

Council's Environment Health Section and the Environment Agency. Notwithstanding this, the Environment Agency has maintained its holding objection to the development. Therefore, the Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal

2. This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 5th July 2022

Block Plan 1:500 received on 5th July 2022

Floor Plan 1:50 received on 5th July 2022

Elevation Plan 1:50 received on 5th July 2022

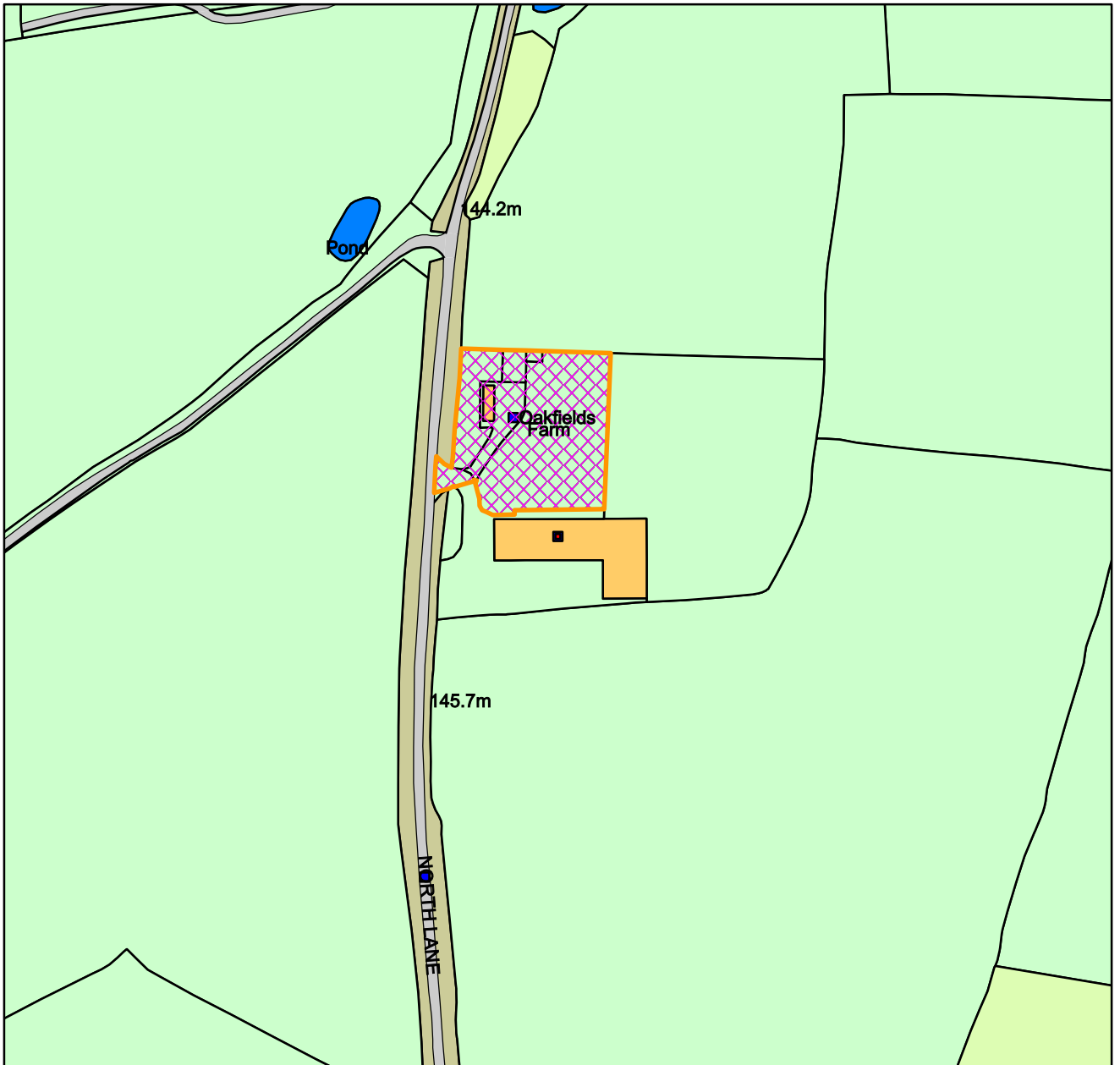
Design and Access Statement received on 5th July 2022

Additional Information received on 22nd and 26th July 2022, 14th September 202 and 14th October 2022.

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22/00615/FUL

Oakfields Farm, North Lane, Brailsford



Derbyshire Dales DC

1:2,500

Date: 27/10/2022

100019785

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

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Planning Committee 8th November 2022

APPLICATION NUMBER		22/00615/FUL	
SITE ADDRESS:		Oakfields Farm, North Lane, Brailsford.	
DESCRIPTION OF DEVELOPMENT		Erection of an agricultural workers dwelling	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr L Ellis and Ms S Martin
PARISH/TOWN	Brailsford	AGENT	Mr J Malkin – JMI Planning
WARD MEMBER(S)	Cllr M Morley	DETERMINATION TARGET	20 th July 2022 (EOT agreed for 14 th October 2022)
REASON FOR DETERMINATION BY COMMITTEE	Called to planning committee by Cllr M. Morley	REASON FOR SITE VISIT (IF APPLICABLE)	n/a

MATERIAL PLANNING ISSUES

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

RECOMMENDATION

That Planning Permission be Refused

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located on the eastern side of North Lane, north of Brailsford. The site forms part of an agricultural field in the countryside, which has one large agricultural building used for both storage and livestock in the south western corner. The larger building along with the access to the site was approved in 2012 and has had permissions granted for extensions in 2015, 2016 and more recently in February 2022. There is an existing 2.8m hedge along the western boundary with North Lane and new hedge planting has taken place on part of this boundary. Mature trees screen the buildings from the south and east and there is a grassed mound running parallel with the rear of the building to the north. Footpath Brailsford 11 runs along the eastern boundary of the adjacent field to the east.



2.0 DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for a permanent agricultural worker's dwelling on the site following permission for a temporary agricultural workers dwelling in the form of a static caravan being granted permission in December 2019. This three year temporary permission expires on the 6th December 2022. The proposal would utilise the existing access to the existing agricultural buildings and that used for the temporary dwelling.
- 2.2 The proposed dwelling would be sited to the east of the access and adjacent to the main farm building to the south. It would set back 56m from the access point and south west of the existing static caravan and would measure 12.5m x 8.6m of a height of 5m to the eaves and 8.2m to the ridge. The dwelling would be a traditional style detached property with a double height gable feature on the front, porch canopy with stone cills and a chimney.

- 2.3 The dwelling would comprise of an open plan kitchen / dining and lounge with a separate lounge, office, utility room, shower room and porch / boot room on the ground floor. Three bedrooms and a bathroom are proposed on the first floor, the largest bedroom has an en-suite and dressing room.
- 2.4 The applicant has submitted a Supporting Statement and a Statement from G.J Perry on the farming operations and accounts of 2020, 2021 and 2022 from the applicant's accountants to provide justification.

3.0 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
 HC13 Agricultural and Rural Workers Dwellings
 HC19 Accessibility and Transport
- 3.2. Other:
 The National Planning Policy Framework (2021)
 National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

12/00506/FUL	Erection of agricultural livestock/storage building and formation of access track	PERC	14/11/2012
15/00627/FUL	Extension to livestock building	PERC	12/10/2015
16/00356/AGR	Agricultural Prior Notification - Extension and canopy to existing agricultural building for storage of fodder and hay	Prior Approval Not Required	11/07/2016
18/00349/FUL	Erection of implement store and agricultural storage building extension	PERC	23/05/2018
18/00349/DCOND	Discharge of condition(s) 2	DISFUL	11/07/2018
19/01028/FUL	Siting of static caravan for use as a temporary agricultural workers dwelling for a temporary period of 3 years	PERC	06/12/2019
20/00201/FUL	Extension to agricultural building to house and feed cattle, erection of building to store fodder and bedding and erection of building to store implements	PERC	09/04/2020
22/00082/AGR	Agricultural Prior Notification -Proposed extension to agricultural building for the storage of hay and straw	Prior Approval Not Required	21.02.2022

5.0 CONSULTATION RESPONSES

Brailsford Parish Council

- 5.1 No response received.

Highways Authority

- 5.2 They refer to their comments in respect of the temporary dwelling which stated the access visibility at 140m to the north and 80m to the south is considered reasonable. The sightline to the south could be significantly improved with the removal of vegetation that appears to be located at the extent of the applicants blue line. Whilst the road is subject to the national speed limit, actual vehicle speeds are perceived to be below this and the achievable sightlines (with vegetation removed) would be considered reasonable. The site is located in a somewhat unsustainable location in transport terms, with no footways or public transport links into Brailsford. Whilst the Planning Statement points out that the applicant currently undertakes 8 return trips to the site daily, a dwelling in this location could generate similar amounts. If the proposals are acceptable and justified for agricultural purposes, it is not considered a highways objection could be sustained. Conditions in respect of modifying the access and parking and turning are recommended.

Environmental Health

- 5.3 No objections.

6.0 REPRESENTATIONS RECEIVED

- 6.1 No representations have been received.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact on residential amenity
- Character and appearance

Principle of development

- 7.1 Paragraph 79 of the National Planning Policy Framework provides guidance regarding rural dwellings. In the case of considering the specifics of this planning application, Paragraph 79 advises that:

Planning Policies and decisions should avoid development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

- 7.2 This is reflected in Policy HC13 (Agricultural and Rural Workers Dwellings) of the Adopted Derbyshire Dales Local Plan (2017) which states:

The District Council will support proposals for the provision of dwellings to meet the needs of agricultural, forestry or other rural based workers. Planning permission will be granted where it can be demonstrated that all of the following criteria are satisfied:

- a) there is a clearly established functional need;
- b) the need relates to a full-time worker or one who is primarily employed in agriculture, forestry or other rural based enterprise which needs to be located in the area and does not relate to a part-time requirement;
- c) the unit and the agricultural / forestry or other rural based enterprise has been established for at least three years and has been profitable for at least one of them,

is currently financially sound and has a clear prospect of remaining so. Where this need is unproven or a new business is being established, a temporary dwelling (such as a mobile home) may be permitted to allow time to establish that there is a genuine functional and financial need for a permanent dwelling. A temporary dwelling will only be permitted for a maximum period of 3 years;

- d) the functional need cannot be fulfilled by another existing building on the unit or within the locality that could be converted, or another existing dwelling on the unit or within the locality which is suitable and available for occupation by the worker concerned;
- e) the size of the dwelling is commensurate with the needs of the enterprise and is sustainable in terms of the viability of the activity;
- f) the dwelling is well related to either existing dwellings or buildings associated the activity with which it is required;
- g) the dwelling is not situated within an area of unacceptable flood risk.

7.3 Guidance has also been issued within the Planning Practice Guidance paragraph: 010 Reference ID: 67-010-20190722

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

Functional Need

7.4 The Supporting Statement (GJ Perry) report provides the following information:

The Applicant farms two large parcels of adjoining land totalling approximately 52.75 hectares/ 130 acres as a beef and arable farm under holding number 09/182/0236. The buildings are located on the freehold land extending to 18.25 hectares/45 acres and immediately adjoining to the north there is a further 34.5 hectares/85 acres owned by a family member, retired from agriculture. In addition, grassland is rented in as required although it is not expected to be in 2022/23.

In the 2019 application reference was made to the possibility of farming further land immediately to the south of the freehold land but, to date, this has not materialised; the amount of land currently in- hand and being farmed is 52.75 hectares/130 acres. The agricultural buildings, quoted in 2019 as 1,237.5 sq m/13,320 sq ft, now extend to approximately 1,393.5 sq m/ 15,000 sq ft. The different elements of the farming operations have changed over the 3-year period as the holding has evolved.

On the livestock side, the suckler herd, 17 no in 2019, has been sold off thereby obviating the need for a stock bull. All calves bought in are pedigree Hereford or Aberdeen Angus obtained from a single source closed herd some 9 miles or thereabouts away to the south-west. There has been an increased concentration on the arable side with 32.39 hectares/80 acres being given over to winter and spring barley: In 2021 this yielded approximately 180 tonnes of which 30 tonnes was retained for farm use. Permanent pasture now accounts for 18.25 hectares/45 acres of the holding.

- 7.5 Accounts from the applicant's accountant for the year ended 31st March 2022, 31st March 2021 and 31st March 2020 have been submitted as evidence of viability.
- 7.6 The Local Planning Authority have appointed Kernon Countryside Consultants to assess whether an essential need for a rural worker to be permanently resident on site can be demonstrated in this case. In particular they advise the following:
- 7.7 Oakfields Farm comprises a total of 105.5 hectares (260.7 acres) of agricultural land. Of this land 18.25 hectares are owned by the Applicant. Based on past involvement, it is understood that the remaining land, or a large proportion of it, is owned by family members. The Applicant operates a mixed livestock and arable farming business. The Applicant rears beef cattle with approximately 110 head on the holding at present. The cattle vary in age from 0 months to 24 months. Whilst the business is currently being built up, it is the Applicants intention to buy in approximately 70 calves each year. At maximum capacity, there could be in the order of 210 cattle on the holding in the lead up to finished cattle being sold. At present there are a total of 70 calves up to the age of 3 months old, 30 cattle between 3 and 6 months and 28 cattle between 12 and 24 months. The numbers of cattle onsite currently total 128.
- 7.8 Since the Consultant's had previous involvement with the site in aiding the assessment for the temporary dwelling on site, the numbers of cattle onsite, has increased marginally, however the proposed suckler herd has not materialised. It is the applicant's long term intention to focus solely on buying in and rearing calves.
- 7.9 Whilst there is no information within the agricultural justification report concerning livestock housing, it is known that the applicant has the benefit of livestock accommodation onsite that is used for overwinter housing and finishing of livestock. Extension to the livestock housing was permitted most recently earlier this year. Along with the livestock operations, the applicant also has approximately 32.4 hectares down to arable including winter and spring barley.

Functional Need

- 7.10 The agricultural consultants Kernon's previously agreed that there would be a need to live onsite when they supported the provision of a temporary dwelling. However, this was partly on the basis of a suckler herd being introduced. As a suckler herd involved cows giving birth onsite, this was the focus of the appraisal as it gave rise to the greatest need to live onsite. However, in certain circumstances, and where enterprises are of a sufficient scale, the rearing of bought in cattle /calves can necessitate an onsite presence. The applicant buys in very young calves, at only a week or so of age. When cattle are housed, they may suffer bloat which can kill rapidly. It can be caused by trapped feed or by a frothy build up in the gullet and is identified by distortion and signs of discomfort. Cattle often get cast (roll over on their backs) as a result of bloat and if not righted the animals will die a prolonged death. Cows may catch diseases which if not treated, will spread to others rapidly through nose-to-nose contact. Such diseases do not always kill, but they can seriously affect the cow's health, and if medicine is required, the cow's milk cannot be collected and sold. Such problems are exacerbated when cattle are housed. Rearing calves is a specialist operation. These would need particularly careful attention in the first six weeks, to ensure that they feed (they have to be trained to drink from the milk feeders), do not succumb to diseases,

do not get bullied, do not get injured, and generally “do well”. A calf that goes off its food or is diseased can be very difficult to bring back to good health and it is imperative that the stockman keeps a close eye on the calves and intervenes, isolates or supplementary feeds them at short notice if needed.

- 7.11 Based on the current numbers of livestock and the frequency of calves being purchased the need to live onsite is relatively marginal. There will be a clear need to live onsite when calves are initially brought onto the holding and for approximately 6 weeks following, however the total numbers of older cattle over the course of the year is not sufficiently high to be able to clearly conclude that there is a need to live onsite all year round. A strong case has not been put forward within the agricultural justification report to enable the Consultant to conclude otherwise. They would, however, be more supportive of a permanent dwelling once cattle numbers have increased to the levels indicated by the applicant.
- 7.12 The concern, however, is that cattle numbers on the holding have changed very little since the original temporary permission was granted increasing from 93 beef cattle and 16 heifers to 128 cattle in total on the holding currently. Given the changes to the business which have resulted in a suckler herd not being introduced, it is suggested that a further temporary permission is the most likely suitable alternative to enable the applicant to now focus on building up the cattle rearing enterprise.

Existing Dwellings.

- 7.13 In order for an existing dwelling to be suitable in meeting the functional need, it must be within sight and sound of where the main livestock operations take place. Owing to the isolated nature of the farmyard, I can see no dwellings, available or otherwise, that would be close enough to meet a need to live onsite.

Financial Sustainability

- 7.14 The submitted accounts for the past three years have been reviewed and these demonstrate that the business has been able to increase turnover associated with the beef rearing enterprises to a point where it is considered to be viable. The sale of cattle is by far the highest source of income for the farm, and the net profit is capable of providing a reasonable return on labour. The balance sheets for the business show how the applicant is gradually building their assets, however it is unclear why the land owned by the applicant is not included. The balance sheet for 2020 and 2021 is in the negatives however by 2022 the balance sheet becomes positive. That said, the main loan associated with the business has not reduced over the three years of accounts provided.
- 7.15 Whilst it is considered that the profit and loss account is capable of providing a reasonable return on labour, the balance sheet does not provide a great deal of confidence that the enterprise would remain viable for the foreseeable future. If land assets were included, it is likely that the balance sheet would look considerably better. In light of the comments made in respect of the need to live onsite, a further three years would also give the Applicant an opportunity to demonstrate a stronger business financially.

Siting and Size

- 7.16 For a permanent agricultural dwelling, the size is not considered excessive. The levels of net profit should be capable of sustaining a dwelling of this size. The dwelling is well sited being adjacent to the livestock accommodation and with good visibility over the access. There are no concerns with regards to the siting.
- 7.17 The functional need as put forward is not considered to amount to an all year round requirement and there is doubt that the enterprise would remain viable for the foreseeable

future, therefore criteria's a) and c) of Policy HC13 are not considered to be satisfied and as such the principle is not acceptable.

Impact on residential amenity

- 7.18 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. The proposed dwelling would be significant distance from neighbouring farms to the north and south with intervening fields and vegetation as to not cause a residential amenity concern. The proposal therefore accords with Policy PD1.

Character and appearance

- 7.19 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.
- 7.20 The proposed dwelling is a traditional design and its scale is considered appropriate for an agricultural workers dwelling. The dwelling would be set 56m into the site and would be viewed in context with the farm buildings to the south and would not extend further east than this building therefore the impact on the landscape character is not considered adverse as screening would also soften the visual impact.

Highway Matters

- 7.21 The Local Highway Authority has no objections based on some improvement to the access visibility and adequate parking and turning provided within the site in accordance with Policy HC19.

Climate Change

- 7.22 Policy PD7 places a requirement on the applicant to detail how matters of climate change have been addressed. No details in this respect have been provided, however, it was not considered expedient to request details as no principle has been established.

Conclusion

- 7.23 Whilst the provision of an agricultural workers dwelling, where there is an essential need for a rural worker to permanently reside on site and the enterprise is financially sustainable can be an acceptable form of residential development in the countryside, the suckler herd has not materialised and based on current cattle numbers there is only a marginal need to live on site in this case. The most intensive period when the need to live onsite is strongest would be when calves are purchased however as they are bought in a single batch each year, this period is limited to only several weeks. When cattle are housed there can be a need to live on site however the numbers are limited and a strong case has not been put forward within the agricultural justification report. The profit and loss accounts are indicative of a viable enterprise however the business does not benefit from a strong balance sheet.
- 7.24 The applicant and agent have reviewed the consultant's report and do not agree with its findings. Whilst the consultant's report is advice in order for the Local Planning Authority to be confident in their assessment of agricultural functional need and viability, they are specialist in their field and to grant a permanent agricultural workers dwelling on a marginal case where there is an option to grant a further period for the temporary accommodation to allow the business to expand to a level where there is confidence of the need and viability

is a reasonable conclusion to reach. Refusal for a permanent dwelling is recommended on this basis.

8.0 RECOMMENDATION

That planning permission be refused for the following reason;

1. The case to demonstrate that there is a functional need for an agricultural worker to be permanently resident on site has not been established and that the existing enterprise would remain financially sound in the foreseeable future. On this basis the Local Planning Authority is not satisfied that the development would constitute an essential and sustainable form of development in the countryside and it therefore conflicts with Policy HC13 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

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

Location Plan Scale 1:1250

Block Plan Scale 1:500

Proposed Plans – elevations and floorplans

Supporting Statement

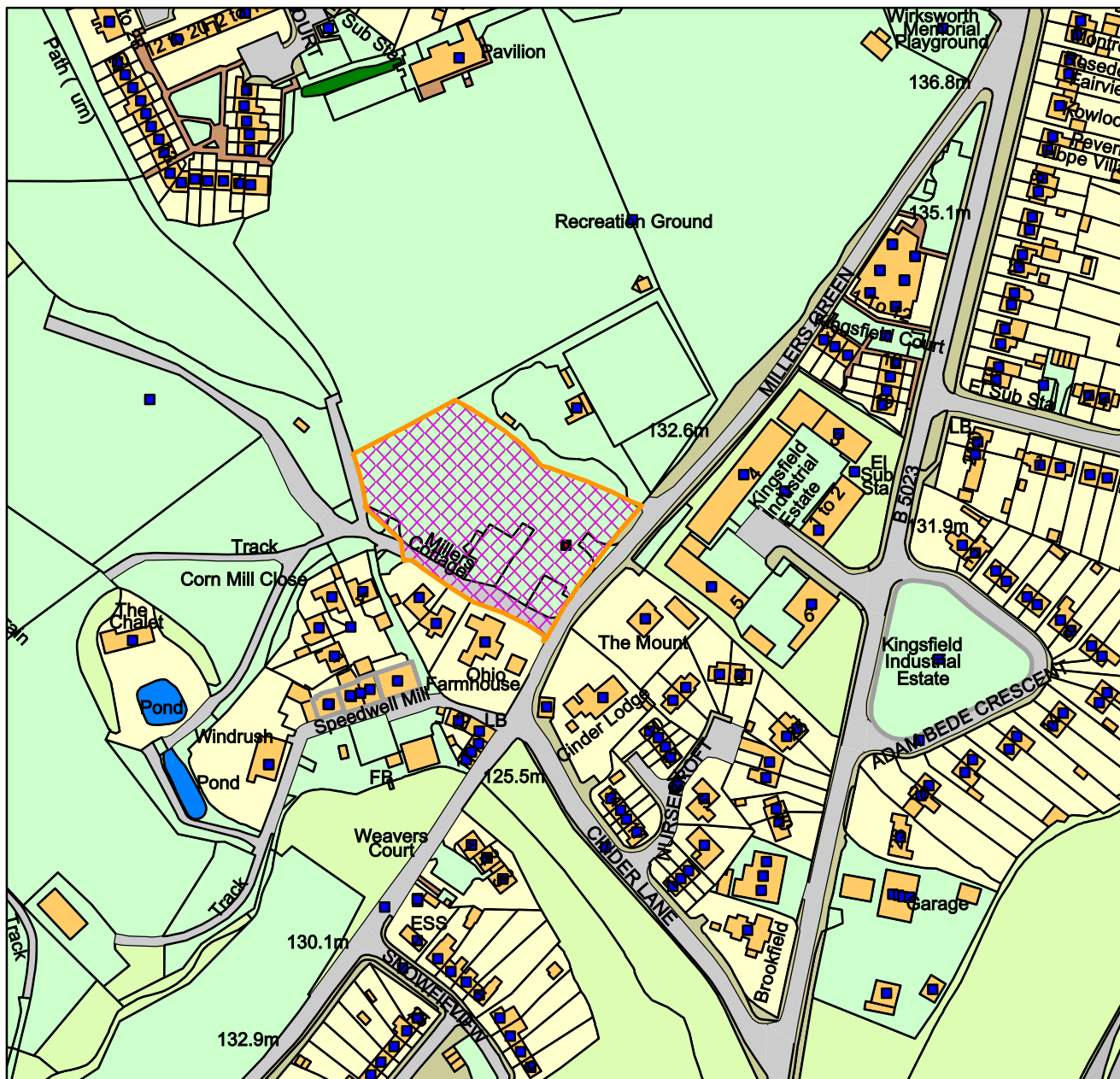
Statement from G.J Perry on the farming operations

Accounts of 2020, 2021 and 2022 from the applicant's accountants

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22/00634/REM

Land Off Millers Green, Wirksworth



Derbyshire Dales DC

1:2,500

Date: 27/10/2022

100019785

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

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APPLICATION NUMBER		22/00634/REM	
SITE ADDRESS:		Land Off Millers Green Wirksworth Derbyshire	
DESCRIPTION OF DEVELOPMENT		Approval of reserved matters for the erection of 12no. dwellinghouses (outline planning consent 19/00455/OUT)	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr R Clayton – Orchard View Homes
PARISH/TOWN	Wirksworth	AGENT	Richard Pigott - Planning Design and Practice Ltd
WARD MEMBER(S)	Cllr P Slack Cllr M Ratcliffe Cllr D Greatorex	DETERMINATION TARGET	7 th September 2022
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	To consider the impact of the development on the local environment

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

RECOMMENDATION
That the application be granted subject to conditions.

1.0 THE SITE AND SURROUNDINGS

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



2.0 DETAILS OF THE APPLICATION

- 2.1 Outline planning permission for the erection of 12 dwellinghouses with access included (19/00455/OUT) was granted in October 2019. This application is the Reserved Matters of this outline permission seeking approval for appearance, landscaping, layout and scale. The erection of seven bungalows and five houses is proposed. The proposed dwellings would be served from a central access point with the two storey dwellings immediately adjacent to the Millers Green road frontage with bungalows to the rear along the central access road and adjacent to the north western boundary. The existing access track along the south western boundary would be removed with garden and parking areas proposed adjacent to the side and rear boundaries of the existing properties to the south west. A 3m wide access track that would extend from the western part of the turning head would provide access to the land to the west.
- 2.2 The application would provide the following mix:
2 x 2 bed bungalows
5 x 3 bed houses
5 x 4 bed houses
- 2.3 The proposed dwellings include three designs. The frontage of the site has identical dwellings on plots 1, 2, 10, 11 and 12 which are two storey gabled roof properties faced in natural gritstone with grey tiles. The windows are uniform with stone cills and lintels, a canopy above the door and a chimney. They would have two properties facing Millers Green and two that face the corner of the access road with windows in the side gables visible from the Millers Green frontage with ridge heights of 8.4m. The dwellings would utilise the existing levels with a 1m difference in floor level between plot 1 and plot 12. Plots 1 and 2 would have retaining walls and steps to the rear and side elevations and sloped gardens to the North West. The dwellings would have a living/ dining area, kitchen, utility and toilet on the ground floor with four bedrooms and a bathroom on the first floor.
- 2.4 Plots 5, 6, 7, 8 and 9 are one and a half storey natural gritstone fronted properties with small recessed square dormers on the front roof slope and a porch canopy. The ridge height would be 7m. A wide two storey brick gable is proposed to the rear with feature glazing that fills the gable. These properties would be located along the central access road and adjacent to

the north eastern and north western boundaries. Finished floor levels would be 3.4m higher than the proposed access onto Millers Green.

- 2.5 The two 2 bed bungalows on plots 3 and 4 are proposed to be affordable housing. A modification to the on-site affordable housing definition within the outline S106 was approved in March 2021 to provide a broader scope for provision as opposed to the specific definition of 2no. three bedrooms dwellings in the form of M4(3) wheelchair user standard. The proposed bungalows are hipped roof semi-detached large 40 degree pitched roofs with a ridge height of 5.6m. The bungalows would be side on to the two storey dwellings on the frontage and facing the internal access road. These bungalows would have a 2.7m -2.9m higher finished floor level than the frontage properties.
- 2.6 The applicant has submitted the following documents with the application:
- Planning, Design and Access Statement (May 2022)
 - Drainage Strategy Report GK3433
 - Sustainability and Energy Statement

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1 Sustainable Development Principles
 - S2 Settlement Hierarchy
 - S3 Development within Defined Settlement Boundaries
 - S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
 - S10 Local Infrastructure Provision and Developer Contributions
 - PD1 Design and Place Making
 - PD2 Protecting the Historic Environment
 - PD3 Biodiversity and the Natural Environment
 - PD5 Landscape Character
 - PD6 Trees, Hedgerows and Woodlands
 - PD8 Flood Risk Management and Water Quality
 - PD9 Pollution Control and Unstable Land
 - HC1 Location of Housing Development
 - HC4 Affordable Housing Provision
 - HC14 Open Space, Sports and Recreation Facilities
 - HC15 Community Facilities and Services
 - HC21 Car Parking Standards
- 3.2 Wirksworth Neighbourhood Development Plan (2015-2028)
- NP1 Setting and Shape of the Settlement
 - NP2 Quality and Character of Development within the Settlement
 - NP4 Size of New Homes and Space Standards
 - NP5 Principal Residence Homes
 - NP6 Quality of Residential Development
- 3.3. National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

21/00719/REM - Approval of reserved matters for the erection of 12no. dwellinghouses (outline planning consent 19/00455/OUT) – Withdrawn from agenda for the Planning Committee 12th October 2021 recommended for refusal.

20/00724/S106M	Modification of Section 106 Agreement dated 10th January 2020 to amend the wording of the affordable housing provision definition – Granted
19/00455/OUT	Outline planning application for a residential development of 12 dwellings with approval being sought for access – Granted
16/00704/OUT	Outline application for residential development of up to 50 dwellings – Refused
11/00229/EXF	Extension of Time Limit - Redevelopment of site to provide 5 no. detached dwellings, 5 no. residential apartments, associated access and landscaping – Granted
08/00286/FUL	Redevelopment of site to provide 5 no. detached dwellings, 5 no. residential apartments and associated access road and landscaping – Granted
07/00874/FUL	Redevelopment of site to provide 5 no. detached dwellings, 5 no. residential apartments and associated access road and landscaping – Withdrawn
06/00742/REM	Erection of 10 no. residential dwellings and associated access (approval of reserved matters) – Withdrawn
06/00461/REM	Erection of 10 no. dwellings (approval of reserved matters) – Withdrawn
03/02/0120	Residential development (Outline) – Granted
02/03/0225	Extension of sports field – Granted but planning permission subsequently rescinded by legal agreement with the District Council
02/03/0224	Residential development (outline) - Refused

5.0 CONSULTATION RESPONSES

Wirksworth Town Council

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

Strategic Housing Officer (Derbyshire Dales)

- 5.2 The 2 affordable homes will be provided to M4(2) with some elements reaching M4(3). The size and nature of the 2 bedroom bungalows would meet local affordable housing need providing good quality accommodation for people with mobility needs.

Peak and Northern Footpaths Society

- 5.3 No comments.

Ramblers Derbyshire Dales Group

- 5.4 They have no objection providing that:
- ii) Wirksworth FP 59 remains unaffected at all times, including the path surface, both during and after any development
 - iii) Any fencing adjacent to FP 59 has the permission of PRoW
 - iv) Flooding issues on FP59 are considered

- 5.5 There is no comment concerning the infrastructure and services with regard to the above application. The County Waste section considers a ground gas investigation is required.

The Local Lead Flood Authority (Derbyshire County Council)

- 5.6 There are no further comments to make at this reserved matters stage, however, they have been in discussions with the agent regarding the information required to discharge the outline conditions 25 and 26, with further information still required.

The Environment Agency

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

The Highways Authority (Derbyshire County Council)

- 5.8 In highway safety terms, the geometric layout of the scheme is considered acceptable, additionally the traffic impact of the development would not be sufficient to warrant an objection to the application on highway safety grounds. Regarding refuse collection the layout appears acceptable and there is no need for bin storage facilities. There are several issues with the proposed site design that would prejudice the adoption of the site as publicly maintainable highway on drainage matters when offered for Section 38 approval.

Derbyshire Wildlife Trust

- 5.9 They have reviewed the landscaping plan and consider that the proposed individual plant species and the grassland species mixes are acceptable and should provide biodiversity benefits, especially in relation to pollinating insects. The retention of hedgerows is noted and a new hedge are also marked on the landscape plan together with the location of trees/shrubs to be planted. The previous landscaping plan specified flowering lawn mix rather than amenity-style turf. We advise that this is carried through to this application, especially given there are no areas of meadow grassland in this layout. We have no further comments or objections to the approval of reserved matters at this time.

The Arboricultural and Landscape Officer (Derbyshire Dales)

- 5.10 The Arboricultural Report dated 24th June 2019 submitted with the outline included a Tree Protection Plan. The landscaping scheme proposed with the previous 21/00719/REM application was considered acceptable.

6.0 REPRESENTATIONS RECEIVED

- 6.1 Three representations have been received and these are summarised below:
- a) The Drainage Strategy Report is silent about site work performed during the summer of 2021 and the existence of the manhole under plot 1 which is part of a culvert.
 - b) Evidence is required in respect of the route of this culvert.
 - c) The drainage strategy is not sufficient as it would lead to water backing up and some levels on the drainage plan are incorrect.
 - d) Extreme flood event pathways are between Ohio Farmhouse and plot 1.
 - e) The original design proposed were terraced town houses on the frontage and now all dwellings are detached with the reason of making them accessible.
 - f) Insufficient parking is proposed for plots 1, 2, 11 and 12.
 - g) The increase in the scale of the property on plot 1 leads to it being overbearing on Ohio Farmhouse.
 - h) The difference in land levels means the properties appear 2.5 stories high.
 - i) The layout is very urban in character with properties dominant and out of character.
 - j) Landscaping of the site would be restricted due to the culverted watercourse.
 - k) The size of the properties have increased from the outline from bungalows to 4 to 5 bed houses.

- l) The public right of way floods annually in winter due to natural springs.
- m) Residents of Speedwell Mill experience regular flooding.
- n) The owner of 2 Millers Green has a legal easement that allows them to access their property over the development site but this private road would be removed as part of the development.
- o) A new bin collection point for 2 Millers Green should be provided at the end of the access point.
- p) Clarity is required in terms of the construction plan and the requirement of uninterrupted access to their property.
- q) There is a concern that the proposed 1.8m boundary fence to the south west of the existing hedge to the rear of plots 3 and 4 would be on top of the retaining wall making 3m above the patio area of 2 Millers Green.
- r) It is questioned why the fence is required if the existing hedge is to be replaced.
- s) There are concerns about the appearances of the properties particularly the ones facing the road. The red brick with no softening use of sandstone features make these homes look purely functional and not in character with the surrounding properties.
- t) There is no mention has been made of the metal telegraph pole on the edge of the site, this feeds electricity to their property 'The Mount' and there is a concern that the development may cause a disruption supply when the building starts.
- u) The owner of Ohio Farmhouse has assessed the scheme against the Building for Life (BfL 12) and finds a number of amber and red situations in terms of the relationship of plot 1 with his property, the housing mix, character, context and car parking.

One letter has been received in response to re-consultation and the concerns are summarised below:-

- i. A sample of the Gritstone for the boundary wall would like to be reviewed.
- ii. It is unclear what the distance is of the south wall of plot 1 and the boundary with Ohio Farmhouse.
- iii. The heights of the ridges of plots 1 and 2 have increased by 0.3m.
- iv. The use of solid fuel burners and chimneys is a concern due to the emissions.
- v. The chimney for plot 1 should be moved to the opposite side gable away from Ohio Farmhouse.
- vi. The gable rather than hipped roof has increased the overbearing on Ohio Farmhouse.

7.0 OFFICER APPRAISAL

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

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

Principle of development

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

7.3 In order for the development to comply with the requirements of Policy NP5 of the Wirksworth Neighbourhood Plan (2015-2028) some of the dwellings will be principal homes.

Condition 28 of the outline permission requires four of the dwellings, excluding the affordable housing, to be used as principal residences and not be utilised as a second home or for holiday accommodation.

Impact on the Character and Appearance of the Area

- 7.4 With the principle of the residential development established by the outline consent 19/00455/OUT only the reserved matters below can be considered:
- a) the scale of the development;
 - b) the layout of the development;
 - c) the external appearance of the development;
 - e) the landscaping of the site.
- 7.5 The following consideration is given to the scale, layout and appearance of the development which form three of the reserved matters. The principal policies for consideration are Policies S1 S3, PD1 and PD7 of the Adopted Local Plan (2017).
- 7.6 Policy S1 advises that all development should seek to make a positive contribution towards the achievement of sustainable development and, in doing so, seek to secure development which are of high quality, locally distinctive and inclusive design and layout and which provides a high standard of amenity for all existing and future occupants of buildings. Policy S3 requires that the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located. Policy PD1 advises that there is a requirement that the new development creates well designed, socially integrated, high quality places and should respond to the challenge of climate change whilst also contributing to local distinctiveness and sense of place. This policy requires all developments to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes. New development must be designed to offer flexibility for future needs and uses taking into account demographic and other changes; and ensuring development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features.
- 7.7 The proposed layout has to be considered in relation to the site's context and land level differences within the site. The part of Millers Green where the site is located is semi-rural with larger detached dwellings set within large plots with predominately open land when approaching the site from the centre of Wirksworth (north east) with a wide verge and no footpath on the right hand side of the road. Extensive negotiations have been ongoing since the previous application was withdrawn both through pre-application submissions and during this application timescale. It is now considered that the frontage properties address the street and appear in context in terms of their scale and design. The frontage plots would be stone faced and would blend with the existing properties in the vicinity of the site which are a mix of render and stone with some brick properties to the south west and south east. Frontage parking for the four plots would be on the Millers Green frontage enclosed by natural stone walls with the dwellings set back 8m from the road boundary. Two of the central plots would turn the corner with their end gables facing Millers Green and front elevations facing the internal access road. Dwellings on the frontage would step up with plot 12 having a 2m higher finished floor level than plot 1, utilising the existing rising land levels to the north east. The layout proposes a gradual increase in height to the north west of both the land levels and ridge heights.
- 7.8 The ridge heights of the three house types vary from 5.6m for the hipped roof bungalows on plots 3 and 4, to 7m in height for the one and a half storey dwellings on plots 5, 6, 7,8 and 9 to 8.4m to the ridge of the frontage properties on plots 1, 2, 10, 11 and 12. Therefore, the highest properties are on the lower part of the site and the scales of the properties on the highest part of the site reduced by either hipped roofs or the roofs taking up over 50% of the front elevations with small inset dormers inset. An assessment of finished floor levels and

ridge heights relative to adjacent levels concludes the proposal would be in keeping with the scale of properties in the surrounding area.

- 7.9 The appearance of the dwellings has changed significantly in the recent amended plans through discussions with officers and represents an acceptable design with the use of natural stone on all elevations of the frontage dwellings and front elevations of the rear plots. Traditional features have been introduced such as stone cills and lintels and chimneys and windows openings are uniform. Whilst, there remains three differing house types the use of stone aids assimilation.
- 7.10 In the assessment of the outline application it was considered that the dwellings on the upper level of the site should be single storey to reduce their impact on the landscape. Both the appearance and ridge height of the rear plots is considered to achieve this aim as they would be only 0.7m – 2.2m higher than the frontage dwellings. It is considered that these rear plots would have an acceptable relationship with footpath Wirksworth FP 59 that runs adjacent to the western boundary. Landscaping plans that follow the parameters of the previous scheme submitted with application 21/00719/REM that was considered acceptable are awaited with both the Tree Officer and Wildlife Trust content if is the case. Confirmation shall be supplied either through late representations or verbally at the meeting.
- 7.11 Policy PD7 advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design. These Policies align with the most recent Government guidance contained in the National Design Guidance published in October 2021. Energy efficiency should be secured through building design in accordance with Policy PD7: Climate Change and the Council's SPD on Climate Change adopted in July 2021. The submitted Sustainability and Energy Statement outlines the measures to meet or exceed the new Building Regulation guidance in terms of low air permeability and high thermal insulation, introduction of solar roof panels on all housetypes and the use of air source heat pumps. This accords with Policy PD7 and details of these measures shall be controlled by condition.

Impact on Residents' Amenity

- 7.13 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. The site abuts the gardens to three dwellinghouses to the south west. There would be a minimum distance of 15.5m – 19.5m between Plots 4 and 5 and the existing houses of 2 and 4 Millers Green. This is considered acceptable in privacy terms as the dwellings are proposed to be bungalows. There will need to be a replanting of the boundary hedge, however the plan annotates that the existing hedgerow would be retained for up to 5 years until the new hedgerow on the boundary is established. The bungalows are proposed to the north east of the existing properties and, therefore, there should be no impact with respect to a loss of light or overshadowing. Whilst the hedge could restrict outlook to some extent, a 2m high close boarded fence or hedge could be provided along the boundary by the applicant in any event. The finished floor level of plots 4 and 5 are similar to the level at the boundary of 130.7. It is acknowledged that No.2 Millers Green has a 1m lower land level (as indicated on the objection letter) and the concern of this property regarding the height of the boundary fence is noted. It is therefore considered that plans indicating the ground level of the fence relative to this property are required by condition prior to the erection of any fencing. On the basis of the distance between properties, land levels and boundary screening this relationship is considered acceptable.
- 7.14 Ohio Farmhouse is to the south west and the nearest dwellinghouse on plot 1 would be set approximately 9.8m (house to house) at its nearest point. As Plot 1 is to the north,

overshadowing is not considered significant and as the side gable is blank, overlooking would not be a primary concern. Any rear windows would not overlook this property due to the siting of plot 1. The issue with regard the existing stone wall on this boundary, any new boundary fencing and the detail of the retaining wall to the side of plot 1 shall be dealt with under the boundary treatment condition to ensure the relationship is appropriate given the change in land levels. Having assessed the relationships with existing properties the proposal represents a scheme that would not have significant adverse impacts on the residential of neighbouring properties in accordance with the requirements of Policy PD1.

Highway Matters

- 7.15 The Local Highway Authority advises that the geometric layout of the scheme is considered acceptable and the traffic impact of the development would not be sufficient to warrant an objection to the application on highway safety grounds. Regarding refuse collection the layout appears acceptable and there is no need for bin storage facilities. However, they note that the road within the site could not be adopted as the highway surface water scheme would not meet the requirements of a Section 38. Condition 23 of the outline required the submission of a scheme at reserved matters stage and this has been compiled with. The agent has confirmed that the road would not be adopted and any detailed drainage matters would be dealt with in the discharge of conditions 25 and 26 and these are prior to commencement conditions. Whether the road is to be adopted is not within the remit of planning permission therefore on the basis that access was approved at outline and parking and manoeuvring within the site is adequate; the proposed layout is considered to accord with Policy HC19.
- 7.16 A Public Right of Way Wirksworth 59 adjoins the south western corner of the site. The layout indicates a 3m wide access track leading from the turning head which is provided to allow access to the fields to the west and also provide a link through the site and for residents to access the route. An informative regarding any works avoiding disruption to the footpath would be placed on any permission.

Flooding and Drainage

- 7.17 The Lead Local Flood Authority (LLFA) has assessed the application and sought further information from the applicant as they need to ensure that the surface water related conditions from the outline application can be discharged within the layout proposed as part of the reserved matters. The three outline conditions that relate to surface water are included below:-
25. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. Millers Green, Wirksworth Flood Risk Assessment & Drainage Strategy, Second Issue (July 2019 by Waterco) and including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team,
 - b. and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.
26. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- i) into the ground (infiltration);
- ii) to a surface water body;
- iii) to a surface water sewer, highway drain, or another drainage system;
- iv) to a combined sewer.

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

7.18 The Flood Risk Assessment and Drainage Strategy approved as part of the outline dated July 2019 identified the site is within Flood Zone 1 and there is a 225mm public combined sewer located some 40m south west of the site. In terms of surface water drainage connection to the culverted watercourse passing through the site is proposed. Attenuation storage will be required on site in order to restrict surface water discharge to respective greenfield rates 7 l/s for the 100 yr = 40% event (Figure 6 – Drainage Strategy). Attenuation is proposed within a geocellular attenuation tank to the front of plots 11 and 12. Foul flows can discharge to the 225mm public combined sewer in Millers Green approximately with a gravity connection achieved.

7.19 The LLFA have been in negotiations with the applicant's drainage engineer in order to provide a suitable surface water drainage strategy for the site that would allow the discharge of the outline conditions.

Arboricultural Matters

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

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

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

7.22 The previously submitted landscaping scheme included new trees within the gardens and within the street scene and a replacement hedge to the rear of Plots 4 and 5. Provided that this is secured together with biodiversity enhancement, landscaping is acceptable and accords with Policy PD5.

Affordable Housing Provision

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

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

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

- 7.25 The original Outline S106 secured on site provision and an off-site affordable housing contribution of £15,270 (equivalent to 30%). No dwellings can be occupied until this payment is made and on-site affordable provided before 50% occupation of the dwellings. The proposed affordable housing provision that meets the requirement of M4 (2) with some M4 (3) elements is considered acceptable and will conform with the outline permission and the approved modification to the S106.

Other Matters

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

Conclusion

- 7.29 The proposal is considered to be compatible with the village fringe context due to the scale, layout and appearance of the dwellings. The design and materials proposed would integrate and blend with this part of the settlement and no significant adverse impacts on residential amenity or landscape would ensue. The development would respect the character, identity and context of this part of the settlement and all technical matters have been addressed. Taking the above into consideration the development is considered to satisfy the relevant provisions of the development plan and national guidance and a recommendation of approval is put forward on this basis.

8.0 RECOMMENDATION

1. This consent relates solely to the application as amended by the revised plan no's 3095 - 02 Rev O, P03 Rev A, P04 Rev C, P05 Rev C, P06 Rev E, P07 Rev C and P08 Rev B received by the Local Planning Authority on the 7th October 2022 together with plan no.09 received on the 27th May 2022, Plan No. GK3433-C-001 Rev B received on the 12th September 2022 and plan no. 001A received on the 9th June 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 windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include materials, finish, depth of reveal, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at 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. Details of the verges shall be 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

5. Details of the proposed solar panels and air source heat pump equipment (including size, manufacturer and model number) have been submitted to and approved in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details.

Reason

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

6. 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).

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

Reason:

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

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

Reason:

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

9. The 3m high green welded mesh fence as per the submitted visuals and as annotated on plan no. 3095-02N Rev O shall be provided in accordance with the approved details prior to the occupation of the first dwelling on the site.

Reason:

To ensure the provision of adequate safety measures having regard to the potential for cricket balls to be hit into the application site with the potential to harm residents to comply with Policies S1 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

10. A scheme for the implementation and future management of the approved landscaping, including the planting of a new, and retention of existing hedgerows and other biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the dwellings. The landscaping shall thereafter be delivered and managed in accordance with the approved details.

Reason:

To ensure a satisfactory standard of landscaping and in the interests of enhancing biodiversity in accordance with the aims of Policies S1, S3, PD3 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

1. The Planning Authority prior to the submission of the application, and during its consideration, 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 and layout and flood risk.

2. This decision notice relates to the following drawings and documents:

3095 -02 Rev O, P03 Rev A, P04 Rev C, P05 Rev C, P06 Rev E, P07 Rev C and P08 Rev B received by the Local Planning Authority on the 7th October 2022
plan no.09 received on the 27th May 2022,
Plan No. GK3433-C-001 Rev B received on the 12th September 2022
plan no. 001A received on the 9th June 2022
Planning, Design and Access Statement
Drainage Strategy Report by GWK ref GK3433
Drainage GA Plan – GK3433-C-001

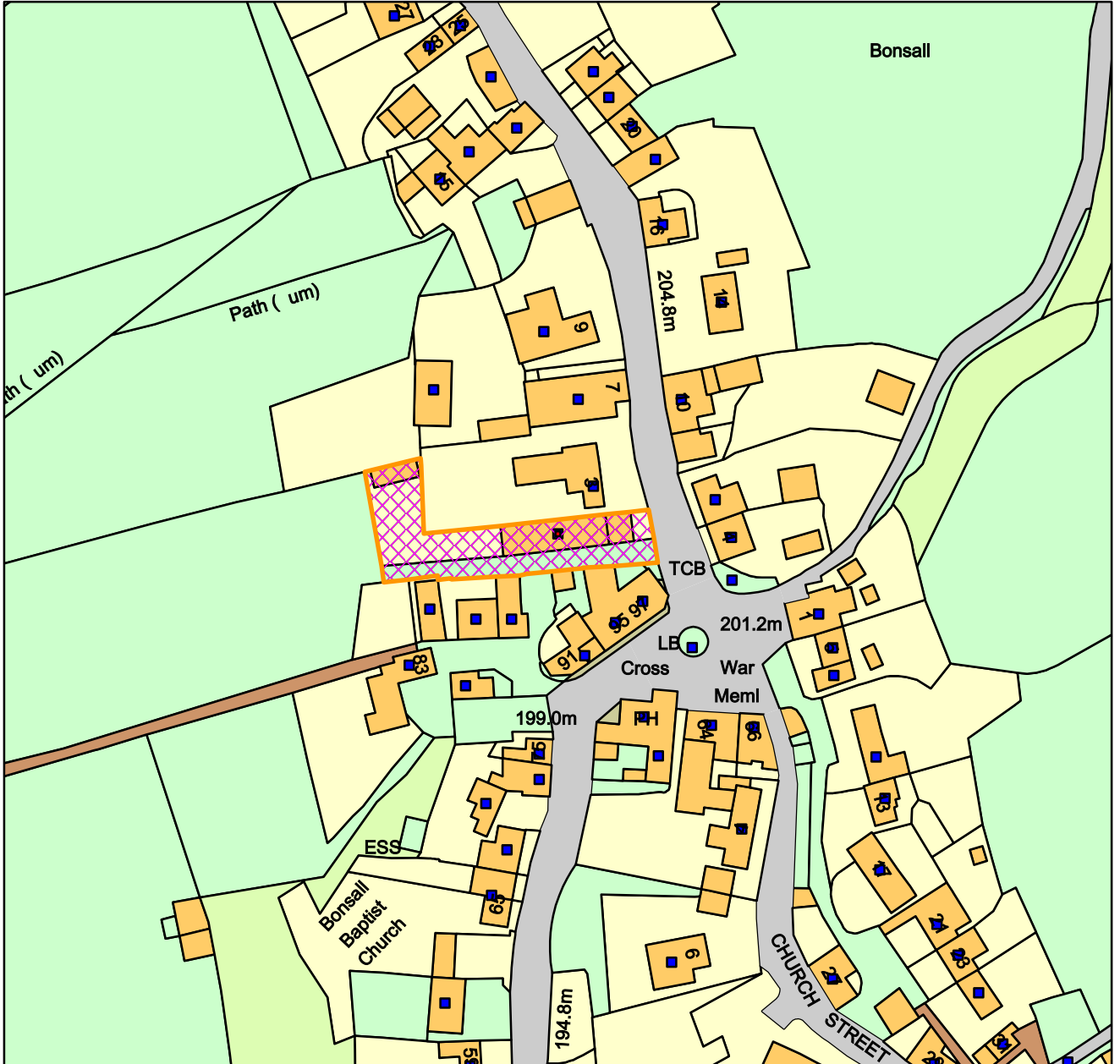
3. The Highways Authority advises the following with regard highway surface water:-

Derbyshire County Council have published guidance notes for planning and development to assist developers in the design of all surface water drainage systems, and to support Local Planning Authorities in considering drainage proposals for new development in Derbyshire. The guide sets out the standards that we apply in assessing all surface water drainage proposals to ensure they are in line with National legislation and guidance, as well as local requirements.

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22/00769/FUL & 22/00770/LBALT

1 High Street, Bonsall



Derbyshire Dales DC

1:1,250

Date: 27/10/2022

100019785

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

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APPLICATION NUMBER		22/00769/FUL	
SITE ADDRESS:		1 High Street, Bonsall	
DESCRIPTION OF DEVELOPMENT		Conversion and change of use of barn to 1no. dwellinghouse and erection of outbuilding comprising of stables and carport	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr Mark Whitfield
PARISH	Bonsall	AGENT	James Boon Architects
WARD MEMBERS	Cllr. G. Purdy Cllr. D. Murphy	DETERMINATION TARGET	26 th August 2022
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	Requested by Ward Member and to assess the impact of the proposals on the character and appearance of the listed building and Bonsall Conservation Area and the amenity of neighbouring residents

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Introduction • Principle of development • Impact on heritage assets • Archaeology • Highway matters • Ecology • Impact on amenity

RECOMMENDATION
That planning permission be granted subject to conditions

1. THE SITE AND SURROUNDINGS

- 1.1 The existing barn is a long range of farm buildings that are Grade II listed. The building is on the listed buildings at risk register and appears to have not been used for some time. The property dates from the late C17, or early C18, and is constructed of coursed stone rubble. The building is sited gable onto the road, with a narrow track to the south leading to the rear of the building along its frontage.
- 1.2 The site is within the built up area of Bonsall, surrounded by residential properties and open fields to the west. The site is also within the Bonsall Conservation Area.







2. DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought to change the use and convert the existing vacant barn to a dwelling. The proposed conversion will provide two bedrooms, two en-suites and a shower room on the ground floor. To the first floor a large living / dining space will be created with a further bedroom and a snug / office. The works will involve the internal subdivision of the building and works to restore the building and repair / reopen windows, restore chimneys and internal floors.
- 2.2 The ground floor is proposed to contain three bedrooms (one with en-suite, a bathroom, utility, snug and gymnasium). It is proposed to provide a reception hall, bedroom and open plan kitchen, dining area, living area and snug on the first floor with the second floor, within the roofspace, being used as a double height space for some 50%, a mezzanine and two loft spaces. The double height space, mezzanine and one of the loft spaces are proposed to each have a rooflight. During the consideration of the application, and having gone through the Conservation Officers comments, the applicant has made minor adjustments to the scheme to accommodate the changes required (reduce to 1 no log burner flu in the chimney and revised repair to eastern first floor entrance door surround).
- 2.3 An ecological survey has been submitted. It was noted within the Peak Ecology (2015) report that swallows *Hirundo rustica* were nesting within Building 1. As there is potential for nesting by swallow and other species such as pigeon, swifts and house martins within the building, it is recommended that work should be carried out outside of the main nesting bird season (March to September). Proposed vegetation clearance work should also be carried out outside of the nesting bird season.
- 2.4 It is also proposed to demolish the dilapidated timber building at the rear of the site and to replace this with a stable and car port building. The applicant advises that the previous approval had the former garage, at the ground floor eastern end, shown as a garage but this would have been very difficult to use in a practical sense for cars and, as such, the new proposals show vehicle parking to the rear. Therefore to protect the street from further parking congestion, the intention is to utilise the land to the rear of the property currently owned by the applicant.
- 2.5 The applicant has submitted an updated Preliminary Ecological Appraisal by Peak Ecology. It advises that a bat roost was confirmed in the main building after the results of the Peak Ecology (2015) surveys. Further survey work was undertaken in 2022 which identified three day roosts for a small number of common pipistrelle bats in Building 1. Whilst there was limited suitable habitat on site to support commuting and foraging bats, there was good commuting habitat within the wider area. The applicant has also submitted a Biodiversity Net Gain Statement by Peak Ecology.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S2	Settlement Hierarchy
S4	Development in the Open Countryside
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
PD9	Pollution Control and Unstable Land
HC8	Conversion and Re-use of Buildings for Residential Accommodation
HC21	Car Parking Standards

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

3.3 Bonsall Conservation Area Appraisal

3.4 National Planning Policy Framework

3.5 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- | | | |
|-----|----------------|---|
| 4.1 | 22/00770/LBALT | Internal and external alterations in association with conversion of barn to dwellinghouse - to be determined |
| 4.2 | 15/00329/LBALT | Alterations to listed building – Conversion of barn to dwelling, including internal and external alterations – Permitted with conditions. |
| 4.3 | 15/00311/FUL | Change of use and conversion of barn to dwelling – Permitted with conditions |

5. CONSULTATION RESPONSES

5.1 Parish Council

- there are significant threats to neighbours' privacy from overlooking window
- application seeks to turn the un-adopted track into access for several vehicles to a newly constructed garage and stable - there has never been a garage on the site
- the track is currently not used for vehicles and emerges onto a dangerous bend in the road which would be a hazard to vehicles entering or leaving the property
- no mention of the stream which runs under the track which is liable to frequent flooding
- application seeks to lower the track and there has been no consultation with residents who would be substantially affected by such work
- the integrity of retaining walls on 2 properties which adjoin the track would be compromised
- proposed alteration of the common access road is fundamental to this application and is integral to it.

- additional information added 04.10.22 makes no difference to the objection
- still no attempt to address the issue of flooding, which is already a problem, nor how this will be exacerbated by the proposal to lower the track
- no reference to the negative impact on residents living nearby who have not been consulted and who will be hugely affected
- proposed stable is oversized as is the car port and the wooden building material is obtrusive
- this is a grand design which is not in keeping with the surrounding area and which does not respect or understand the heritage of Bonsall.

5.2 Local Highway Authority (Derbyshire County Council)

- no objections to the proposed development from a traffic and highway point of view
- request informatives be attached with respect to the first 5m of the access not being loose surfaced and measures to ensure that any surface water does not run-off onto the highway.

5.3 Design and Conservation Officer (Derbyshire Dales District Council)

- Comments on matters of detail with respect to the listed building proposed to be converted and with regards to the design and appearance of the stable/car port building.

5.4 Environmental Health (Derbyshire Dales District Council)

- no objection.

5.5 Development Control Archaeologist (Derbyshire County Council)

- No 1, High Street, Bonsall (aka The Range) is recorded in the Derbyshire HER as a Grade II listed building (MDR3116) and it sits within the Bonsall Conservation Area
- the Heritage Statement that accompanies the application is correct in stating that the building as it stands has a late medieval origin in the 16th century and is clearly a building with a partial history legible in its walls
- building itself lies gable end on to Bonsall High Street fronting onto a path/track like access at the south and in many ways this spatial arrangement may point to an earlier medieval antecedent
- clearly rehabilitation of this building will involve work to its historic fabric and the proposed ground floor treatment to mitigate radon will impact any intact archaeological deposits at floor and sub floor level within the building
- proposed re-grading of external land adjacent to the west for the proposed new stable and the provision of services in the roadway and any regrading of the roadway will impact on any buried archaeological deposits associated with the building
- regarding the roadway, revisiting the correspondence of 2015 its ownership and the responsibilities for maintenance seem to be obscure though it may have formed a common lane to common grazing land and enclosures (possibly a pinfold) to the west
- although the Heritage Statement does not deal with below ground archaeology, other than to say a cobbled surface was found when excavating a trail pit next to The Range, or specifically what the likely impacts of the work will be, believe have enough information to recommend that a tiered and integrated approach to this site is required, its aim to produce an integrated understanding of the buildings origins and development
- the required archaeological works could be obtained by attaching a condition to any planning consent
- any prospective or appointed archaeological contractor should contact this office prior to producing any WSI and the WSI should be developed in full consultation with this office.

5.6 Arboriculture and Landscape Officer

- site appears to contain no significant trees and all buildings are proposed to occupy the same footprints as existing buildings
- no objections to the proposals from landscape or arboriculture points of view
- recommend that the design of the new building (stable/car port) should incorporate recessive finishes and its height should be not significantly more than the existing stable.

5.7 Councillor G. Purdy

- note objections of Bonsall Parish Council but if building is not brought back into use then a significant heritage asset will be lost to the village
- suggest application warrants a site visit in view of the significance of the site and the objections raised.

6. REPRESENTATIONS RECEIVED

6.1 Representations have been received from the owners/occupiers of six neighbouring properties. A summary of the representations is outlined below:

Impact on the character, appearance and setting of the Listed Building and Conservation Area

- plans for the barn and its grounds involve development which isn't faithful to its original appearance
- isn't a sympathetic restoration of a listed structure but a wholesale gutting of it
- concerns that the building's conversion is a static change to the appearance and structure of what is a listed building
- design of the stables, store and car port isn't in keeping with the surrounding buildings, including the listed barn itself
- size and design of stables not in keeping with surrounding buildings
- accept that the current pigeon shed needs to be replaced but the planned stables are 300% bigger in volume than the pigeon shed.
- allowing occupants of the barn to drive and park numerous vehicles amongst neighbours' gardens and turning a grassy lane into a stone chip track to provide access will negatively affect the character of this small, beautiful nook in Bonsall which sits within the wider Bonsall Conservation Area.
- understand applicant also owns the adjacent 3 acre field and suggest that would be a better place for stabling as it is removed from houses and has access at the top end of it
- unclear why so much parking provision is required believe that permitting unlimited parking on the section of land immediately next to an open field - which will be visible to all when walking along The Limestone Way (a nationally recognised heritage trail) – will have a detrimental effect on the character of this part of Bonsall and ask DDDC not to allow this to happen.
- support the Conservation Officer's comments that:

It is considered that a replacement building, of timber clad construction and character etc. may be acceptable in this location, however, there is a concern over its proposed size/mass in comparison with the current shed and its height etc. There is also a concern over the extent of visual/physical change to the area with extensive gravelled surfacing and alterations to the adjacent limestone boundary wall. In this regard, it is considered that the proposed new building and outworks may have an adverse

impact on the setting of the listed building and on this part of the Bonsall Conservation Area.

- the above states the application for the stables should be weighed against the public benefits of the proposal, but there is no public benefit, only to the applicant, thereby making it hard to see how a stable building of this size should be permitted
- if the owner is determined to have stables, they could be positioned away from houses in the adjacent field which he owns, as a neighbour has done on the other side of Stepping Lane
- the loss of garden/green space in favour of car parking would compromise the open aspect onto fields that the barn and its neighbours currently enjoy

Impact on Amenity

- no protection from noise or dust created by vehicles coming and going daily on a stone chip lane
- stables with horses needing to be mucked out and use of horseboxes, large vehicles to transport them etc;
- large scale, unsympathetic development of the site requiring prolonged construction thereby creating long-term noise and inconvenience to neighbours of the barn and holiday guests
- kitchen windows are only 130cm from the side of the lane and sit only slightly above the level of it because the level of the lane rises uphill, above the ground floor - would have vehicles and horses turning into the new car park at our head height bringing unwanted noise and loss of privacy
- plans shows multiple windows on the side of the building which will overlook a number of surrounding properties (85, 86, 89, 91, 95 and 97) - believe this will have an impact on privacy
- depth of retaining boundary wall on the lane side is less than 40cm and would provide very little protection against rogue stones, dust and noise from the proposed gravel drive
- neighbours retaining boundary wall would also likely be damaged if vehicles pass frequently alongside it
- detrimental impact upon holiday let business and future enjoyment of dwellinghouse - hope to make it a permanent residence in the future
- change of use would compromise that quiet enjoyment of property by frequent vehicles using the lane, a view onto car parking instead of grass and the presence of new stables, all of which will bring an increase in noise and a significant loss of privacy
- would no longer be secluded but overlooked
- to undertake a building project of this scale will require many months of construction in a relatively small space, bringing noise and disruption to all of the properties in the vicinity but particularly those that back onto it, i.e. numbers 85, 87, 89, 91, 93 and 95.

Physical Impact on Neighbours' property

- daily use of the shared access lane by vehicles is very likely to cause damage to retaining boundary wall which is ostensibly a dry limestone wall
- cost of repairs to such walls is sizeable and it is not reasonable to expect neighbours to meet this or to bear the cost of reinforcing the wall to withstand traffic

Highway Matters

- visibility onto the road at that point is extremely poor and in addition, it is situated just after the bend as Yeoman St becomes High St.
- blind exit to the right and have had several near misses when loading/unloading due to cars coming around from The Cross

- oncoming traffic (which can travel quite fast) would not be able to see vehicles emerging from the lane as well as the vehicle emerging not being able to see them
- as the proposal is in relation to potentially 3 vehicles, as well as horses/horse boxes using the lane, suggest that number significantly increases the likelihood of an accident
- isn't a safe exit for one car occasionally - the risk is much increased if a number of vehicles/horses are using it daily
- wall on the right isn't the property of the barn and so cannot be removed or lowered and it is that which causes the greatest hazard.
- change of use from a grassed area to stable and carport would inevitably mean very frequent use of the lane by vehicles and horses
- have no guarantee that the designated area wouldn't be used to park numerous cars, as it is a large enough area in which to do so
- frequent exit from the shared access lane onto High Street by a number of vehicles/horses is a road safety hazard
- car parking and associated access could easily be overcome by reverting to the 2015 plans for the site
- although it is stated that the double doors at the front of the barn would be very difficult to use in a practical sense for cars, believe that at 3 metres wide it is sufficient for one medium sized family car
- unattractive steps at the front of the barn could be repositioned allowing parking for a car or, as in an iteration of earlier plans made by a previous owner of the barn, a parking space could be created immediately behind the barn, avoiding the need to use the whole of the shared access lane and keeping the appearance of the rear of the development as green and rural as possible and in keeping with the properties surrounding it.
- applicant is seeking parking space for multiple vehicles but many homes in Bonsall only have one parking space/none at all

Ecology

- bat survey not carried out before repairs made to the roof earlier in the year
- note reference to meeting the needs of the bats to justify the size of the stables - other options could be considered such as re-designing the barn by keeping a loft void to accommodate the bats (as submitted by a previous owner and per a report in 2015) or the use of bat boxes.

Flooding and drainage

- brook regularly floods the lane during heavy rain – would seem this has not been addressed by the Highways team or on the plans which may open litigation if not addressed and if a full survey is not completed

Other Matters

- dispute over the ownership of the access which is an unadopted lane giving access to the properties on its boundaries
- object very strongly to the fact that the applicant is trying to lay claim to the lane which he does not have sole rights for
- once the lane is made suitable for vehicles, there is nothing to prevent any of the six householders, with right of access to the lane, to use it for their vehicles now or in the future, in addition to the occupants of the barn - this creates a completely unworkable situation, given the lane is extremely narrow, without a turning space and has very poor visibility onto High Street.

7. OFFICER APPRAISAL

Introduction

- 7.1 The issues for consideration are the principle of the proposed development, the impact upon the listed building and its setting and matters of archaeology, amenity, highway safety and ecology.

Principle of Development

- 7.2 Planning permission and listed building consent were granted in 2015 (refs: 15/00311/FUL and 15/00329/LBALT) for the change of use and conversion of the building to a dwelling. The current application is essentially a resubmission of that granted planning permission, as the time for implementation of that permission has expired, but it also includes further works to form a stables/car port and parking and manoeuvring space to the rear of the principal building.
- 7.3 Since the previous planning application was determined, the Adopted Derbyshire Dales Local Plan (2017) has replaced the Adopted Derbyshire Dales Local Plan (2005). The principal changes in policy since the previous planning permission was granted is that Bonsall is now recognised as a Fourth Tier Settlement. To this end, policy S2 (Settlement Hierarchy) advises that this is an accessible settlement but with a very limited range of employment, services and facilities. Development is therefore limited to that which helps to maintain existing services and facilities and to meet the housing needs of the settlement. To this end, development also needs to be commensurate with the scale and function of the settlement, through infill and consolidation of the existing built framework.
- 7.4 As the village is a Tier 4 settlement, it does not have a defined settlement boundary and the site is therefore deemed to be within the open countryside. Policy S4 (Development in the Countryside) advises that dwellings will be allowed where the housing is within Fourth Tier villages, subject to other material considerations, and will allow for the conversion and re-use of buildings in accordance with policy HC8 (Conversion and Re-use of Buildings for Residential Accommodation). This policy advises that the conversion and/or reuse of existing buildings to residential use will be permitted provided the building is of permanent and substantial construction, makes a positive contribution to the character and appearance of the surroundings, can be converted without extensive alteration, rebuilding or extension and does not have a detrimental impact upon the character and appearance of the building and its surroundings.
- 7.5 Given the above, it is considered that the principle of converting the building to residential accommodation is acceptable, as it was when previously approved in 2015.

Impact on Heritage Assets

- 7.6 The proposed works will seek to sympathetically restore a vacant listed building and bring it back into use. Due to its un-used nature and condition, the building has been on the District Council's Buildings at Risk Register for over 25 years. In 2015, planning permission and listed building consent (15/00311/FUL and 15/00329/LBALT) were granted for the conversion and alteration of the building to form a single residential dwelling. No lawful commencement of the approved works has been made and, therefore, the 2015 approvals lapsed in 2018. This proposal will, therefore, lead to the beneficial reuse and restoration of a Grade II listed building in a sustainable location, bringing not only benefits to designated heritage assets but also to reduce the shortfall in housing supply, albeit in a very minor way.
- 7.7 The current application (and listed building consent application) are for a similar proposal for the conversion and alteration of the building to form a single residential dwelling. The

majority of the proposals for the external elevations/roof etc. also reflect those which were approved in 2015. In that regard, these proposed works were considered and assessed in 2015 and deemed to be acceptable alterations/changes. The key amendments from the 2015 approvals are commented upon as follows.

- 7.8 In 2015, approval was given to re-instate two chimneystacks to the building which were to be of stone construction. In the current application, they are to be of 'handmade red brick' construction. In an historic photo the stacks appear to be dark, most probably representing a dark red brick construction. Their re-instatement, in a handmade red brick, is therefore considered to be acceptable but a condition will be required on any approval relating to approval of the brick, stack heights and plan-form/shape and pots.
- 7.9 The roof has been covered with corrugated concrete tiles. The proposal is to remove these and cover the roof in Staffordshire Blue clay tiles (as approved in 2015). This is considered to be acceptable. The submitted statement identifies that the applicant is attempting to source Derbyshire stone slates to cover the roof and, if they can be sourced, would use these. The use of Derbyshire stone slates (graduated) would be deemed acceptable and a condition would need to be attached to any grant of planning permission relating to the choice of roof covering material.
- 7.10 The property was proposed to have wood-burning stoves, with two metal flue pipes projecting through the roof. The inclusion of two adjacent pipes was considered to be unfortunate and to appear slightly industrial in their nature. To this end, the proposals have been amended to 1 no. log burner flu in the chimney.
- 7.11 On the main, south elevation the proposals are very similar to those approved in 2015. The exceptions are that a second floor window is not to have mullions re-instated, a plain boarded door to a ground floor doorway is now proposed to have a glazed/framed door, a ground floor window is proposed to be re-instated to its former three-light pattern and the large ground floor opening (garage) is proposed to have set back glazing with a bi-fold timber boarded doors to the frontage. The proposed alterations are considered to be acceptable. In addition, the new window frames are proposed to be slim framed, timber double-glazed. A condition would need to be imposed requiring proposed constructional details for each window.
- 7.12 It is proposed to install 3 no. conservation rooflights on the north facing roofslope; no rooflights were approved in 2015. Nevertheless, it is considered, on this particular roof slope and it being partially concealed by the adjacent property, that the area of the roof slope could accommodate some rooflights. Subject to the rooflights being recessed/flush fitting, it is considered that their introduction to this particular roof plane would be acceptable. All current plastic guttering/downpipes are to be replaced with cast-iron (black) rainwater goods. This is considered to be acceptable subject to the guttering being affixed using traditional rise and fall brackets.
- 7.13 On the east gable end, it was proposed to remove the current 'concrete faced frame' to the doorway and replace it with 'gritstone frame'. It is considered that the concrete framing, whilst being an anomalous material, is perhaps contemporary with the formation of the gable end door. In this regard, it was advised that this should be retained and repaired, as it is considered that to replace this with a stone surround to the door would be a confusing architectural inclusion, as the doorway is undoubtedly a much later addition/insertion and a stone surround would convey an unwarranted and inappropriate architectural change/treatment. To this end, the applicant has revised the proposals to repair the eastern first floor entrance door surround.
- 7.14 New 'black wrought iron handrails' are proposed to be installed to the steps to the gable end doorway. These are considered acceptable subject to a condition on the constructional

detailing and fixing. Subject to the above comments, and compliance, etc. with any conditions imposed, it is considered that the proposed external works to the listed building are acceptable alterations.

- 7.15 It was considered that a replacement building, of timber clad construction and character, etc, may be acceptable to the rear of the site. However, there was initial concern raised over its proposed size/mass in comparison with the current shed/pigeon loft and its height, etc. There was also a concern over the extent of visual/physical change to the area, with extensive stone gravelled surfacing and alterations to the adjacent limestone boundary walls. In this regard, it was considered that the proposed new building and outworks may have an adverse impact on the setting of the listed building and on this part of the Bonsall Conservation Area.
- 7.16 To this end, the applicant has sought to justify the scale of the building. It is advised that the British Horse Society guidelines are for a 3.65m x 4.25m stable and that the proposal is a very similar size to this at 3.65m x 4.5m, with further space to the side as an external store so further sheds, or the like, are not required. The applicant appreciates that, with the car port then incorporated, the size of the building does increase, but this has also been required in order that it can be used as an external bat loft, providing mitigation for the bat roost that will be lost when the roof of the existing building is repaired.
- 7.17 The timber cladding of the stable/car port building, in a utilitarian and ephemeral nature, is considered to be an appropriate cladding of the building rather than a more prominent and permanent stone building. On this basis, it is considered that the proposed stable/car port building is of a design and scale that is justified and will not harm the setting of the listed building.
- 7.18 There is concern raised over the extent of visual/physical change to the area, with extensive gravelled surfacing and alterations to the adjacent limestone boundary wall. To this end, it is considered reasonable to attach a condition that details of hardsurfacing is submitted for approval, with stone slabs being a potentially more appropriate material. As such, the proposals are considered to accord with the aims of policies S1, S4, PD1 and PD2 of the Adopted Local Plan (2017) subject to appropriate conditions.

Archaeology

- 7.19 The proposed development was previously considered in 2015 by the Development Control Archaeologist (Derbyshire County Council). It was advised that, whilst the works that may take place to the track to the south of the building were likely to be minor, these works would take place within one of the oldest parts of the village and therefore an archaeological watching brief was required for any such works. Subject to this condition, the proposal is considered to be acceptable in accordance with policy PD2 of the Adopted Local Plan (2017).

Highway Matters

- 7.20 The submitted block plan shows that 2 no. parking spaces would be provided to the rear of the building accessed from the High Street via the existing track. It appears from the application details that no works are proposed to the access track. As it is likely that some works/surfacing may be required of the track and/or the parking area, details of these works will need to be provided as a condition of any planning permission. In accordance with the recommendation of the Local Highway Authority, the access and parking is acceptable subject to conditions. As such, it is considered that the proposal complies with policies S4 and HC21 of the Adopted Local Plan (2017).

7.21 The applicant advises that there is no intention to restrict the neighbours' access points and that the proposal is intended to help improve the lane for all. The applicant states that they do not take ownership of shared access, as its ownership is unknown and, therefore, under the planning process, they have notified through the Peak Advertiser that they intend to make alterations to improve access and investigate the existing historic surface below. The applicant states that they currently have a right of access to the rear of the property, for vehicles to access the field they own and to land immediately behind the property. The applicant advises that they could continue to access the site without adjustments, but realigning the rear boundary wall will alleviate the proximity of vehicles that the access currently presents.

Impact on Amenity

7.22 With the previous grant of planning permission, a garage was proposed within the listed building towards the front of the site (where a gymnasium is now proposed), albeit access into the garage would have been difficult given the site constraints for manoeuvring. As detailed above, the applicant now seeks to provide parking and manoeuvring space to the rear of the site. Concern has been raised with regard to a loss of amenity associated with the comings and goings of vehicles along the access track. There will also be a degree of impact of car headlights at night.

7.23 Whilst the garage was proposed at the front of the site, within the listed building, with the previous grant of planning permission, there was no restriction imposed on how far vehicles could travel along the access track and it appears that there are no legal restrictions to this. Planning permission may not have been required to form a turning area to the rear of the site as this could have been potentially undertaken as minor works.

7.24 Notwithstanding this, vehicles would be able to use the proposed parking area to turn at the rear of the site and to drive down the access and exit in a forward gear. This is considered preferable to the possibility of parking being restricted to the front of the building, where turning would not have been possible given the constrained width of the access and particularly if a car was in the garage (if possible) and one was outside. To this end, it is considered that the use of the constrained access, in terms of exit visibility, will be benefitted by vehicles exiting in a forward gear. In addition, such parking at the front/side of the premises would restrict access to the lane which appears to be shared with neighbouring residents.

7.25 Whilst it is appreciated that the neighbours and their holiday guests at Penny Cottage, 85 Yeoman Street, would have had little disturbance previously, with the building being vacant for so long, it is nevertheless considered that the modest amount of comings and goings likely to be undertaken along the access by cars associated with a dwellinghouse would not create such a significant loss of amenity that could justify a recommendation of refusal of planning permission.

7.26 Concern has been raised by neighbouring residents regarding the ownership of the track. This is a matter that would need to be resolved between the land owners but it appears that vehicle access can at least be obtained to the field beyond, given the field gate in situ, and the applicant has advised that they have a right of way at least. As the proposal does not require fundamental alterations to the track, nor will it remove any routes of access via this track, the issue of ownership is a civil matter and is not considered to carry any weight to warrant refusal of planning permission. As such, the proposals are considered to comply with the aims of policies S1 and PD1 of the Adopted Local Plan (2017).

7.27 Concern has also been raised with regard to the impact that the stable/car port building will have on the amenity of the occupiers of the neighbouring residents to the north of the site. Whilst the building would be higher than the existing structure, given the angle of the roof

pitch it is considered that the additional height and mass of the building would not substantially harm light or outlook of the neighbouring property to an extent that would justify a recommendation of refusal of the planning application. The design of the stables/car port is considered to be justified and acceptable contextually with the listed building and the field beyond.

- 7.28 The stables is located near to neighbouring properties. However, the size of the stable space is such that only a single horse could be reasonably accommodated. No objections have been raised by the District Council's Environmental Health Section with respect to the proximity of the stable to the neighbouring properties.
- 7.29 The applicant has advised that they intend to work with the neighbours so that construction works can be implemented with minimal impact on them albeit a condition can be attached to any grant of planning permission that restricts the hours of construction/conversion works. This will allow for the development to be undertaken in a reasonable time scale whilst seeking to limit the impact on neighbouring residents.

Ecology

- 7.30 It is noted that there are bat roosts within the building and, in view of this, a Natural England European Protected Species Licence is required before works can commence on the building works. To this end, a condition can be attached to any grant of planning permission to ensure this licence is obtained prior to works commencing on site. The applicant has detailed that the proposed stables/car port building would provide compensatory habitat and that this can be subject to a condition on any grant of planning permission. Conditions are also required, in accordance with the guidance from Derbyshire Wildlife Trust, to ensure that works take place to avoid the nesting bird period and that the recommendations of the two ecology reports are followed.
- 7.31 In terms of biodiversity, it is advised by Peak Ecology that the survey results indicate that the proposals, with the addition of new trees and the enhancement of the modified grassland on site, will result in a net gain in biodiversity on the development site subject to conditions. It is advised that methods of habitat maintenance should be secured prior to commencement of the development and the habitats should be created on site as soon as is reasonably practicable during the development process.
- 7.32 It is advised that the brook, which is culverted on site, will not be impacted by the works, and due to the risk of flooding within the village of Bonsall, it is not appropriate to de-culvert the brook, either on site or further downstream.
- 7.33 It is advised that holes, approximately 13cm x 13cm, should be cut in the boundary fencing at ground level to allow hedgehogs to freely forage and commute across the site. Subject to these matters being addressed by conditions on any grant of planning permission, it is considered that the proposal is meets the requirements of policy PD3 of the Adopted Local Plan (2017).

Flooding

- 7.34 It is advised that the brook regularly floods the lane during heavy rain and that this does not seem to have been addressed, which a neighbour has advised may be open to litigation if not addressed and if a full survey is not completed. However, this is an existing access and it is not considered that the proposals, largely to convert an existing building, would contribute to increased likelihood of flooding. Nevertheless, more hardstanding would be created and it is considered reasonable to attach a condition that details be submitted to detail how surface water would be dispersed in accordance with Policy PD8 of the Adopted Local Plan (2017).

Climate Change

7.35 Since the previous planning permission has been granted, the Adopted Derbyshire Dales Local Plan (2017) has replaced the 2005 Local Plan. To this end, there is now a greater emphasis on the need to mitigate against climate change which is recognised in Policy PD7 and in the District Council Supplementary Planning Document. It is noted that the applicant seeks to clad the interior of the building with breathable insulation. Whilst renewable energy installation on the listed building would be harmful to its character and appearance, it is considered that there could be scope for solar panels to be installed on the roof of the stable/car port building on the south facing roofslope, for example, which would not significantly harm its character and appearance. As such, it is considered reasonable to attach a condition to any grant of planning permission that measures to mitigate against the carbon footprint of the development are provided in accordance with Policy PD7 of the Adopted Local Plan (2017).

Conclusion

7.36 Whilst it is appreciated that the proposals will introduce a level of disturbance and loss of amenity, this has to be weighed in the balance. The building is a prominent, listed building within the Bonsall Conservation Area and, without a use coming forward, it is likely to deteriorate further. Planning permission has been granted relatively recently for the use as a dwelling and, therefore, the principle matters for assessment are the differences between the previously approved and current development proposals.

7.37 To this end, the main alterations from the 2015 planning permission is considered to be the provision of the stable/car port and the car parking and manoeuvring facilities to the rear of the site. Whilst there would be some loss of amenity associated with the proposed stables/carport, with comings and goings by vehicles along the access track, it is not considered that the associated disturbance / residential amenity effects would be of so significant a magnitude to warrant refusal of the application on such grounds and the less than substantial harm caused to the heritage assets engaged (as a whole) would be outweighed by the public benefits associated with bringing this at risk listed building back into viable use. The proposal is therefore considered to be acceptable and in accordance with the requirements of policies contained in the Adopted Derbyshire Dales Local Plan (2017) and is recommended for approval subject to conditions.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Condition ST02a: Time limit on Full

Reason:

Reason ST02A

2. The development hereby approved shall be carried out in accordance with the original drawings and specification except as amended by the drawings and additional information received on 6th October 2022 and except as may otherwise be required by other conditions to which this permission is subject.

Reason:

To define the permission for the avoidance of doubt and to safeguard the special historic and architectural character and appearance of the listed building and the Bonsall

Conservation Area to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

3. No works to the building or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority and agreed in writing. Works shall be completed in accordance with the agreed details.

Reason:

In the interest of safeguarding protected species in accordance with Policy PD3 of the Adopted Derbyshire Dales local Plan (2017).

4. Prior to the commencement of development, confirmation shall be submitted to demonstrate that a Natural England European Protected Species Licence has been obtained for the development. Works shall be completed in accordance with the details of the licence.

Reason:

In the interest of safeguarding protected species in accordance with Policy PD3 of the Adopted Derbyshire Dales local Plan (2017).

5. The development shall be completed in full accordance with the recommendations of the submitted Preliminary Ecological Report and Biodiversity Net Gain Statement prepared by Peak Ecology, received on 1st July 2022, the Nocturnal Bat Activity Surveys prepared by Peak Ecology received on 6th October 2022 and the dwelling hereby approved shall not be occupied until such time as the bat and biodiversity mitigation measures have been completed to the satisfaction of the Local Planning Authority.

Reason:

In the interest of safeguarding protected species in accordance with Policy PD3 of the Adopted Derbyshire Dales local Plan (2017).

6. Prior to any works commencing a scheme for written approval showing how the site compound, site operatives vehicles, delivery vehicles and construction works are likely to affect the adjacent classified road and other premises in the vicinity. The details shall include locations and traffic management as may be required and the approved scheme shall be implemented in full.

Reason:

In the interests of highway safety

7. Notwithstanding the submitted drawings and specifications, prior to the occupation of the dwelling hereby approved, a detailed scheme of surfacing materials, and details of any works to the track to the south of the proposed dwelling, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to occupation of the dwelling and the parking spaces thus provided shall be maintained thereafter free from any impediment to designated use.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

8. Prior to the occupation of the dwelling hereby approved, details of adequate bin storage and a bin dwell area for use on refuse collection days shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

In the interests of highway safety.

9. The proposed stable and office shall be ancillary to the occupiers of the dwelling, with no third party, business or commercial use.

Reason:

To limit comings and goings from the property in the interests of highway safety to comply with Policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

10. Before the car parking and manoeuvring area are provided, full details of how surface water will be dispersed shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be provided prior to the dwelling hereby approved being brought into use.

Reason:

To ensure adequate surface water drainage to comply with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

11. Prior to any works being undertaken to the roof, samples of the roofing materials for the dwelling shall be submitted to the Local Planning Authority for written approval. The works shall be completed in accordance with the approved samples.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building and the Bonsall Conservation Area to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

12. Prior to the commencement of works to the window/door surrounds, a sample of the proposed new stone, including surface tooling, shall be submitted to the Local Planning Authority for written approval. The new stone shall match the existing in geological type/origin/source, colour and grain. The works shall be completed in accordance with the agreed details.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building and the Bonsall Conservation Area to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

13. Prior to the works to repair the building being undertaken, the exact extent of stonework replacement on an individual window-by-window/door-by-door basis shall be submitted in drawn form (1:10 elevations) to the Local Planning Authority for written approval. This shall also indicate the proposed stone profile/shape (1:2) of each different stone element. The works shall be completed in accordance with the approved details.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building and the Bonsall Conservation Area to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

14. All new window frames and doors shall be constructed in strict accordance with details to be submitted to and approved in writing by the Local Planning Authority. The proposed finish paint colour (manufacturer/ref. no.) for all external joinery work (doors/windows, etc.) shall also be submitted to the Local Planning Authority for written approval prior to decoration. The works shall be carried out in accordance with the approved details and the paint colour retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building and the Bonsall Conservation Area to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

15. Prior to the any works being undertaken to the 2 no. new chimneystacks, full constructional details, including dimensions for their proposed width, depth and height, shall be submitted to the Local Planning Authority for written approval. Details of the bricks, capping and pots (along with samples if required) shall also be submitted for approval. The works shall be completed in accordance with the approved details.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building and the Bonsall Conservation Area to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

16. Prior to the occupation of the dwelling, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- the rooflight details;
- the profile, material, fixings etc. of the proposed metal rainwater goods; and
- the black, wrought iron handrails'

The works shall be carried out in accordance with the agreed details prior to the occupation of the dwelling.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building and the Bonsall Conservation Area to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

17. Prior to the stable/carport building being faced, details of the timberwork, to include its stain colour, and details of the roofing materials and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority. The stable/carport building shall only be erected with the approved materials and the timberwork shall be retained and maintained in the approved stain colour unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the satisfactory character and appearance of the building within the setting of the listed building and the Bonsall Conservation Area to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

18. No external lighting shall be affixed to any part of the dwelling or stable/car port building hereby approved.

Reason:

In the interests of the amenity of neighbouring residents, to safeguard the habitat of bats and to safeguard the character and appearance of the development to comply with S1, S3, PD1, PD2 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

19. Prior to their erection, details of the hard landscaping and boundary treatment, along with details of construction and materials of the boundaries to the west of the building, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be only undertaken in accordance with the agreed details.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building and the Bonsall Conservation Area to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

20. No development shall take place, until a Written Scheme of Investigation for historic building recording and archaeological monitoring has been submitted to and approved by the Local Planning Authority in writing, until all on-site elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured. The Written Scheme of Investigation shall include an assessment of significance and research questions; and

1. the programme and methodology of site investigation and recording;
2. the programme and provision for post-investigation analysis and reporting;
3. provision to be made for publication and dissemination of the analysis and records of the site investigation;
4. provision to be made for archive deposition of the analysis and records of the site investigation; and
5. nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

No development shall take place other than in accordance with the archaeological Written Scheme of Investigation and the development shall not be occupied until the site investigation, and post investigation assessment, has been completed in accordance with the programme set out in the archaeological Written Scheme of

Investigation approved and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

To ensure the proper recording of the listed building and its curtilage to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

21. No disturbance, excavation or other alterations shall be undertaken to the existing ground floor slab without prior written approval from the Local Planning Authority.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

22. Prior to works being undertaken on the conversion of the listed building, details of measures to mitigate against the carbon footprint of the development shall be submitted to and approved in writing by the Local Planning Authority and such measures shall be provided prior to the occupation of the dwelling hereby approved.

Reason:

To mitigate against the carbon footprint of the development to comply with Policies S1, PD1 and PD7 of the Adopted Derbyshire Dales Local Plan (2017) and in accordance with guidance contained in the District Council's Climate Change Supplementary Planning Document (2021).

23. During the process of conversion and development on the site, no internal or external works/construction works shall be undertaken to the building, or within its curtilage, outside of the following hours:

08.00 – 18.00 Monday to Friday

09.00 – 13.00 Saturday

No works shall be undertaken on Sundays or Bank Holidays.

Reason:

In the interest of the amenity of local residents.

NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in a reasoned justification for the scale of the stable/car port building
2. The Highway Authority recommends that the first 5m of the access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the owner.
3. Pursuant to Section 163 of the Highways Act 1980, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the

highway. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

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 £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
5. This decision notice relates to the following documents:

Site location Plan received on 1st July 2022

Drawing Nos. SK002A, SK003A and SK004, 1919 - (08)06, 07, 15, 16, 17 and 18 Figure 1. UK Habitat Plan received on 1st July 2022

Amended Drawing Nos. 1919-(08) 11 Rev. B, (08) 12 Rev. B, (08) 13 Rev. A and (08) 14 Rev. A received on 6th October 2022

Design and Access Statement received on 1st July 2022

Preliminary Ecological Appraisal received on 1st July 2022

Nocturnal Bat Activity Surveys received on 6th October 2022

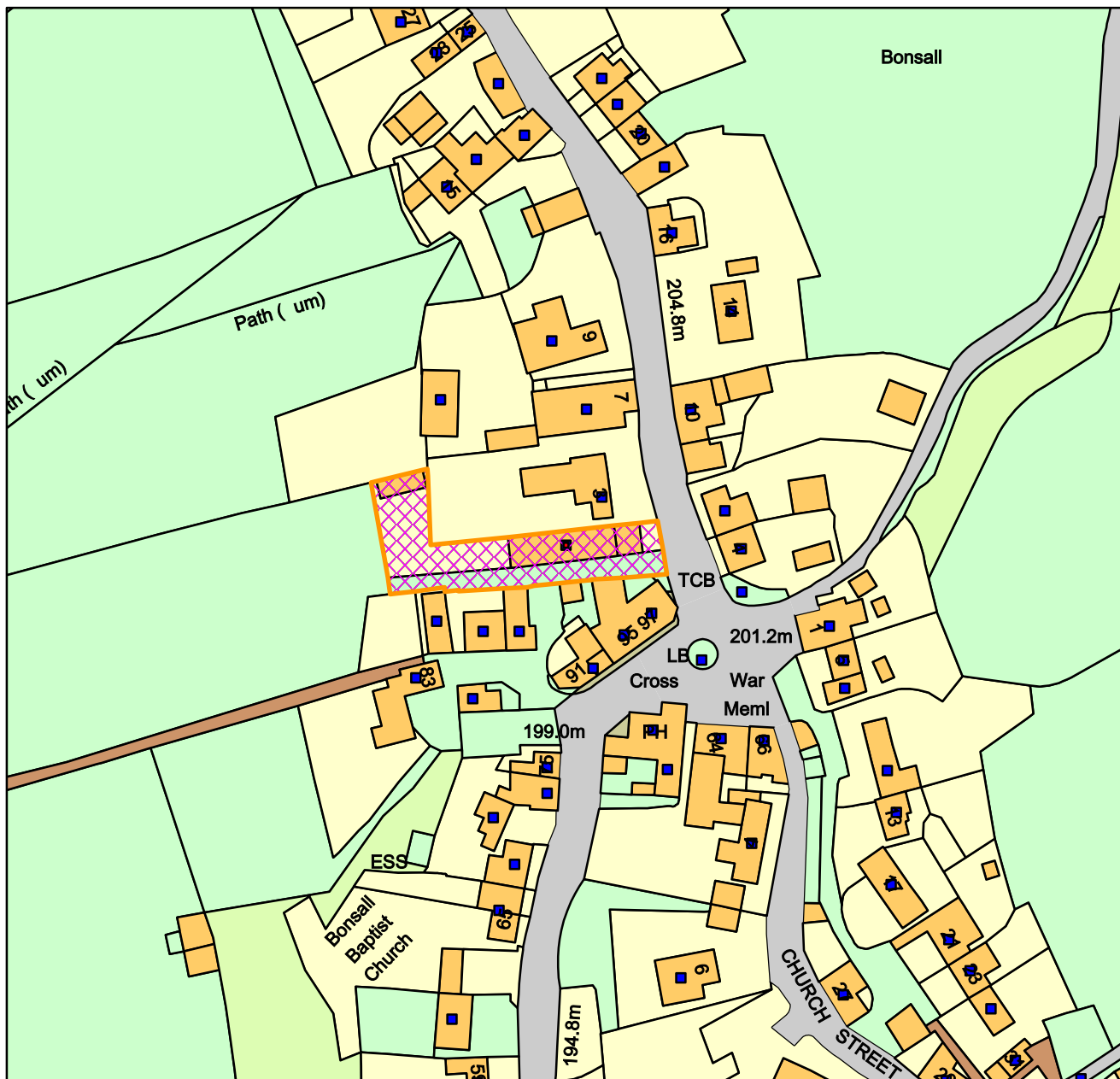
Biodiversity Net Gain Statement received on 1st July 2022

Additional Information received on 3rd October 2022.

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22/00769/FUL & 22/00770/LBALT

1 High Street, Bonsall



Derbyshire Dales DC

1:1,250

Date: 27/10/2022

100019785

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

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APPLICATION NUMBER		22/00770/LBALT	
SITE ADDRESS:		1 High Street, Bonsall	
DESCRIPTION OF DEVELOPMENT		Internal and external alterations in association with conversion of barn to dwellinghouse	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr Mark Whitfield
PARISH	Bonsall	AGENT	James Boon Architects
WARD MEMBERS	Cllr. G. Purdy Cllr. D. Murphy	DETERMINATION TARGET	26 th August 2022
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	Requested by Ward Member and to assess the impact of the proposals on the character and appearance of the listed building.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Introduction • Principle of development • Impact on heritage assets

RECOMMENDATION
That listed building consent be granted subject to conditions

1. THE SITE AND SURROUNDINGS

- 1.1 The existing barn is a long range of farm buildings that are Grade II listed. The building is on the listed buildings at risk register and appears to have not been used for some time. The property dates from the late C17, or early C18, and is constructed of coursed stone rubble. The building is sited gable onto the road, with a narrow track to the south leading to the rear of the building along its frontage.
- 1.2 The site is within the built up area of Bonsall, surrounded by residential properties and open fields to the west. The site is also within the Bonsall Conservation Area.





2. DETAILS OF THE APPLICATION

- 2.1 Listed building consent for internal and external works to the listed building as part of a change the use and conversion of the existing vacant barn to a dwelling which is subject to consideration with planning application 22/00779/FUL. The works will involve the internal subdivision of the building and works to restore the building and repair / reopen windows, restore chimneys and internal floors.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 National Planning Policy Framework
3.2 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- 4.1 22/00769/FUL Conversion and change of use of barn to 1no. dwellinghouse and erection of outbuilding comprising of stables and carport - to be determined
- 4.2 15/00329/LBALT Alterations to listed building – Conversion of barn to dwelling, including internal and external alterations – Permitted with conditions.
- 4.3 15/00311/FUL Change of use and conversion of barn to dwelling – Permitted with conditions

5. CONSULTATION RESPONSES

- 5.1 Parish Council

- this is a grand design which is not in keeping with the surrounding area and which does not respect or understand the heritage of Bonsall
- objections raised with respect to the planning application

5.2 Design and Conservation Officer (Derbyshire Dales District Council)

- Comments on matters of detail with respect to the listed building proposed to be converted.

5.3 Development Control Archaeologist (Derbyshire County Council)

- No 1, High Street, Bonsall (aka The Range) is recorded in the Derbyshire HER as a Grade II listed building (MDR3116) and it sits within the Bonsall Conservation Area
- the Heritage Statement that accompanies the application is correct in stating that the building as it stands has a late medieval origin in the 16th century and is clearly a building with a partial history legible in its walls
- the building itself lies gable end on to Bonsall High Street fronting onto a path/track like access at the south and in many ways this spatial arrangement may point to an earlier medieval antecedent
- clearly rehabilitation of this building will involve work to its historic fabric and the proposed ground floor treatment to mitigate radon will impact any intact archaeological deposits at floor and sub floor level within the building
- proposed re-grading of external land adjacent to the west for the proposed new stable and the provision of services in the roadway and any regrading of the roadway will impact on any buried archaeological deposits associated with the building
- regarding the roadway, revisiting the correspondence of 2015 its ownership and the responsibilities for maintenance seem to be obscure though it may have formed a common lane to common grazing land and enclosures (possibly a pinfold) to the west
- although the Heritage Statement does not deal with below ground archaeology, other than to say a cobbled surface was found when excavating a trail pit next to The Range, or specifically what the likely impacts of the work will be, believe have enough information to recommend that a tiered and integrated approach to this site is required, its aim to produce an integrated understanding of the buildings origins and development
- the required archaeological works could be obtained by attaching a condition to any planning consent
- any prospective or appointed archaeological contractor should contact this office prior to producing any WSI and the WSI should be developed in full consultation with this office.

5.4 Councillor G. Purdy

- note objections of Bonsall Parish Council but if building is not brought back into use then a significant heritage asset will be lost to the village
- suggest application warrants a site visit in view of the significance of the site and the objections raised.

6. REPRESENTATIONS RECEIVED

6.1 Representations have been received from the owners/occupiers of five neighbouring properties. A summary of the representations as they are considered to relate to this listed building consent application are set out as follows:

- plans for the barn and its grounds involve development which isn't faithful to its original appearance

- isn't a sympathetic restoration of a listed structure but a wholesale gutting of it
- concerns that the building's conversion is a static change to the appearance and structure of what is a listed building
- the loss of garden/green space in favour of car parking would compromise the open aspect onto fields that the barn and its neighbours currently enjoy

7. OFFICER APPRAISAL

- 7.1 This application is essentially a resubmission of that granted listed building consent in 2015 (ref: 15/00329/LBALT) as the time for implementation of that consent has expired and there are differences to the works proposed to be undertaken. Due to its un-used nature and condition, the building has been on the District Council's Buildings at Risk Register for over 25 years.
- 7.2 It is considered that the proposed works will seek to sympathetically restore a vacant listed building and bring it back into use. The majority of the proposals for the external elevations/roof etc. also reflect those which were approved in 2015. In that regard, these proposed works were considered and assessed in 2015 and deemed to be acceptable alterations/changes. The key amendments from the 2015 approvals are commented upon as follows.
- 7.3 In 2015, approval was given to re-instate two chimney stacks to the building which were to be of stone construction. In the current application, they are to be of 'handmade red brick' construction. In an historic photo the stacks appear to be dark, most probably representing a dark red brick construction. Their re-instatement, in a handmade red brick, is therefore considered to be acceptable but a condition will be required on any approval relating to approval of the brick, stack heights and plan-form/shape and pots.
- 7.4 The roof has been covered with corrugated concrete tiles. The proposal is to remove these and cover the roof in Staffordshire Blue clay tiles (as approved in 2015). This is considered to be acceptable. The submitted statement identifies that the applicant is attempting to source Derbyshire stone slates to cover the roof and, if they can be sourced, would use these. The use of Derbyshire stone slates (graduated) would be deemed acceptable and a condition would need to be attached to any grant of planning permission relating to the choice of roof covering material.
- 7.5 The property was proposed to have wood-burning stoves, with two metal flue pipes projecting through the roof. The inclusion of two adjacent pipes was considered to be unfortunate and to appear slightly industrial in their nature. To this end, the proposals have been amended to 1 no. log burner flu in the chimney.
- 7.6 On the main, south elevation the proposals are very similar to those approved in 2015. The exceptions are that a second floor window is not to have mullions re-instated, a plain boarded door to a ground floor doorway is now proposed to have a glazed/framed door, a ground floor window is proposed to be re-instated to its former three-light pattern and the large ground floor opening (garage) is proposed to have set back glazing with a bi-fold timber boarded doors to the frontage. The proposed alterations are considered to be acceptable. In addition, the new window frames are proposed to be slim framed, timber double-glazed. A condition would need to be imposed requiring proposed constructional details for each window.
- 7.7 It is proposed to install 3 no. conservation rooflights on the north facing roofslope; no rooflights were approved in 2015. Nevertheless, it is considered, on this particular roof slope and it being partially concealed by adjacent property, that the area of the roof slope could accommodate some rooflights. Subject to the rooflights being recessed/flush fitting, it is considered that their introduction to this particular roof plane would be acceptable. All

current plastic guttering/downpipes are to be replaced with cast-iron (black) rainwater goods. This is considered to be acceptable subject to the guttering being affixed using traditional rise and fall brackets.

- 7.8 On the east gable end, it was proposed to remove the current 'concrete faced frame' to the doorway and replace it with 'gritstone frame'. It is considered that the concrete framing, whilst being an anomalous material, is perhaps contemporary with the formation of the gable end door. In this regard, it was advised that this should be retained and repaired, as it is considered that to replace this with a stone surround to the door would be a confusing architectural inclusion, as the doorway is undoubtedly a much later addition/insertion and a stone surround would convey an unwarranted and inappropriate architectural change/treatment. To this end, the applicant has revised the proposals to repair the eastern first floor entrance door surround.
- 7.9 New 'black wrought iron handrails' are proposed to be installed to the steps to the gable end doorway. These are considered acceptable subject to a condition on the constructional detailing and fixing. Subject to the above comments, and compliance, etc. with any conditions imposed, it is considered that the proposed external and internal works to the listed building are acceptable alterations.
- 7.10 Given the above, proposed works are considered to be acceptable subject to conditions requiring details to be submitted for approval.

8. RECOMMENDATION

That listed building consent be granted subject to the following conditions:

1. Condition ST04a: Time Limit on Listed Building

Reason:

Reason ST04A

2. Prior to any works being undertaken to the roof, samples of the roofing materials for the dwelling shall be submitted to the Local Planning Authority for written approval. The works shall be completed in accordance with the approved samples.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building to comply with government guidance contained in the National Planning Policy Framework and National Planning Practice Guidance.

3. Prior to the commencement of works to the window/door surrounds, a sample of the proposed new stone, including surface tooling, shall be submitted to the Local Planning Authority for written approval. The new stone shall match the existing in geological type/origin/source, colour and grain. The works shall be completed in accordance with the agreed details.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building to comply with government guidance contained in the National Planning Policy Framework and National Planning Practice Guidance.

4. Prior to the works to repair the building being undertaken, the exact extent of stonework replacement on an individual window-by-window/door-by-door basis shall be submitted in drawn form (1:10 elevations) to the Local Planning Authority for written approval. This shall also indicate the proposed stone profile/shape (1:2) of each different stone element. The works shall be completed in accordance with the approved details.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building to comply with government guidance contained in the National Planning Policy Framework and National Planning Practice Guidance.

5. All new window frames and doors shall be constructed in strict accordance with details to be submitted to and approved in writing by the Local Planning Authority. The proposed finish paint colour (manufacturer/ref. no.) for all external joinery work (doors/windows, etc.) shall also be submitted to the Local Planning Authority for written approval prior to decoration. The works shall be carried out in accordance with the approved details and the paint colour retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building to comply with government guidance contained in the National Planning Policy Framework and National Planning Practice Guidance.

6. Prior to the any works being undertaken to the 2 no. new chimneystacks, full constructional details, including dimensions for their proposed width, depth and height, shall be submitted to the Local Planning Authority for written approval. Details of the bricks, capping and pots (along with samples if required) shall also be submitted for approval. The works shall be completed in accordance with the approved details.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building to comply with government guidance contained in the National Planning Policy Framework and National Planning Practice Guidance.

7. Prior to the occupation of the dwelling, details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - the rooflight details;
 - the profile, material, fixings etc. of the proposed metal rainwater goods; and
 - the black, wrought iron handrails'

The works shall be carried out in accordance with the agreed details prior to the occupation of the dwelling.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building to comply with government guidance contained in the National Planning Policy Framework and National Planning Practice Guidance.

NOTES TO APPLICANT:

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

Site location Plan received on 1st July 2022

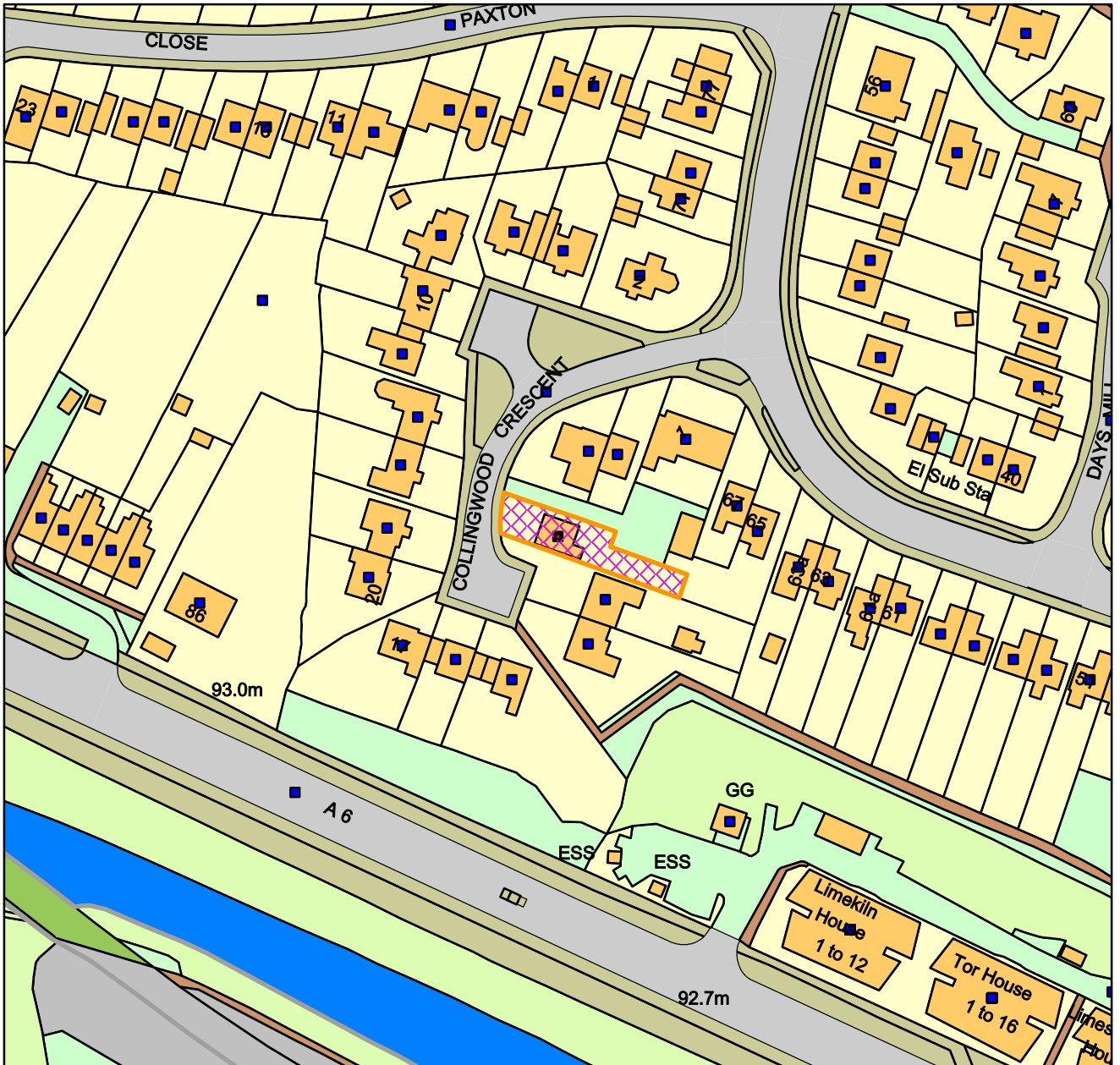
Drawing Nos. SK002A, SK003A and SK004, 1919 - (08)06, 07, 15, 16 and 17 received on 1st July 2022

Amended Drawing Nos. 1919-(08) 11 Rev. B, (08) 12 Rev. B, (08) 13 Rev. A and (08) 14 Rev. A received on 6th October 2022

Design and Access Statement received on 1st July 2022.

22/00798/FUL

7 Collingwood Crescent, Matlock



Derbyshire Dales DC

Date: 27/10/2022

100019785

1:1,250

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APPLICATION NUMBER		22/00798/FUL	
SITE ADDRESS:		7 Collingwood Crescent, Matlock, Derbyshire, DE4 3TB	
DESCRIPTION OF DEVELOPMENT		Erection of two storey rear extension	
CASE OFFICER	Heaton Planning	APPLICANT	Mr Rob Wood (Derbyshire Fire and Rescue Service)
PARISH/TOWN	Matlock	AGENT	None
WARD MEMBER(S)	Cllr. M. Burfoot Cllr. S. Burfoot Cllr. S. Wain	DETERMINATION TARGET	13 th October 2022
REASON FOR DETERMINATION BY COMMITTEE	Called to committee by Cllr. M. Burfoot.	REASON FOR SITE VISIT (IF APPLICABLE)	To consider the impact of the development on residential amenity.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Whether the extension is in keeping with the scale and character of the original dwellinghouse and the sites wider surroundings, and; • Overlooking, shadowing or overbearing effects

RECOMMENDATION
That the application be granted subject to conditions.

1. THE SITE AND SURROUNDINGS

- 1.1 The application site is a detached residential dwelling on a cul-de-sac street at the western end of Matlock. The property is a two storey brick built structure on an elongated plot with front and rear gardens. The property is raised above 9 Collingwood Crescent to the south. The property is slightly lower than properties to the north whose rear elevations face towards the side of the application property. The site is separated from the rear gardens of these properties by a small paved parking area with garages and single lane road adjoining Collingwood Crescent; this road bounds the site to the north.



2. THE APPLICATION

- 2.1 Full planning permission is sought for a two storey rear extension with a gable roof. The extension would be 4m in length and inset slightly within the existing rear elevation. The extension incorporates a slightly lower ridge height than the host building. The extension would use facing brick and roof tiles to match the existing property. The proposed development would create additional living space and space for an additional bedroom.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan 2017:
S1 Sustainable Development Principles
S3: Development within Defined Settlement Boundaries
PD1 Design and Place Making
HC10 Extensions to Dwellings
- 3.2 National Planning Policy Framework (2021)
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

None.

5. CONSULTATION RESPONSES

- 5.1 Matlock Town Council:

No objections.

6. REPRESENTATIONS

- 6.1 One third party representation has been received from the occupant of no. 3 Collingwood Crescent objecting to the proposed development for the following reasons:
- Loss of amenity due to the height and depth of the proposed extension;
 - Loss of visibility and light;
 - Concerns over drainage.

7. OFFICER APPRAISAL

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017). The National Planning Policy Framework (2021) is also a material consideration in respect of this application.
- 7.2 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.
- 7.3 The plot size is elongated, albeit narrow and is considered large enough to accommodate the proposed extension without resulting in a cramped appearance or overdeveloped site.

The scale of the extension is proportionate to the existing dwellinghouse, extending 4m from the rear elevation of the original building and similar in height. The use of matching facing materials will help assimilate the extension with the host property. Overall, the application is considered in keeping with the scale and character of the original dwelling, and the site's wider setting. With regard to parking provision, the site does not benefit from dedicated off-street parking currently however a small car park adjacent to the northeast serves the application site and surrounding properties. The application would transform the property into a three bedroom dwellinghouse, as a result, it is considered existing parking provision is appropriate for a dwelling of this size in this location.

- 7.4 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. A single objection has been received from a neighbour commenting that the proposed development would result in a loss of residential amenity due to its scale and siting. Having assessed such impacts on site, it is considered that the scale of the proposed extension would not result in any unacceptable impacts on neighbouring residential amenity, and a high standard of amenity would be maintained for both the occupants of the dwelling and neighbours. The property is detached but due to differing land levels, the application site is at a higher level than no. 9 Collingwood Crescent, which is positioned to the south. The extension would extend 4m back into the application site and would end in front of the front elevation of 9 Collingwood Crescent. The relative height and position of the dwellings is such that the extension would not appear unacceptably overbearing or result in unacceptable overshadowing effects. In terms of properties to the north, these are slightly higher than the application site and separated by the single access road to the small car park to the rear. The application proposes a single ground floor window to the north elevation of the extension. Overall, it is considered the proposed development would not be overbearing for neighbours, would not result in overlooking, visual intrusion or unacceptable shadowing.
- 7.5 Taking the above into consideration, officers consider that the proposed development accords with the Adopted Derbyshire Dales Local Plan (2017). A recommendation to grant planning permission subject to conditions is made on this basis.

RECOMMENDATION

- 8.1 That planning permission be granted subject to the following conditions:
1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.
- Reason:
- This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.
2. The 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.

INFORMATIVES

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.

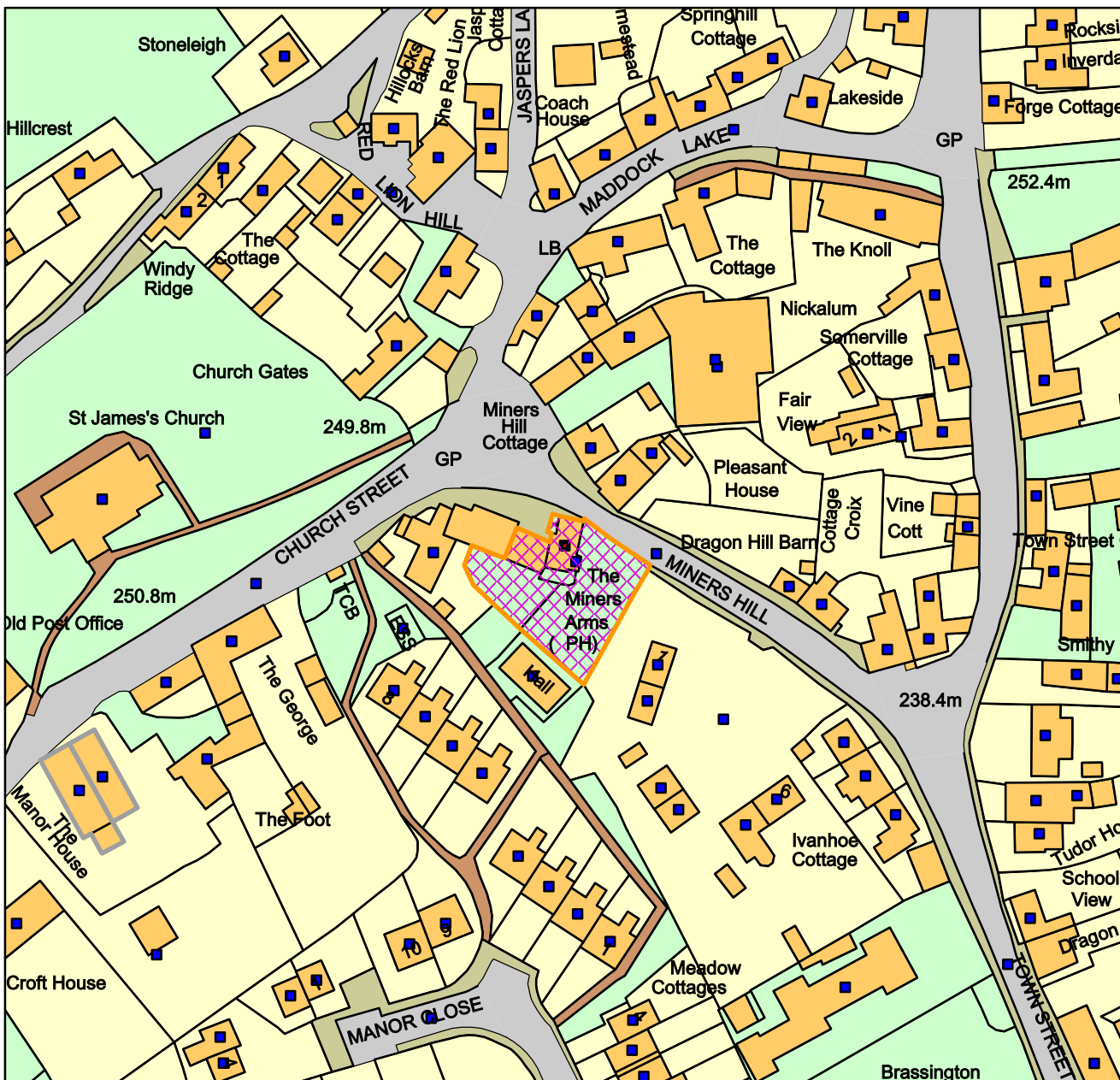
This decision notice relates to the following documents received by the Local Planning Authority:

- Planning Application Forms;
- Existing Location Plan (1:1250) 17/08/2022. Published 22/08/2022;
- Proposed Location Plan (1:1250) 25/05/2022. Published 01/07/2022;
- Proposed Floor Plan (1:50) 30/05/2022. Published 01/07/2022;
- Existing Elevations, Floor Plan and Roof Plan (1:100) 25/05/2022. Published 01/07/2022;
- Proposed Elevations, Floor Plan and Roof Plan (1:100) 25/05/2022. Published 01/07/2022.

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22/00934/FUL

Miners Arms, Miners Hill, Brassington



Derbyshire Dales DC

1:1,250

Date: 27/10/2022

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Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
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APPLICATION NUMBER		22/00934/FUL	
SITE ADDRESS:		The Miners Arms Public House, Miners Hill, Brassington, Matlock, Derbyshire, DE4 4HA	
DESCRIPTION OF DEVELOPMENT		Erection of free standing pergola with retractable roof to cover rear terrace area.	
CASE OFFICER	Mr. Ecclestone	APPLICANT	Mr. Malone
PARISH / TOWN	Brassington	AGENT	Mr. Parker
WARD MEMBER(S)	Cllr. Mrs. Rose	DETERMINATION TARGET	11 th November 2022
REASON FOR DETERMINATION BY COMMITTEE	Called in by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the impact of the proposal on the setting of the Grade II Listed Buildings and the Conservation Area.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Impact on the setting of the Grade II Listed Buildings. • Impact on the character and appearance of this part of the Conservation Area. • Impact upon neighbouring properties.

RECOMMENDATION
Planning permission be refused.

1. THE SITE AND SURROUNDINGS

- 1.1 The Miners Arms, is a Grade II Listed, Public House, situated centrally in Brassington, close to the junction of Miners Hill with Church Street and within the Conservation Area. The pub has a small car park to the side and a paved area to the rear, with outdoor tables and chairs.



2. DETAILS OF THE APPLICATION

- 2.1 The proposal is for the erection of a pergola structure, with a retractable roof. It is proposed to be positioned in the outdoor area, at the back of the pub. Its dimensions would be 6m by 6m and 3.07m high at its highest point, with a sloping roof, which will be 2.3m high at its lowest point. The pergola would facilitate the use of outside seating during inclement weather.

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
 - PD2: Protecting the Historic Environment
 - HC15: Community Facilities and Services.
- 3.2 Other:
- National Planning Policy Framework (2021)
 - National Planning Practice Guidance
 - Brassington Conservation Area Character Appraisal.

4. RELEVANT PLANNING HISTORY

11/00331/LBALT	External redecoration of premises.	Approved
03/07/0591	Erection of 5 fascia signs, 1 externally illuminated hanging sign, 3 lanterns and 1 flag pole.	Approved
03/07/0566	Advertisement Consent to display 5 fascia signs and 1 externally illuminated hanging sign.	Approved
03/02/0131	External redecoration of rendered surfaces.	Approved
03/02/0091	Erection of 6 fascia signs, 1 hanging sign and 5 lanterns.	Refused
03/02/0090	Advertisement consent to display 6 externally illuminated fascia signs and 1 externally illuminated hanging sign.	Refused
02/08/0659	Replacement window, relaying of roof, removal and reinstatement of steps and new gable sign.	Approved
02/08/0660	Internal alterations.	Approved
0798/0446	Display of advertisements to front	Approved

	and side elevations.	
0598/0275	Display of signs.	Approved
0397/0178	Formation of rear entrance door opening.	Approved
0297/0113	Rear entrance door opening.	Approved
0387/0165	Signs.	Approved
1086/0666	Alteration to Listed Building.	Approved
1086/0665	Rear entrance door to public bar.	Approved.

5. CONSULTATION RESPONSES

Local Highway Authority:

No objection.

Parish Council:

No objection.

Conservation Officer:

The introduction and presence of the proposed structure in its scale, location, construction and type of development will constitute a harmful impact on the setting and significance of the adjacent listed buildings and on the character and appearance of this part of the Conservation Area. This harm must be weighed against the public benefits of the proposal.

6. REPRESENTATIONS RECEIVED

6.1 Five representations of support has been received, which can be summarised as follows:

- The development will benefit the pub, which has limited seating. The development would allow the pub to seat more people bringing more people into the area and the Peak District.
- The pub is a community asset and offering new amenities to the village, such as cream teas and a longed for village store.
- The development would have no negative impact upon the village.

6.2 Two objections have also been received, which can be summarised as follows:

- The development would be 7.5m from the neighbouring property and 1m from its garden.
- The development would not be in keeping with a Grade II Listed Building, situated within a Conservation Area.
- The request for lighting and heating within the pergola suggests that it will become a year-round extension of the public house.
- Since the current tenant has been in place, during the summer months music from two speakers in the pub garden has been playing from mid-morning throughout the day. The proposed structure will only make matters worse. The pergola would amplify the music, which is likely to be played all year round.

7. OFFICER APPRAISAL

7.1 The property is an established public house within the village. Policies S4 and HC15 support development which improves community facilities. Therefore the proposed development is acceptable in principle. The pub and adjacent house are Grade II listed and the site is within the designated Conservation Area. Therefore the key issues are whether the development would conserve the setting of the listed buildings and the Conservation Area in accordance and the amenity of neighbouring properties in accordance with policies PD1 and PD2.

7.2 Policy PD2 of the Adopted Derbyshire Dales Local Plan states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into

account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Particular protection will be given to designated and non-designated heritage assets and their setting, including Listed Buildings. This will be achieved by requiring proposed developments that affect a heritage asset and / or its setting, including alterations and extensions to demonstrate how the proposal has taken account of design, form, scale, mass, use of materials and detailing.

- 7.3 In assessing the application the Local Planning Authority is obliged to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. The Local Planning Authority is also obliged to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
- 7.4 The pergola structure would be positioned in the outdoor seating area to the rear of the pub. Nevertheless the structure would be visible from public vantage points from the footpath and the Royal British Legion Hall to the south. The pub and the adjoining Grade II listed house (Palmer's House) are visible from these vantage points and therefore the development would be viewed in the context of these listed buildings.
- 7.5 It is considered that the erection of the pergola structure in this location would be harmful due to its scale, position and construction. The pergola would result in a harmful visual impact to the setting of the adjacent listed buildings and therefore would also result in harm to the Conservation Area. The development would not result in substantial harm to these heritage assets, nevertheless, local and national policies make a strong presumption against the development unless it can be demonstrated that the harm would be outweighed by public benefits.
- 7.6 The public house is a valued community facility and it is acknowledged that the provision of covered area over the outside seating area would be likely to increase its use during the evening and inclement weather. This therefore would be a benefit to the pub and the local community as it may assist with the on-going viability of the community facility. However, there is no evidence of such a structure in this location historically and the pub has operated therefore without a covered outdoor space.
- 7.7 Critically, while it is generally accepted that the development would provide a benefit to the pub and the community. There is no evidence that the development is required to secure the viability of the pub or that this development is the only means of achieving this benefit. Therefore, any public benefits would be limited and would not outweigh the harm that has been identified. In these circumstances policy PD2 and the National Planning Policy Framework is clear that planning permission should be refused.
- 7.8 Concern has been raised in regard to the potential impact upon neighbouring properties. Given the size, height and construction of the structure there are no concerns that the development would be overbearing or result in any significant loss of light or privacy. The development would facilitate the use of the outdoor space during evenings and inclement weather, but this land has been used historically in association with the pub and therefore the proposal must be considered in that context. Therefore, the development would not result in any significant additional disturbance from activities associated with the pub and would not harm the amenity of neighbouring properties.
- 7.9 The development would not affect existing access or parking arrangements and therefore would not harm highway safety.
- 7.10 Conclusion
The proposed pergola structure would result in harm to the setting of the listed buildings

and the Conservation Area. Whilst the harm caused would not be substantial, the public benefit of the pergola, is not considered to outweigh the harm and so a recommendation of refusal is put forward on this basis.

7.11 The representations of support have been taken into consideration whilst processing this planning application, but they are not considered to provide grounds for approval in this case.

8. RECOMMENDATION

8.1 Planning Permission be refused for the following reasons:

8.2 The development would harm the setting of the Grade II listed Miners Arms Public House, the Grade II listed Palmers House and the Brassington Conservation Area. The development is therefore in conflict with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017). The public benefits associated with the development would not outweigh the harm identified and therefore the development is contrary to the National Planning Policy Framework (2021).

9. NOTES TO APPLICANT:

9.1 This Decision Notice relates to the following documents:

Planning application form and drawings, received by the Council on 10th August 2022.

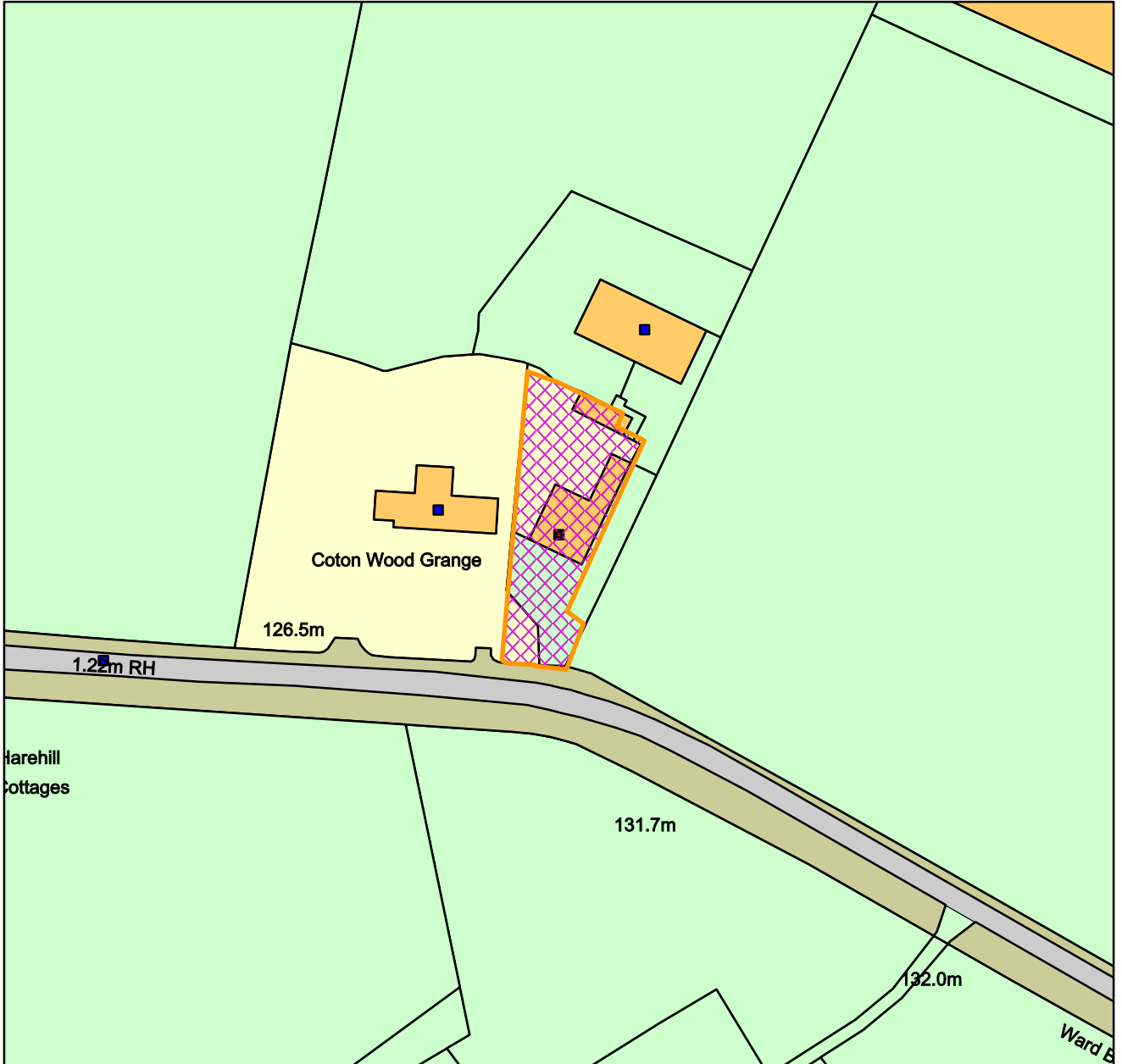
9.2 The Council provides a positive and proactive pre-application advice service.

Unfortunately however, this was not taken up in this case. The application was therefore considered as submitted and it was 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.

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22/00952/FUL

Cotonwood Lodge, Muse Lane, Boylestone



Derbyshire Dales DC

1:1,250

Date: 27/10/2022

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APPLICATION NUMBER		22/00952/FUL	
SITE ADDRESS:		Cotonwood Lodge, Muse Lane, Boylestone, Ashbourne, DE6 5AB	
DESCRIPTION OF DEVELOPMENT		Change of use from garage block to dwellinghouse (retrospective)	
CASE OFFICER	Adam Maxwell	APPLICANT	Dr Hannah Street
PARISH/TOWN	Boylestone	AGENT	N/A
WARD MEMBER(S)	Cllr Tony Morley	DETERMINATION TARGET	01/11/2022
REASON FOR DETERMINATION BY COMMITTEE	Called in by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	N/A

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 refused.

1 THE SITE AND SURROUNDINGS

- 1.1 The site is located in open countryside north of Muse Lane, west of Boylestone and just east of the A515.
- 1.2 The building is a former garage/storage building for Coton Wood Grange. The building has been converted and now occupied as an independent dwellinghouse.



1 DETAILS OF THE APPLICATION

- 2.1 The change of use of the garage/storage building to an independent dwellinghouse. The development has been carried out and the dwellinghouse occupied, therefore the application seeks planning permission for the retention of the development.
- 2.2 The plans show that the building would be altered to create a two bedroom market house set within a domestic garden to the west and rear with parking to the front. Access would be shared with the neighbouring property Hill View Barn.
- 2.3 This application follows the refusal of an earlier application for a certificate of lawful existing use (CLEUD). This was refused because the application did not demonstrate that the use of the building as an independent dwellinghouse was lawful.

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
PD5 Landscape Character
PD7 Climate Change
HC8 Conversion and re-Use of Buildings for Residential Accommodation
HC9 Residential Sub-Division of Dwellings
HC19 Accessibility and Transport
HC21 Car Parking Standards

Other:

National Planning Policy Framework (2021)
National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

21/01382/CLEUD: The use of the building as a dwellinghouse for a period in excess of four years (13 years). Refused 12.07.2022.

0699/0361: New access & erection of garage and storage building with exercise room above. Granted 20.08.1999.

5.0 CONSULTATION RESPONSES

5.1 Boylestone Parish Council: No response to date.

5.2 Cllr Tony Morley: No response to date.

5.3 Highway Authority: No objection.

5.4 Environmental Health: No objection.

5.5 Environment Agency: No comment.

6.0 REPRESENTATIONS RECEIVED

6.1 None received to date.

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.

Principle of development

7.1 The site is located in a remote location away from any settlement where local and national policies make a presumption against new housing development. Policy S4 states that planning permission will be granted for new residential development through conversion and re-use of buildings in accordance with policy HC8.

7.2 Policy HC8 supports the conversion and re-use of buildings for residential use where the building is of permanent and substantial construction and make a positive contribution to the character and appearance of its surroundings. The conversion must also not require extensive alteration, re-building or extension nor harm the character and appearance of

the building or its surroundings. The policy recognises that while not all buildings are appropriate for conversion, some redundant buildings are of architectural or historic interest and can make an important contribution to the quality of the landscape. Therefore the preference is for such buildings to be retained and put back into beneficial use.

- 7.3 The proposal is for the conversion of a garage / store building originally built for Coton Wood Grange (located to the west of the site). The outbuilding is relatively substantial in scale but reads as a sub-ordinate outbuilding alongside Coton Wood Grange. The building is of substantial brick and tile construction and does possess some architectural interest due to the fenestration and use of materials. Nevertheless, in all other respects the building is a modern domestic outbuilding built following the grant of planning permission in 1999 and does not make a positive contribution in terms of landscape character.
- 7.4 Policy HC9 is relevant for proposals to sub-divide existing dwellings into two or more self-contained residential units. The proposed development would effectively sub-divide the existing garage / store building from the original host dwelling (Coton Wood Grange) creating a separate planning unit. However, the supporting text to policy HC9 makes clear that outside of settlements sub-divisions will be discouraged owing to their relative isolation from services. Paragraph 80 of the National Planning Policy Framework (NPPF) does allow for sub-division in the countryside, but this relates to the sub-division of an existing residential building.
- 7.5 The proposed development would retain a dwellinghouse created through the conversion and separation of a modern domestic outbuilding from its host dwelling. The site is in an unsustainable location in the countryside, remote from basic services and facilities. The conversion of such a building, which does not make a positive contribution to the character and appearance of its surroundings and would result in an incongruous form of residential development would be contrary to the aims and objectives of policies S4 and HC8 of the Adopted Derbyshire Dales Local Plan (2017) and would significantly and demonstrably outweigh the benefits associated with the delivery of one dwelling contrary to the NPPF.

Highway safety and amenity

- 7.6 The dwelling is located adjacent to neighbouring properties. Given the position of the building and openings there are no concerns that the development would result in any significant loss of light, privacy or be overbearing to neighbouring properties.
- 7.7 The proposed development would have a shared access with the existing dwelling to the north and separate off-street parking area. There is no objection to the access in terms of visibility splays and there is ample space on site for off-street parking to meet adopted local standards. The development therefore would not harm highway safety.

Sustainable building and climate change

- 7.8 No details of the construction of the dwelling or measures to mitigate the impacts of climate change have been submitted with the application. The dwelling is heated by an air source heat pump (ASHP) located beside the western gable. An electric vehicle charge point has also been installed. The provision of these measures is welcomed, however, the creation of an independent market dwelling in a remote location would fundamentally be an unsustainable form of development contrary to local and national policies. The dwelling is served by the existing septic tank which is shared with Coton Wood Grange.

Other issues

- 7.9 Officers noted at the time of the site visit that the conversion has not been carried out in accordance with the submitted plans. There are a number of different and new openings

to the building 'as built'. The applicant has clarified that the intention to retain the building 'as built'. Officers have requested amended plans on that basis.

Conclusion

7.10 Having regard to the unsustainable location of the existing building outside of a defined settlement boundary and the lack of a positive contribution to the character and appearance of the area made by the existing building the conversion of such a building to a dwellinghouse would fail to comply with policy S4 and HC8 of the Adopted Derbyshire Dales Local Plan (2017).

7.11 The proposal is contrary to the development plan and in the absence of any further material considerations indicating that permission should be approved, the application is recommended for refusal.

8.0 RECOMMENDATION

8.1 That the application be refused for the following reasons.

REASONS:

1 The proposed development involves the conversion of a simple domestic outbuilding in the countryside, remote from basic services and facilities. The conversion of such a building, which does not make a positive contribution to the character and appearance of its surroundings and would result in an incongruous form of residential development contrary to the aims and objectives of Policy S4 and HC8 of the Adopted Derbyshire Dales Local Plan (2017) and would significantly and demonstrably outweigh the benefits associated with the delivery of one dwelling contrary to the National Planning Policy Framework (2021).

9.0 NOTES TO APPLICANT:

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

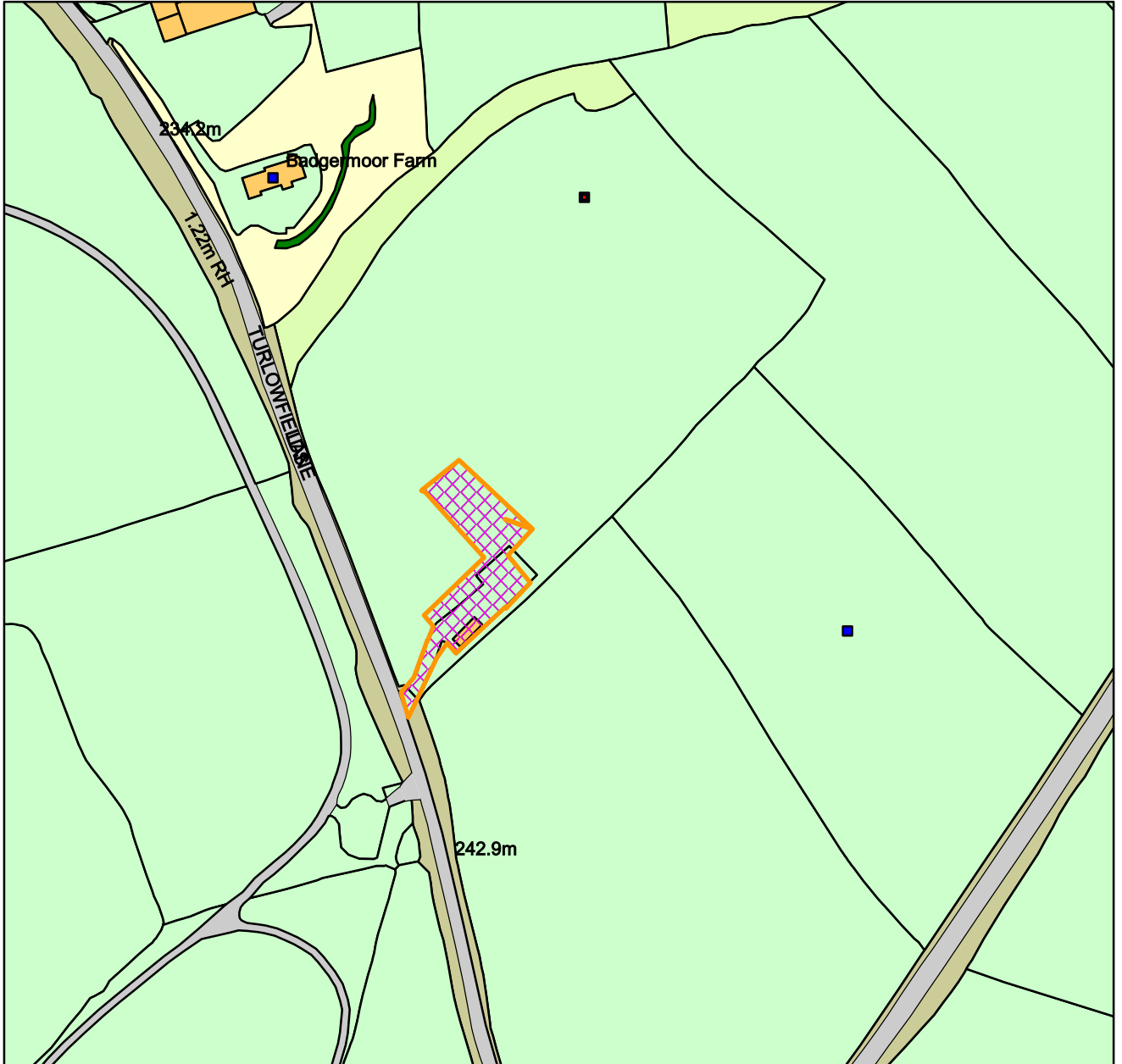
2. This decision notice relates to the following documents received by the Local Planning Authority:

Planning Application Forms and drawings received on the 15/08/2022 and 06/09/2022.

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22/00961/FUL

Land East of Turlowfields Lane, Hognaston



Derbyshire Dales DC

1:2,500

Date: 27/10/2022

100019785

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

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APPLICATION NUMBER		22/00961/FUL	
SITE ADDRESS:		Land East Of Turlowfields Lane, Hognaston	
DESCRIPTION OF DEVELOPMENT		Erection of temporary rural workers dwelling for a period of 3 years	
CASE OFFICER	Mr Gareth Griffiths	APPLICANT	Mr P. Kerry
PARISH/TOWN	Hognaston	AGENT	Willis & Co. (Town Planning) Ltd
WARD MEMBER(S)	Cllr. Janet Rose	DETERMINATION TARGET	18 th October 2022
REASON FOR DETERMINATION BY COMMITTEE	Ward Member requests application is considered by the Planning Committee, with a site visit, as very controversial.	REASON FOR SITE VISIT (IF APPLICABLE)	Not required. Members visited the site on the 12 th December 2017.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Whether there is a functional need for an agricultural worker to be permanently present on site, based on the scale and nature of the proposed agricultural operation, whether it is planned on a sound financial basis and whether there is any other suitable alternative accommodation nearby, and; • The impact of the development on: <ul style="list-style-type: none"> - The local landscape / character and appearance of this part of the countryside; - Highway safety; - The amenity of the occupants of neighbouring properties/land uses, and; - The local environment.

RECOMMENDATION
Approval with conditions

1. THE SITE AND SURROUNDINGS

- 1.1 The application site comprises a field some 2.9 hectares in an area of open countryside, off Turlow Fields Lane, Atlow. Access is via a recessed gate at the south western corner of the field. The site is bounded on all sides by native species hedgerows containing a number of mature trees. All hedgerows, but particularly those on the southern, northern and western sides are substantial and screen views into the field from the road and from neighbouring property to the north. There are structures on the site in connection with the former free-range rabbit breeding and rearing enterprise. There is a mobile home, granted planning permission (ref: 17/00489/FUL) which has been unoccupied for some time.



2. THE APPLICATION

- 2.1 A three year, temporary planning permission is sought to site a timber cabin at the south western corner of the site, close to the main site access, to provide temporary accommodation for an agricultural worker in association with a new alpaca rearing enterprise. The accommodation would comprise two bedrooms, a kitchen, bathroom and open plan dining and living room.
- 2.2 By way of background, planning permission was granted for a temporary dwelling at the site in 2017 for a rabbit farm (17/00489/FUL). A planning application for a permanent dwelling to support that activity was submitted in 2021 (ref: 21/00130/FUL) but the applicant advises that he then decided to cease rabbit farming at the site and transfer his attentions to establishing an alpaca breeding, rearing and selling enterprise. It is advised that the applicant has long been interested in establishing an alpaca breeding operation and attended a training course at Fowberry Alpacas, Yorkshire as long ago as July 2010. It is advised that the closure of the rabbit farm has now enabled those long-held plans to be realised, hence the application to the Council for a rural worker's dwelling for a temporary period.
- 2.3 It is the applicant's intention to develop the holding with alpacas over the next three years and to seek to establish it as a viable and sustainable unit. The agricultural business would include the keeping, breeding and rearing of alpacas for sale and the selling of alpaca fibre and fibre products. The aim is to establish a breeding herd of some 25-30 female alpacas, plus stud males and young stock. Although no stock has been purchased to date, the applicant is of the view that planning policy has always permitted the provision of a temporary rural worker's dwelling to enable the establishment of an agricultural business prior to commencement. Nevertheless, it is advised that initial discussions regarding the purchase of a starter herd of alpacas have occurred with a view to purchasing 25 females with cria at foot and a stud male.

- 2.4 It is advised that, over the next three years, the applicant will grow the herd through natural expansion, with additional alpacas being purchased to accelerate herd growth if required. Sales of alpacas are proposed to occur from Year 1 (with wethers), with additional income streams being developed, including fleeces and wool products. Should grassland prove insufficient, it is advised that additional land would be rented as required. However, the keeping of alpacas on a commercial scale cannot commence until the welfare of the stock can be assured and, therefore, temporary planning permission is sought for a rural worker's dwelling in order that farm staff can live close to and monitor the livestock.
- 2.5 The applicant refers to Policy HC13 the Adopted Derbyshire Dales Local Plan (adopted December 2017). This states that

The District Council will support proposals for the provision of dwellings to meet the needs of agricultural, forestry or other rural based workers. Planning permission will be granted where it can be demonstrated that all of the following criteria are satisfied:

- a) there is a clearly established functional need;*
- b) the need relates to a full-time worker or one who is primarily employed in agriculture, forestry or other rural based enterprise which needs to be located in the area and does not relate to a part-time requirement;*
- c) the unit and the agricultural/forestry or other rural based enterprise has been established for at least three years and has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so. Where this need is unproven or a new business is being established, a temporary dwelling (such as a mobile home) may be permitted to allow time to establish that there is a genuine functional and financial need for a permanent dwelling. A temporary dwelling will only be permitted for a maximum period of 3 years;*
- d) the functional need cannot be fulfilled by another existing building on the unit or within the locality that could be converted, or another existing dwelling on the unit or within the locality which is suitable and available for occupation by the worker concerned;*
- e) the size of the dwelling is commensurate with the needs of the enterprise and is sustainable in terms of the viability of the activity;*
- f) the dwelling is well related to either existing dwellings or buildings associated the activity with which it is required;*
- g) the dwelling is not situated within an area of unacceptable flood risk..*

- 2.6 The applicant advises that the policy is broadly consistent with the revised National Planning Policy Framework (NPPF) (2021) and cites Paragraphs 7, 11, 38 and 78 which promote sustainable development in rural areas. More specific to this application, the applicant refers to Paragraph 80 which advises:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside...*

- 2.7 The applicant also refers to guidance on the NPPF provided in the National Planning Practice Guidance (NPPG). The updated text relevant to paragraph 80 was published in July 2019 and states:

Considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF could include:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar*

land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);

- *the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- *whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- *whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period...*

- 2.8 In this respect, the applicant considers that there would be a clearly established functional need and that he has already agreed terms for the purchase of the nucleus herd and will move them to site when their welfare, safety and security can be assured. The applicant advises that, with alpacas, the need to live on site has been examined at numerous planning appeals and it is generally accepted that, in order to establish a breeding herd of alpacas properly at a commercial scale, it is necessary to live close to the animals to ensure their well-being.
- 2.9 Specific issues are known to include mating, birthing, rearing, abortions and still-births and the day-to-day management to ensure that any health or welfare issues arising are spotted promptly and can be dealt with. It is advised that alpacas are notorious at hiding the symptoms of illness and close vigilance is required to spot subtle changes in behaviour. The applicant refers to three cases where temporary rural workers dwellings have been allowed on Appeal by the Planning Inspectorate where the above matters of animal welfare are referred to, as are issues of theft and security.
- 2.10 The applicant advises that the labour required to run the unit can be estimated with reference to published labour coefficient data, such as that in the John Nix Farm Management Pocketbook, 52nd Edition (FMP) and other scientific papers. The appellant estimates that the operation would involve 323 standard man days, which is equivalent to one full-time worker.
- 2.11 Income would be derived from the breeding and rearing of alpacas for sale and the sale of alpaca yarn and products. The long term plan is to build up and maintain a herd of some 25-30 breeding females by the end of Year 3. The plan will commence with the purchase of 25 females at the start of Year 1, with cria at foot, and a stud male. The applicant advises, once the fixed costs are deducted from the gross margin, the forecast net profit would be approximately £34,000 in Year 3, rising as the enterprises become more established.
- 2.12 The applicant has considered alternative accommodation, other than the existing mobile home on the site, but there are no other buildings on site that could be used to meet the identified need. The applicant has also examined the Rightmove website and advises that there are no other dwellings available in the locality which is both suitable (in terms of sufficient proximity to the land and the livestock, size and cost) and available to meet the agricultural need.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Derbyshire Dales Local Plan (2017)

- S1 Sustainable Development Principles
- S4 Development in the Countryside
- S9 Rural parishes Development Strategy

- PD1 Design and Place Making
- PD3: Biodiversity and the Natural Environment
- PD5 Landscape Character
- PD7 Climate Change
- PD9 Pollution Control and Unstable Land
- HC13 Agricultural and Rural Workers Dwellings
- HC19 Accessibility and Transport
- HC21 Car Parking Standards
- EC1 New and Existing Employment Development

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

3.3 Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document (2018)

3.4 Other:

- National Planning Policy Framework (2012) (NPPF)
- National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

11/00104/FUL - Erection of agricultural barn for rabbit breeding and 3 no polytunnels – Refused

14/00438/CLPUD - Certificate of lawful proposed development - siting of caravan – Granted

17/00489/FUL - Erection of temporary agricultural workers dwelling and agricultural storage building – Granted.

17/00489/AMD - Non-material amendment - Move position of agricultural storage building - Refused

21/00130/FUL - Erection of rural workers dwelling and agricultural/food production building – Refused - Appeal withdrawn

5. CONSULTATION RESPONSES

5.1 Hognaston Parish Council:

- Object
- the business case for this application is deemed to be inadequate and not financially viable
- questioned whether this type of business will be able to operate on a site of such a small size
- concerned that this application is just a step towards obtaining future planning permission for a permanent dwelling on this site which is in the open countryside
- an enforcement notice has been served on the site for the removal of a caravan - the owner has yet to comply and the caravan remains in place and it is an eyesore and hazardous
- lack of co-operation with Derbyshire Dales District Council's Planning Department illustrates the applicant's lack of respect for the planning process, local environment and community.

5.2 Local Highway Authority:

- no objection.

5.3 Environmental Health:

- no objections subject to conditions to secure the appropriate management of waste, pest control and any noise associated with the proposed operation.

5.4 Environment Agency:

- development falls within flood zone 1 and therefore have no fluvial flood risk concerns associated with the site.

6. REPRESENTATIONS

6.1 The applicant has noted that many of the representations on the District Councils website do not contain the objectors address and that the Council's website makes it clear that the Council will not take into account representations which do not contain the objectors name and address. To this end, the representations have been summarised as follows:

25 attributable representations have been received, of which 5 are from residents of Derbyshire Dales, objecting to the proposed development for the following reasons:

Policy

- another cynical attempt to exploit the planning system to allow the building of a dwelling on a site where no such permission would normally be allowed
- allowing a dwelling on this site would set a dangerous precedent and likely lead to further applications of a similar nature

Functional Need

- no objection to the keeping of alpacas but would strongly refute the need for a dwelling on the site
- all the other livestock in the area seems to do perfectly well with a daily or twice daily visit by the owners
- the intention to keep any livestock on this site does not justify a dwelling for their maintenance
- if permission was to be granted, a dangerous precedent would be established which would lead to further abuse of the planning regulations

Character and Appearance

- site should be protected and retained as open countryside which is an asset to local people, agriculture and visitors to the area
- area is popular with tourists and any further residential development in this locality would be detrimental to the rural environment.

Environment and Ecology Impact

- site is located in a SSSI Impact Risk Zone
- no environmental Impact Assessment submitted
- highly inappropriate in a SSSI risk zone and therefore a full Environmental Impact Assessment must be carried out
- land used is a natural space and this development will cause harm to wildlife and habitat
- shrinking zones for nature and the additional impacts on the surrounding area with noise and obstruction

Health Matters

- proposed use of animals on the space will contribute further to environmental and public health issues
- Alpacas can carry a range of diseases such as Tuberculosis which can be passed to other farmed animals and wildlife.
- the risk of animals being transported on the roads
- waste/run off

6.2 non-attributable representations have been received, objecting to the proposed development for the following reasons:

Policy

- paragraph 8 of the National Planning Policy Framework advises that the planning system has the environmental objective “to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy (see also paragraphs 7, 9- 14 and 152-188)
- proposed development is inconsistent with the imperative to move to a low carbon economy - greenhouse gas emissions have not been taken into account in the application
- transitioning toward a low-carbon society involves transitioning to renewable energy and active transport; shifting to affordable low-meat, plant-rich diets; and green buildings and nature-based solutions (all as set out in more detail on page 545 of the latest IPCC report)
- Policy PD3 of the Adopted Local Plan states that the District Council will seek to protect, manage, and where possible enhance the biodiversity and geological resources of the Plan Area and its surroundings by ensuring that development proposals will not result in harm to biodiversity or geodiversity interests - there is nothing within the application to demonstrate how the proposal will conserve or avoid harm to the local environment
- Policy S4 states that the District Council will seek to ensure that new development protects and, where possible, enhances the landscape’s intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park - believe the planned building would contravene this

Character and Appearance

- the static caravan and shed already situated on site are eyesores in the immediate setting and surrounding natural environment in the open countryside, resulting in landscape and visual harm to the surrounding scenery
- the current agricultural building is also arguably excessively large for the operation, as a lot of it is left largely empty and nothing stored in it requires it to be the height it is

Environment and Ecology Impact

- applicant is using this application as a means to develop on untouched land which will bring nothing but harm to the local wildlife
- Alpacas carry a range of diseases such as TB, which is highly contagious and if passed to wildlife in the area (or other farmed animals in the vicinity) would have catastrophic results
- any plans submitted for development have to be assessed for their likely impacts on surrounding SSSI's, SAC's, SPA's and Ramsar sites

- site is an area of importance for birds such as Lapwings and Tree Sparrows and lies within a strategic opportunity area for Great Crested Newts, which are legally protected and are of great importance to Britain's natural habitats
- site is also part of a Higher Level Stewardship Theme whose primary objectives are wildlife conservation, natural resource protection, protection of historic environment and promotion of public access and understanding of the countryside
- the site is in an area of groundwater vulnerability classified as medium – concerned with excess water needed for the alpacas as well as additional inlet and waste that occupy
- applicant has further neglected to include an environmental impact study in this application, which shows that they have given no consideration to how the development will impact the local environment and minimise that impact – this is more given that the proposed area for development is already an SSSI Impact Risk Zone
- within a 'Farm Wildlife Package Area' and is a known home to protected wildlife but no ecological survey has been completed

Health Matters

- would necessarily increase traffic in the area if excrement is removed to go to landfill so air quality would worsen, thus impacting the local population.

Other matters

- Alpacas are exotic animals which require specialist care, something which it is believed that neither the applicant, or his proposed on-site worker, have knowledge of
- the applicant may be a developer and could be using this application as a means to build on untouched land which will harm local wildlife

6.3 A non-attributable petition has been submitted by People for the Ethical Treatment of Animals with 13,162 names but no signatories or addresses given to the names given. The material planning issues raised are as follows:

- operations on the farm would likely result in additional vehicle movements that would increase traffic in the area and generate more pollution
- the Local Highway Authority previously considered the existing site exit to have poor visibility and increased use of the site exit would increase the likelihood of road accidents
- the proposed facility is in an area of outstanding natural beauty, and the erection of the elevated buildings could diminish the natural vista
- proposed facility is situated next to a public footpath and would likely be visible to the public and local residents wishing to use this footpath.
- proposed facility would be a potential breeding ground for bovine tuberculosis (bTB), a disease that can infect alpacas, other animals and humans - reports show that alpacas in the UK have recently tested positive for TB, and some have been killed,
- animal agriculture is responsible for 14% to 18% of global greenhouse gas emissions – which is, by some estimates, more than all forms of transportation combined - Alpacas produce methane, and their daily care will result in a large carbon and water footprint
- these gentle, social, curious animals would be subjected to shearing for their fleece
- a PETA exposé into the world's largest privately owned alpaca farm in Peru revealed workers restraining struggling, crying alpacas by the legs with rope as they roughly sheared them with electric clippers, causing some to spit, cry out, and vomit out of fear and leaving others with deep wounds.

7. OFFICER APPRAISAL

7.1 The main issues for consideration are:

- Whether there is a functional need for an agricultural worker to be permanently present on site, based on the scale and nature of the proposed agricultural operation, whether it is planned on a sound financial basis and whether there is any other suitable alternative accommodation nearby, and;
- The impact of the development on:
 - the local landscape/character and appearance of this part of the countryside;
 - highway safety;
 - the amenity of the occupants of neighbouring properties / land uses, and;
 - the local environment and ecology.

Whether there is a functional need for an agricultural worker to be permanently present on site, based on the scale and nature of the proposed agricultural operation

- 7.2 Policy HC13 of the Adopted Derbyshire Dales Local Plan deals specifically with agricultural and rural worker dwellings and is supportive of such development where there is a clear established functional need, the need relates to a full time worker, the unit has been established for at least three years and has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so and the functional need cannot be fulfilled by another existing dwelling amongst other considerations. Policy HC13 is consistent with the National planning Policy Framework (NPPF) and therefore should be given full weight in the determination of the application.
- 7.3 This application seeks temporary permission for an agricultural worker to be resident on site in association with a new agricultural enterprise. The Local Planning Authority is satisfied that the enterprise, which requires outdoor grazing space, justifies a countryside location. Whether there is a functional need for an agricultural worker based on the nature of the proposed agricultural operation and that need is for a full time worker is therefore an important consideration.
- 7.4 The purpose of the temporary accommodation is to enable the applicant to demonstrate that the enterprise is financially sound and capable of sustaining a permanent dwelling in the long term. Consideration of whether there is an essential functional need for the development is a key aspect of the development proposal the Local Planning Authority has engaged the services of an independent agricultural consultant; Kernon Countryside Consultant (KCC).
- 7.5 Based on the report prepared in support of the application by Reading Agricultural Consultants (RAC), Kernon Countryside Consultants understand that it is the applicant's intention to purchase 25 breeding females with cria at foot, and a stud male. The long-term intention is to build up and maintain in the order of 25-30 breeding females. Once the enterprise is fully operational, it is understood that total numbers of alpaca that will be maintained on the holding will be approximately 75. This would include cria and will fluctuate depending on the time of year and how many sales have taken place. The focus of the enterprise will be the sale of breeding females.
- 7.6 It is noted that the total holding extends to approximately 3 hectares (7.1 acres), albeit a proportion of this comprises of the existing access, hardstanding and areas of shrub and mature vegetation. The total available grazing appears to be closer to 1.9 hectares (4.8 acres). Since the original NPPF was published it has become clear that all applications need to be considered carefully against the following criteria:
- i) whether there is an essential need for a rural worker to live on site
 - ii) whether that need can be met by existing accommodation;
 - iii) whether the enterprise is financially viable or sustainable; and

iv) whether other relevant considerations, such as siting and size, are acceptable.

There has also been guidance issued on the online Planning Practice Guidance resource in Paragraph: 010 Reference ID: 67-010-20190722.

7.7 Based on the numbers of alpaca proposed, it is advised that this will generate a need to live onsite. The need relates to, in particular:

- the problems of abortion and re-mating;
- in the run-up to and during the birthing process; including abandonment and bottle feeding requirements
- when the cria are young it is particularly important to monitor their health;
- when new animals arrive, or animals are being prepared for sale and must be separated
- animals in quarantine facilities need close monitoring;
- overseeing and husbandry of the followers and any on agistment (i.e. livery) of alpaca that have been sold but are still on the farm awaiting collection or export; and
- for the safety and security of all alpaca across the farm; they can be disturbed by dogs or trespassers and are vulnerable to theft as they are tame and valuable

7.8 The main concern raised by KCC is whether the stocking density is achievable. Whilst there are various factors to consider, such as rotational grazing and quality of pasture, a typical stocking density is in the region of 6 alpaca per acre. With 55 adult alpacas to be maintained on the holding, they will require in the region of 9 acres. This would need the landholding to be doubled to allow rotational grazing and land to be rested. The holding benefits from approximately 4.8 acres of land available for grazing. As such, renting additional land will be crucial if the enterprise is to expand as anticipated.

Whether there is any other suitable alternative accommodation nearby

7.9 The site benefits from a mobile home that was occupied in connection with the rabbit breeding enterprise, albeit this has been vandalised. KCC advise that, owing to the isolated nature of the land, it is unlikely that any other dwellings in the locality could meet the needs of the enterprise. It is advised that existing mobile home is the most suitable option but that this would need to be replaced by the proposed timber cabin.

Whether the proposed enterprise is planned on a sound financial basis

7.10 A three-year temporary permission is the only suitable means of testing such an enterprise that has not yet been established. Based on the figures put forward within the Rural Worker's Dwelling Appraisal, KCC advise that the enterprise generally appears to be planned on a sound financial basis. However, the amount of land required to support the enterprise is likely to be significantly higher than what the fixed costs are based on. Even so, the expected net profit is likely to be sufficiently high to cover additional fixed costs associated with renting and utilising additional land.

Siting and size of temporary dwelling

7.11 A rural workers' dwelling should be within sight and sound of where the most intensive livestock operations take place. Assuming all the most intensive operations take place on the land owned by the applicant, the dwelling would be well-sited to meet the needs of the livestock and there are no concerns regarding the size of the mobile home. In terms of size, it is considered that a two bedroomed timber cabin is adequate as temporary accommodation.

Summary of justification

7.12 Given the above, KCC are satisfied that the proposed number of alpacas will give rise to a need to live onsite, and have no concerns with regards to the finances in principle. However, the key concern relates to the availability of grazing which, in turn, impacts the numbers of alpaca kept on site, the functional need and the finances. Therefore, it is concluded that, unless additional land is rented, it is unlikely that the business could be expanded to the numbers proposed. In respect of Policy HC13, it is the view of KCC that:

- there will be a need to live onsite based on the proposed numbers of livestock but the scale of enterprise proposed will only be achievable if additional grazing is available;
- based on the proposed numbers of livestock, the need will relate to a full-time worker;
- whilst the unit is not yet established, a three-year temporary permission will enable the enterprise to prove itself in terms of financial sustainability;
- the functional need could be met by the existing, albeit unlawful mobile home onsite;
- the size of the mobile home is commensurate with the enterprise; and the dwelling is well sited to meet the need.

7.13 The applicant was advised of the concern raised by KCC with regard to the amount of grazing land available to the business and the advice that the Council have two options:

- i) allow the Applicant to investigate renting additional land in the locality during the course of the three-year temporary permission; or
- ii) withhold granting planning permission until such a time that the applicant can clearly demonstrate that additional land is available to the business.

7.14 The applicant has responded to the above by stating that they are aware that some additional land will be needed before the end of the three year trial period. However, they consider the suggestion by KCC that the area needed to graze 55 adult alpacas would be 18 acres is incorrect. KCC say that the stocking density would need to be halved (by doubling the amount of land) to allow rotational grazing and the land to be rested. This is advised by the applicant to not be the correct approach as alpaca breeding enterprises typically operate with a number of relatively small paddocks to keep groups of animals (i.e. males and females) separate and to manage the grazing, allowing paddocks to be rested and that the stocking density recommended by the BAS of 6/acre takes this into account.

7.15 To this end, the applicant considers that there is no requirement to double the amount of land required, as suggested, and they know of no alpaca breeding enterprise which operates in the way suggested by KCC. The applicant also has the opportunity to 'buy in' hay for supplementary feeding, which could allow for a higher stocking density, reducing the amount of grazing land required; it is advised that most alpaca breeding enterprises do use hay to supplement grazing to some extent. However, what the applicant considers to be clear, and accepted by KCC, is that the additional rented land is not required in the first couple of years of the enterprise; it will only be required towards the end of the trial period, in year three of the trial period and beyond.

7.16 On this basis, the applicant advises that, if it is accepted that there is around 5 acres of land available at the application site (as suggested by KCC), there will be sufficient grazing for 30 adult alpacas. The applicant would only need a further 4 acres or so to supplement the owned land from year 3 onwards, and not 13 acres as initially suggested by KCC. The applicant is of the view that, whilst there are always small parcels of agricultural land available to rent for grazing, it is wholly unreasonable for the Council to ask the applicant to rent land now (which is simply not needed), or to provide evidence that land can be rented in two years' time, when it is required, as the market for rented land does not operate in this way. The applicant advises that the best that could be done would be to submit a letter from an agent or a landowner to say that land could be made available in two years' time, but that this would also be meaningless as it would not clearly demonstrate that the land would be

available when needed, and would not satisfy the third party objectors who the applicant advises would no doubt be encouraged to challenge the Council's decision on this basis.

- 7.17 To this end, the applicant considers that KCC recommend the very reasonable option of allowing the ability to find additional land and to rent it during the three year 'trial period' and that this is an entirely reasonable approach which recognises the practical issues of renting small parcels of land for grazing. In addition, before an application for a permanent rural workers dwelling is submitted, the applicant would need to produce evidence, for the additional land and, if such evidence was not forthcoming, then the Council could consider refusal of an application for the permanent rural worker's dwelling at that time.
- 7.18 The comments of the applicant were referred to KCC who advised that additional land would not necessarily need to adjoin the site for there to remain a need to live onsite. The most low risk aspect of the enterprise is when livestock are out grazing and the need to live on-site is more to do with animals when they are housed and/or giving birth. Typically animals would be brought into buildings or grazed in close proximity to farm dwellings in the lead up to giving birth. To this end, it is agreed that a permanent dwelling could be turned down if additional land could not be found but, alternatively, the applicant may be able to manage the enterprise through the purchase or supplemental feeding. On this basis, KCC consider that the applicant could be given the opportunity to at least explore this enterprise.
- 7.19 Taking the above into consideration, it is considered that there is a functional need for an agricultural worker to be permanently present on site, based on the scale and nature of the proposed agricultural operation in this case and that the enterprise is planned on a sound financial basis and there is no other suitable alternative accommodation nearby.

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

- 7.20 The proposed buildings would be well screened by existing vegetation. Adopted local plan policies also support new agricultural development that maintains the landscape quality and character of the countryside. The timber cabin is considered to be of an appropriate scale and design and suitable to meet the requirements of the proposed agricultural enterprise in this case. It will be necessary to remove permitted development rights to prevent the domestication of the site.

The impact of the development on highway safety

- 7.21 The Local Highway Authority has considered the application and has raised no objections. Concerns with regard to the visibility on exiting the site, which were raised with the planning application for the previous temporary dwelling, have been addressed.

The impact of the development on the occupants of neighbouring properties/land uses

- 7.22 The nearest residential dwelling to the site is at Turlowfields Farm, which is located approximately 150m to the north of the proposed timber cabin. Concern has been raised with regard to the spread of disease and the storage of waste. The District Council's Environmental Health Section has considered the proposals and advise that, if temporary planning permission is granted, that there are no objections subject to conditions to secure the appropriate management of waste, pest control and any noise associated with the proposed operation.

The impact of the development on the local environment

7.23 Little alteration is proposed to the site other than the provision of the timber cabin. It is considered reasonable to attach a condition that the vandalised mobile home is removed as, in any event, the mobile home is subject to planning enforcement to secure its removal.

Ecology

7.24 The applicant refers to representations with regard to environmental impact and notes that the site is within the SSSI Impact Zone. Whilst the Local Planning Authority is required to consult with Natural England in respect of certain classes of development, the proposal does not fall within the scope of these. Furthermore, the use of the land for grazing livestock does not require planning permission and intensive grazing is not proposed. The applicant states that the application is to place a mobile home on the land for an agricultural worker, something which the Local Planning Authority previously agreed in this location in 2017. The Local Planning Authority did not require further information in terms of ecology in 2017, or in determining the application for a permanent rural workers dwelling here in 2021. The applicant is therefore of the view that there is no reason why an ecological assessment should be required in support of this current planning application.

7.25 It is the view of Officers that the proposed placing of a temporary dwelling on the site will not raise environmental impacts to a significant extent and will not harm nearby designated sites. And, as the applicant advises, such development has previously been accepted on the site. In addition, in considering a previous application, Natural England advised that they had no comments to make on the proposal.

Conclusion

7.26 Subject to conditions, the proposed development would, it is considered, satisfy the relevant provision of the Adopted Derbyshire Dales Local Plan (2017) and a recommendation of approval is put forward on this basis with similar conditions that were attached to the previous grant of temporary planning permission where they remain relevant.

8. RECOMMENDATION

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

1. The timber cabin (temporary dwelling) hereby permitted and any associated infrastructure and services shall be removed from the site within 3 years of the date of this permission and the land shall thereafter be restored, with the seeding of grass to blend with the field, within three months of the removal of the timber cabin.

Reason:

The timeframe is considered reasonable to demonstrate whether the agricultural enterprise is capable of sustaining a permanent dwelling on site in accordance with the aims of Policy HC13 of the Adopted Derbyshire Dales Local Plan (2017).

2. The occupation of the timber cabin (temporary dwelling) hereby permitted shall be limited to a person solely or mainly employed in association with the Alpaca breeding and rearing enterprise on site or a dependent of such a person residing with him or her only.

Reason:

To ensure that the unit is occupied by a worker related to the enterprise upon which a functional need to reside on site has been demonstrated in accordance with the aims of Policy HC13 of the Adopted Derbyshire Dales Local Plan (2017).

3. Prior to the timber cabin (temporary dwelling) being provided on the site, the mobile home currently on the site shall be removed from the land holding and the land on which it is located shall be reinstated to its former condition.

Reason:

The mobile home is an unauthorised and unsightly structure in its current condition, unnecessary for the purposes of agriculture, and its removal is to ensure a satisfactory appearance of the site in order to protect the character and appearance of the area of this part of the countryside in accordance with the aims of Policies S4, PD1 and PD5 of Adopted Derbyshire Dales Local Plan (2017).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no alterations or extensions shall be carried out to the timber cabin (temporary dwelling) hereby approved and no buildings, structures, hardstanding or means of enclosure shall be erected on the site without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To ensure a satisfactory appearance of the development and to protect the character and appearance of the area of this part of the countryside in accordance with the aims of Policies S4, PD1 and PD5 of Adopted Derbyshire Dales Local Plan (2017).

5. Prior to the occupation of the timber cabin (temporary dwelling), a management plan, which shall set out details of the following, shall be submitted to and approved in writing by the Local Planning Authority:

- a control plan for pests that may be attracted to the site, such as flies and vermin;
- a control plan for manure, detailing how this will be stored and managed, and what measure will be in place for odour control
- should artificial lighting be required, how will this be managed to prevent disturbance to surrounding properties

The site shall thereafter be managed in strict accordance with the approved details.

Reason:

In the interests of protecting the environment and safeguarding the residential amenity of the occupants of nearby residential dwellings in accordance with the aims of Policies S4, PD1, PD3 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

6. The provision of the timber cabin (temporary dwelling), and any associated construction work, shall only be conducted during the reasonable hours of 8am-6pm Monday–Friday and 8am-1pm Saturday. No work shall be carried out on Sunday, bank holidays or public holidays.

Reason:

In the interests of safeguarding the residential amenity of the occupants of nearby residential dwellings in accordance with the aims of Policies S4, PD1, PD3 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

7. No generators for the purposes of producing power shall be brought onto the site without the prior written approval of the Local Planning Authority, having been provided with details of the generator and any acoustic housing beforehand.

Reason:

In the interests of protecting the environment and safeguarding the residential amenity of the occupants of nearby residential dwellings in accordance with the aims of Policies S4, PD1, PD3 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which resulted in information being submitted in relation to concerns raised with respect to rented land availability going forward.
2. The applicant should note that the development hereby granted consent does not override the statutory protection afforded to protected species under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000 and you are advised to seek expert advice if you suspect that the operation would disturb any protected species. For further advice, please contact Natural England.
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 £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.

4. This Decision Notice relates to the following documents:

Drawing Nos. SC/BCH/01, 03, 04 and 05 received on 23rd August 2022

Covering letter received on 23rd August 2022

Appraisal by Reading Agricultural Consultants received on 23rd August 2022

Further information received on 12th October 2022.

22/00971/FUL

Band Stand, Ashbourne Memorial Gardens, Cokayne Avenue, Ashbourne



Derbyshire Dales DC

1:1,250

Date: 27/10/2022

100019785

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

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Planning Committee 8th November 2022

APPLICATION NUMBER		22/00971/FUL	
SITE ADDRESS:		Bandstand, Ashbourne Memorial Gardens, Cokayne Avenue, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Reconstruction of bandstand.	
CASE OFFICER	Mr. Ecclestone	APPLICANT	Mr. Galsworthy
PARISH/TOWN	Ashbourne	AGENT	Andrea Davy
WARD MEMBER(S)	Cllr. Bull Cllr. Lees	DETERMINATION TARGET	11 th November 2022
REASON FOR DETERMINATION BY COMMITTEE	District Council Application.	REASON FOR SITE VISIT (IF APPLICABLE)	Not required.

MATERIAL PLANNING ISSUES

Impact on the surrounding area.

RECOMMENDATION

Planning permission be approved.

1. THE SITE AND SURROUNDINGS

- 1.1 Ashbourne Memorial Gardens, are situated just to the east of Ashbourne town centre, at the junction of Cokayne Avenue, with Park Road. The existing bandstand is set back from the road, with footpaths leading up to it and surrounded by mature tree planting. The gardens are outside but adjacent to the designated Ashbourne Conservation Area. The memorial gateway to the gardens is a grade II listed structure as is the bust of Catherine Mumford.



2. DETAILS OF THE APPLICATION

- 2.1 The erection a replacement bandstand, on a 'like-for-like' basis to the former bandstand. The plans show that the existing base would be retained. The frame, fascia and handrails to the bandstand would be constructed from hardwood. The roof would be clad with cedar shingles with metal flashing and finial.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
- S1: Sustainable Development Principles.
 - S3: Development Within Defined Settlement Boundaries
 - PD1: Design and Place Making
 - PD2: Protecting the Historic Environment
 - HC14: Open Space and Outdoor Recreation Facilities
 - HC15: Community Services and Services
- 3.2 Ashbourne Neighbourhood Plan (2019):
- DES1: Design
 - AH1: Ashbourne Heritage
 - COM1: Community Facilities
 - COM2: Public Open Space
- 3.3 Other:
- National Planning Policy Framework (2021)
 - National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

None.

5. CONSULTATION RESPONSES

Town Council:
No objection.

Conservation Officer:
No objection subject to condition to require details of painting scheme / colours

6. REPRESENTATIONS RECEIVED

None.

7. OFFICER APPRAISAL

- 7.1 Policies S3, HC14, HC15, COM1 and COM2 seek to protect and enhance existing open space and outdoor facilities and provide and upgrade community facilities in settlements such as Ashbourne. The proposed replacement bandstand would replace an existing community facility in an appropriate location within the gardens and therefore the development is acceptable in principle.
- 7.2 The proposed bandstand would be located on the existing base and would be a 'like for like' replacement constructed from timber. The proposed design is of a high quality and the proposed use of timber is welcomed as a sustainable material. The design is appropriate in the context of the gardens and will conserve the setting of the Conservation Area and nearby listed structures in accordance with policies PD1, PD2, DES1 and AH1. If planning permission is granted a condition is recommended to secure an appropriate colour and finish to the timberwork.
- 7.3 Given the location and nature of the proposal there are no concerns that the development would harm the amenity, security or privacy of any neighbouring property or highway safety.

8 Conclusion

- 8.1 In the absence of any other material considerations the proposal is in accordance with the development plan. The application is therefore recommended for approval, subject to conditions.

9. RECOMMENDATION

Planning Permission be granted conditionally:

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 approved shall not be carried out other than in accordance with the submitted plans, subject to the following condition.

Reason:

For clarity and the avoidance of doubt.

3. At the time of erection all timberwork shall be factory finished or painted in accordance with a detailed scheme (including paint/stain colour and finish) which shall have first been submitted to and approved in writing by the Local Planning Authority. The approved finish shall thereafter be maintained throughout the lifetime of the development hereby

approved.

Reason:

To secure a high quality detailed design in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policies DES1 and AH1 of the Ashbourne Neighbourhood Plan (2019).

10. NOTES TO APPLICANT:

- 10.1 This Decision Notice relates to the following documents:
Planning application form and drawings, received by the Council on 6th September 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 – 08th November 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 allowed – copy of appeal decision attached
ENF/21/00188	Brookfield House, Roston	WR	Appeal Dismissed – copy of appeal decision attached
21/00130/FUL	Land east of Turlowfields Lane, Hognaston	HEAR	Appeal being processed
21/01185/PDA	Waldley Manor Farm, Waldley, Doveridge	WR	Appeal Dismissed – copy of appeal decision attached
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
21/01000/FUL	Ashbourne Lodge Care Home, 80 Derby Road, Ashbourne	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 allowed – copy of appeal decision attached
21/00927/FUL	43 St Johns Street, Wirksworth	HH	Appeal being processed
21/01476/FUL	Millfields Farm, Millfields Lane, Kirk Ireton	WR	Appeal Dismissed – copy of appeal decision attached
21/01477/FUL	Millfields Farm, Millfields Lane, Kirk Ireton	WR	Appeal Dismissed – copy of appeal decision attached
ENF/22/00045	Willersley Castle, Mill Road, Cromford	WR	Appeal being processed
22/00722/FUL	Ash Tree Cottage, Longway Bank, Whatstandwell	HOUSE	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 11 October 2022

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2022

Appeal Ref: APP/P1045/C/22/3292605

Land at Rosemount, Roston, Ashbourne, DE6 2EE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr John Coxon against an enforcement notice issued by Derbyshire Dales District Council.
 - The notice was issued on 19 January 2022.
 - The breach of planning control as alleged in the notice is: The construction of a building not in accordance with the approved plans for permission 17/00376/FUL.
 - The requirements of the notice are:
 - a) Reduce the height of the building and carry out all necessary alterations so that buildings dimensions and external appearance comply fully with planning permission 17/00376/FUL, for a single storey garage as approved on 09 June 2017 to accord with the decision notice and approved plan (drawing no.1 Coxon) date stamped 27 Apr 2017 and attached as appendix 1 to this notice.
 - The period for compliance with the requirement is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (d) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. It is directed that the enforcement notice be corrected by the deletion of the wording, *'The construction of a building not in accordance with the approved plans for permission 17/00376/FUL'* in paragraph 3 and substitution with *'The erection of a garage.'*
2. Subject to this correction the appeal is allowed and the enforcement notice is quashed.

The Notice

3. On an appeal any defect, error, or misdescription in an enforcement notice may be corrected using the powers available in section 176(1)(a) of the Town and Country Planning Act, 1990 (the Act), or the terms may be varied, where the correction or variation will not cause injustice to the appellant or local planning authority. It may be the case that defects are too fundamental to be corrected without causing injustice, leading to the notice being quashed.
4. Planning permission¹ for the erection of a garage was granted by the Council on 9 June 2017 subject to a number of conditions (the planning permission). The description of the alleged breach cites that the development has not been carried out in accordance with the approved plans of that planning permission. Where it is considered that the development differs materially from the scheme

¹ Local Planning Authority Ref: 17/00376/FUL.

granted planning permission it is reasonable to consider that the development has been carried out without planning permission rather than a breach of condition.

5. As the enforcement notice cites section 171A(1)(a) of the Act and given the reasons for issuing the enforcement notice, the Council clearly consider that the development is materially different to that granted planning permission. Nevertheless, as there is a ground (a) appeal and a deemed planning application, I have to ensure that the breach of planning control as stated in the enforcement notice consists of an accurate description of the alleged breach as it is the basis for considering the deemed planning application.
6. In this case the description of the breach of planning control contained wording that does not relate to an act of development and is more akin to reasons for issuing the enforcement notice. Consequently, I intend to delete the wording '*The construction of a building not in accordance with the approved plans for permission 17/00376/FUL*' and substitute with '*The erection of a garage*'. Taking into account the evidence before me, the appellant clearly understands that the notice is directed at the erection of the garage as constructed. I consider that I can carry out this correction without injustice to either main party. I will therefore correct the enforcement notice in this respect, in order to clarify the terms of the deemed application under section 177(5) of the Act.

Appeal on ground (d)

7. In relation to a breach of planning control consisting of the carrying out without planning permission of building operations, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially complete.
8. The main issue is whether the construction of the building alleged in the notice, as corrected, was substantially completed on or before 19 January 2018. The onus of proof is on the appellant and the test is on the balance of probability.
9. The Appellant maintains that work commenced to construct the garage in July 2017 and was completed on 15 December 2017. It was immediately put to use for the parking of private cars in the garage space and the first floor roof space utilised as a cinema room and hobby room for personal use incidental to the enjoyment of Rosemount. In support of his appeal case the Appellant has provided Statutory Declarations (SD) from himself and from the building contractor who carried out the construction works, to testify that the building was completed on 15 December 2017.
10. The Council has not provided any evidence to refute the Appellant's nor his contractor's version of events, and accept that the SDs should be given significant weight. However, they do not consider that this evidence alone is sufficient, on the balance of probability, to demonstrate that the development is lawful.
11. It is established case law that an appellant's evidence should not be rejected simply because it is not corroborated. If there is no evidence to contradict their version of events, or make it less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted².

² *Gabbitas v SSE & Newham LBC* [1985] JPL 630.

12. No representations have been made in relation to the enforcement appeal in response to the Council's consultation exercise with neighbouring residents, the Parish Council or local Councillor.
13. The SDs are precise and unambiguous. They set out clearly when the building works were commenced and completed. In the absence of any evidence to contradict the details set out in the SDs then that evidence should be taken at face value.
14. Consequently, the circumstances of this case are such that I am satisfied that the Appellant's evidence is sufficiently precise and unambiguous to conclude, on the balance of probability, that the building operations in question are immune from enforcement action.
15. I conclude that the appeal on ground (d) succeeds.

Conclusion

16. For the reasons given above, I conclude that the appeal should succeed on ground (d). The enforcement notice will be corrected and quashed.
17. In these circumstances, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act does not fall to be considered.

Elizabeth Pleasant

INSPECTOR

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Appeal Decision

Site visit made on 11 October 2022

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal Ref: APP/P1045/C/22/3294177

Land at Brookfield House, Main Street, Roston, Derbyshire DE6 2EH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Kevin Dean against an enforcement notice issued by Derbyshire Dales District Council.
 - The enforcement notice was issued on 9 February 2022.
 - The breach of planning control as alleged in the notice is: Building operations comprising the erection of a garage (outlined in blue on the plan at appendix 1 of this notice), not built in accordance with the plan, approved under planning permission ref. 19/00040/FUL (appendix 2 of this notice).
 - The requirements of the notice are:
 - a) Reduce the height of the building and carry out all necessary alterations so that the building's dimensions and external appearance comply fully with planning permission 19/00040/FUL, as approved 5th March 2019 to accord with the decision notice and approved plan (drawing no. FKD-04 A date stamped 10th January 2019 and attached as appendix 2 to this notice.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been made on ground (a) an application for planning permission is deemed to have been made under section 177(5) of the Act as amended.
-

Decision

1. It is directed that the enforcement notice be corrected by deleting the wording, '*not built in accordance with the plan, approved under planning permission ref. 19/00040/FUL (appendix 2 of this notice)*', in paragraph 3 of the notice. Subject to this correction the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Notice

2. On an appeal any defect, error, or misdescription in an enforcement notice may be corrected using the powers available in section 176(1)(a) of the Town and Country Planning Act, 1990 (the Act), or the terms may be varied, where the correction or variation will not cause injustice to the appellant or local planning authority. It may be the case that defects are too fundamental to be corrected without causing injustice, leading to the notice being quashed.

3. Planning permission¹ for the extension and alterations to a garage was granted by the Council on 5 March 2019 subject to a single condition (the planning permission). The description of the alleged breach cites that the development has not been carried out in accordance with the approved plans of that planning permission. Where it is considered that the development differs materially from the scheme granted planning permission it is reasonable to consider that the development has been carried out without planning permission rather than a breach of condition.
4. As the enforcement notice cites section 171A(1)(a) of the Act and given the reasons for issuing the enforcement notice, the Council clearly consider that the development is materially different to that granted planning permission. Nevertheless, as there is a ground (a) appeal and a deemed planning application, I have to ensure that the breach of planning control as stated in the enforcement notice consists of an accurate description of the alleged breach as it is the basis for considering the deemed planning application.
5. In this case the description of the breach of planning control contained wording that does not relate to an act of development and is more akin to reasons for issuing the enforcement notice. Consequently, I intend to delete the words, '*not built in accordance with the plan, approved under planning permission ref. 19/00040/FUL (appendix 2 of this notice)*', in paragraph 3 of the notice. Taking into account the evidence before me, the appellant clearly understands that the notice is directed at the erection of the garage as constructed. I consider that I can carry out this correction without injustice to either main party. I will therefore correct the enforcement notice in this respect, in order to clarify the terms of the deemed application under section 177(5) of the Act.

Appeal on ground (a), deemed planning application

Main Issue

6. The main issue is the effect of the development on the character of the host property and surrounding area.

Reasons

7. The appeal site comprises a substantial detached residential property which is situated within the countryside on the edge of the dispersed settlement of Roston. The unauthorised garage is located adjacent to the dwelling and takes access from the shared drive off Main Street.
8. Policy PD1 of Derbyshire Dales District Council's Local Plan, adopted 2017 (LP), requires all development to be of a high quality that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes. Outbuildings incidental to the enjoyment of a dwelling are permitted under Policy SC4 and HC10 of the LP provided, amongst other criteria, the height, scale, form and design of the 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.
9. The unauthorised garage has a close visual relationship to the original dwelling and host property, Brookfield House. Their front facades generally align, and these buildings are viewed together when approaching the site from the shared

¹ Local Planning Authority Ref: 19/00040/FUL.

drive. The ridge line of the garage is similar in height to that of Brookfield House, and its overall height is accentuated by its steep roof pitch, first floor gable fenestration and the amount of brickwork between the ground floor openings and the roof eaves. Its form and design, including its roof and the arrangement of fenestration within the brickwork, gives the building a dominant and domestic appearance which visually competes with Brookfield House. The unauthorised building by reason of its form is not visually subordinate to the host building and its appearance does not reflect the character of Brookfield House.

10. Brookfield House is a substantial property. However, its traditional design and form, broken up by small gable additions, serves to visually reduce its scale and appearance. In contrast, the unauthorised garage has a dominant bulk form, large roofscape, and a strong vertical emphasis which gives this curtilage outbuilding an incongruous appearance which detracts from the character of the host property. Furthermore, its discordant appearance has a harmful effect on the visual qualities of the area, including views from the neighbouring public footpath and on the site's approach from the Main Street.
11. I noted on my site visit that there is another garage/outbuilding at Brookfield House which also has a steep pitched roof. However, in contrast to the unauthorised garage, that building has a simple utilitarian design and form. The lintels over its garage doors sit snugly beneath the eaves which reduces the vertical scale and appearance of the building. Furthermore, it is positioned away from Brookfield House and does not compete visually with the host property, nor have a harmful effect on the character of the area.
12. I conclude that the unauthorised garage has a harmful effect on the character of the host property and surrounding area. It conflicts with the development plan and in particular with Policies SC4, HC10 and PD1 of the LP the aims of which are set out above. There is also conflict with the design aims of the National Planning Policy Framework.

Other Matters

13. Section 177(1)(a) allows permission to be given under an appeal on ground (a) to any part of the matters alleged in the notice. To that end, the appellant has advanced, largely under the appeal on ground (f), that alterations could be made to the garage to make it acceptable in planning terms. Those alterations include: removing the two rooflights on the northern elevation; centring the first floor window on the east elevation; removing the loft window on the east elevation; removing the first floor windows on the west elevation; and removing the two ground floor windows on the south elevation.
14. The alterations proposed to the fenestration of the building would form part of the matters stated in the notice and it is therefore open to me to grant planning permission for those alterations under the ground (a) appeal.
15. Nevertheless, whilst the alterations to the fenestration would result in a building that would have a less domestic and more utilitarian appearance, they would not alter the building's visual dominance and poor design brought about by its roof scale and the incongruous relationship between the roof eaves and ground floor openings. Consequently, the alterations proposed to the number and arrangement of window openings/rooflights would not outweigh the harm I

have identified by reason of the building's incongruous design, scale and proportions.

16. I appreciate that permission has been granted for extension and alterations to a garage in this location, and I recognise that the height of the approved garage would have been only marginally lower than the unauthorised building in this appeal case. However, the simple design details, including fenestration arrangement and the proportions of the approved garage, would have resulted in a building with a strong horizontal emphasis, and a more subservient and utilitarian appearance than the unauthorised garage that is being enforced against.
17. I conclude, therefore, that the alternative would not overcome the harm I have identified in respect of the effect of the development on the character of the host property and surrounding area.

Conclusion

18. For the reasons given above, and taking into account all other matters raised the appeal on ground (a) should not succeed.

Appeal on ground (f)

19. The issue is whether the requirements are excessive to achieve the purpose(s) of the notice.
20. Section 173 of the Town and Country Planning Act 1990 (as amended) indicates that there are two purposes which the requirements of an enforcement notice can seek to address. The first is to remedy the breach of planning control that has occurred and the second to remedy any injury to amenity which has been caused by the breach. In this case the purpose of the notice is to remedy the breach of planning control by removing the building or making the development comply with the terms of the planning permission granted in respect of the land.
21. Suggested alterations put forward by the Appellant as an alternative to the requirements set out in the notice were considered under ground (a), and I found them to be unacceptable. This approach would not therefore remedy the breach of planning control and there are no lesser steps which would achieve the statutory purpose of the notice.
22. In conclusion, the appeal on ground (f) does not succeed.

Overall Conclusion

23. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Elizabeth Pleasant

INSPECTOR



Appeal Decision

Site visit made on 30 August 2022

by **Rachel Hall BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **04 October 2022**

Appeal Ref: APP/P1045/W/22/3298773

Waldley Manor Farm Barn, Waldley Manor Farm, Waldley Lane, Waldley, Doveridge DE6 5LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Penlee Limited against the decision of Derbyshire Dales District Council.
 - The application Ref 21/01185/PDA, dated 20 September 2021, was refused by notice dated 18 November 2021.
 - The development proposed is conversion of existing agricultural building to three dwelling houses with associated building works as shown on drawings: YBD31201-P-001, 002, 005, 006A, 006B, 010, 011A, 011B.
-

Decision

1. The appeal is dismissed.

Main Issues

2. Schedule 2, Part 3, Paragraph W of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) states that the local planning authority may refuse a prior approval application where the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified as being applicable to the development in question. It was on the above basis that the Council refused to grant the prior approvals.
3. The proposals relate to Schedule 2, Part 3, Classes Q(a) and (b) of the GPDO, which enable the change of use and conversion of an agricultural building to a dwellinghouse. That is subject to certain limitations, paragraph Q.1, and conditions, paragraph Q.2. The first main issue is whether it has been demonstrated that the proposed building operations would be reasonably necessary to convert the building to residential use under Schedule 2, Part 3, Class Q of the GPDO.
4. The Council's decision notice also refers to the impact of the proposal on the setting of Waldley Manor and the adjacent barn. As such, the second main issue is whether the proposal would be acceptable with respect to design and external appearance, with specific regard to the setting of the grade II listed Waldley Manor Farmhouse (the Farmhouse) and adjacent barn (the Barn), and therefore whether condition Q.2.(1)(f) has been met.

Reasons

Whether reasonably necessary

5. The Planning Practice Guidance (the PPG) confirms that the right under Class Q permits building operations which are reasonably necessary to convert the building, which may include those which would affect its external appearance and would otherwise require planning permission. It clarifies that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is suitable for conversion to residential use that the building would be considered to have the permitted development right.
6. The PPG also references that it may be appropriate to undertake internal structural works, including to allow for a floor, insertion of upper floors or internal walls. Whether or not the proposed works go beyond the scope of conversion is a matter of fact and degree and requires an element of judgement. The PPG advises that the installation or replacement of windows and exterior walls, to the extent reasonably necessary for the building to function as a dwelling house, could fall within works permitted under the Class Q permitted development right.
7. The existing barn is enclosed on three sides. On two of these elevations the bottom section of the enclosure comprises concrete thrust panels which would be retained and rendered. On the long elevation, windows would be inserted above the panels, and additional timber cladding would be added to the existing battens. On the third enclosed elevation, the bottom section of the wall is comprised of concrete blockwork. The Structural Report prepared by Yes Engineering (dated August 2021) (the Report) references evidence of impact damage to this wall. This was evident at my site visit. As such, works of repair would be required to that section of wall before the proposed rendering. Additional timber battens are proposed to be inserted above.
8. The long elevation that is entirely open is proposed to be filled with full height glazed windows and doors. In addition the roof is to be replaced with insulated panels, the underside of which would provide the ceiling. The Report finds that the building overall is in good condition and capable of conversion with limited maintenance work required. That is the professional opinion of the surveyor who prepared the Report.
9. In determining the appeal I have had regard to the judgement handed down in *Hibbitt v SSCLG* [2016] EWHC 2853 (the Hibbitt judgement). This addresses the extent to which building operations to facilitate residential use may be considered to amount to conversion of the relevant agricultural building. Briefly summarised, it explains that where the nature of works proposed would be so fundamental as to effectively result in a rebuilding of the relevant building based on planning judgement, this is not permissible. It further clarifies, however, that the extent of works proposed is not in itself dispositive but rather a factor in determining whether the works proposed are part of a conversion.
10. The barn to which the Hibbitt judgement related was largely open on three sides. In contrast, the appeal building is largely enclosed on three sides. I note that elements of the appeal building would need to be replaced, and local

rebuilding is likely required in respect of the blockwork on one elevation. Installation of the full height glazing on the long elevation would be a new enclosure to that elevation. However, it is proposed to be self-supporting, without requiring additional structural elements to the existing building. Furthermore, much of the existing fabric of the building would be retained, with additional timber cladding added alongside existing cladding. Rendering and internal insulation would be added to make the building suitable for residential use.

11. Therefore, in the circumstances of this case and as a matter of fact and degree, the works would be reasonably necessary and not so extensive as to constitute rebuilding. I therefore conclude that the appeal proposal is permitted development with reference to the requirements of Schedule 2, Part 3, paragraph Q.1.(i) of the GPDO.

Design and external appearance

12. The Farmhouse is distinctive with sections of close ribbed and diagonal timber framing contrasting with white render. The Barn appears to have been converted to residential use but retains its distinctive stone coped gable and an elevation of timber framing under a plain tile roof. Insofar as it is relevant to this appeal, their significance is primarily derived from their architectural interest and historic association with a working farmstead.
13. The appeal building is prominent within the site, being adjacent to the access to the Farmhouse from Waldley Lane. As such, whether or not it was originally part of the grounds or curtilage of the Farmhouse and Barn, it is highly visible from the immediate surrounds of the Farmhouse. Although the existing appeal building is modern in comparison to the listed buildings, it has a simple, functional agricultural appearance. Consequently, it has some historic resonance with the listed buildings and their historic role in this rural setting.
14. The extent of proposed changes to the appeal building has been scaled back from the scheme previously dismissed at appeal (Ref APP/P1045/W/19/3231110). The use of full height glazing would retain the simple form of the building and a degree of transparency to that elevation. However, there would be substantial areas of stained grey cladding and grey render, along with dark framed windows. These would appear incongruous given the site's rural setting, emphasised by the building's substantial scale and prominence within the site.
15. In addition, the introduction of tarmac and concrete slab paving for parking and pedestrian access would create an unduly domesticated appearance. These would be positioned prominently within the site, eroding its pleasing rural character and creating a considerably more suburban one. This would appear at odds with the rural setting of the listed buildings. Therefore, even were the scheme to be toned down through use of a more natural palette of colours on its elevations, the harsh design of the proposed external areas, together with the addition of residential paraphernalia, would be to the detriment of the setting and significance of the Farmhouse and Barn.
16. Paragraph 199 of the National Planning Policy Framework (Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Since the proposal relates to the setting of a listed building, I have had special

regard to section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed development would be harmful to the special historic interest of the grade II listed buildings. This would have a negative effect on the significance of these designated heritage assets. This would equate to less than substantial harm. In such circumstances this harm should be weighed against the public benefits of the proposal.

17. The proposal would provide three private dwellings. The construction of the dwellings would provide short term benefits to the local and wider economy and the occupants would be likely to boost local spending, labour supply and help support local services. These would constitute fairly modest benefits in social and economic terms. Reference is made to the ability of the appeal scheme to help fund repairs to the listed Farmhouse. However details in this respect are highly limited. For example, no information is provided on the extent and cost of repairs required in comparison to the anticipated profit from the appeal scheme. Therefore I afford this limited weight.
18. I acknowledge the appellant's intention to scale back their farming activities on site and their reasons for this, which may reduce noise and smells for neighbouring houses. However, such changes would not necessarily be dependent on the appeal scheme. Moreover, farming activities are to be expected in this setting and make a positive contribution to the local economy.
19. Overall, the public benefits outlined above do not outweigh the harm to the significance of these heritage assets. There is no clear and convincing justification for the harm to the designated heritage assets as required by paragraph 200 of the Framework. Therefore, the proposal would not be acceptable with respect to design and external appearance, with specific regard to the setting of the grade II listed Farmhouse and Barn. Accordingly, condition Q.2.(1)(f) of the GPDO has not been met.
20. Consequently, the proposal would be contrary to Policies PD1 and PD2 of the Derbyshire Dales Local Plan (December 2017) which, amongst other matters, seek to ensure proposals contribute positively to the character and identity of their setting. It would also be contrary to the historic environment chapter of the Framework.

Conclusion

21. For the reasons given, the appeal should be dismissed.

Rachel Hall

INSPECTOR



Appeal Decision

Hearing Held on 4 October 2022

Site visit made on 4 October 2022

by A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC

an Inspector appointed by the Secretary of State

Decision date: 19 October 2022

Appeal Ref: APP/P1045/C/21/3284351

Armlees Farm, Ryder Point Road, Wirksworth, Matlock DE4 4HE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr James Slater against an enforcement notice issued by Derbyshire Dales District Council.
- The enforcement notice was issued on 23 September 2021.
- The breach of planning control as alleged in the notice is the change of use of the agricultural building and associated land to HGV and vehicle repair workshop (Use Class B2) use unconnected to agriculture.
- The requirements of the notice are:
 - a) Permanently cease the use of the building for HGV and vehicle repair use (Class B2) unconnected to agriculture on the holding.
- The period for compliance with the requirements is 1 month.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The enforcement notice is quashed.

The Enforcement Notice

1. The requirements of the Notice should square up with and follow logically from the allegation, with regard to what an enforcement notice may require under s173(3)-(7). It is within an Inspector's power to bring the steps into line with the allegation or make consequential changes to the requirements pursuant to the allegation being corrected. Any corrections or variations to the requirements may be made, even if they would make the Notice more onerous, so long as there would be no injustice to either the appellant or local planning authority. It should not be assumed that adding to the requirements would automatically cause injustice.
2. Difficulties are likely to arise when the allegation is incorrect such that the requirements may be incomplete. In this case I have noted that the alleged breach of planning control relates to the agricultural building and associated land, but the requirements require cessation of the use of the building alone. In other words, the requirements appear to be incomplete and the question arises as to whether or not compliance with the requirements of the Notice would allow the continuous use of the associated land for HGV and vehicle repair workshop (Use Class B2).
3. In such circumstances there are a number of options to consider. Firstly, changing the scope of the allegation and requirements could cause injustice to the appellant by making the Notice more onerous to comply with. This is likely

to be the case if, as a result, the appellant ends up worse off than if there had been no appeal. Secondly, changing the scope of the allegation but not requirements could cause injustice to the Council by giving rise to the prospect of planning permission being granted via s173(11) for a use including or comprising the additional activity or activities alleged. Thirdly, either approach could cause injustice to either party by changing their case on the grounds of appeal.

4. It is clear to me from the wording of the Notice, written submissions and oral comments made at the Hearing that the Council's intention is to require the appellant to permanently cease the unauthorised site comprising the building and associated land. Varying the requirements of the Notice to add the permanent cessation of the associated land to HGV and vehicle repair workshop use would expand the requirements and the appellant would indeed be worse off than if there had been no appeal.
5. The Council argues that the building has a curtilage and such land would be captured by the requirement to cease the unauthorised use on that land. However, the alleged breach is very clearly related to the building and the land and therefore the omission of the associated land in the requirement could be reasonably interpreted as not requiring the use on the associated land to cease. Indeed, in my judgement, should the Notice be fully complied with, planning permission would be granted through s173 of the 1990 Act for the use of the associated land for HGV and vehicle repair use. To alter the requirements of the Notice to deny the appellant of such rights would cause injustice to the appellant. Consequently, the option of changing the scope of the requirements is not open to me.
6. One other option may be to vary the Notice by deleting from the alleged breach of planning control the reference to the associated land. However, it is clear to me that this may result in the continuation of the use of the land for the unauthorised use. The overall purpose of requiring the cessation of the unauthorised use of the building and associated land would fail. Furthermore, since both main parties' cases are made with reference to the building and associated land, altering the scope of the alleged breach may cause injustice to both parties by changing their cases being made on the grounds of appeal.
7. Therefore, in these specific circumstances, I do not consider that correcting or varying the Notice could reasonably be done without causing injustice. Therefore, it should be quashed as inaccurate and incapable of correction without injustice to the appellant or other relevant occupiers as defined in s174(6). Since the local planning authority did not intend to omit the reference to the associated land and would want the activity to cease on such land, they may be able to issue another enforcement notice.

Conclusion

8. For the reasons given above I conclude that the enforcement notice does not ensure that the requirements follow logically from the allegation. It is not open for me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act as amended since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed. In these circumstances the appeal under grounds (a), (d), (f) and (g) as set out in section 174(2) of the 1990 Act as amended and the application for planning

permission deemed to have been made under section 177(5) of the 1990 Act as amended do not fall to be considered.

Formal decision

9. The enforcement notice is quashed.

A A Phillips

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Roger Yarwood - Agent
James Slater - Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Sarah Arbon – Senior Planning Officer
Chris Whitmore – Development Manager

INTERESTED PERSONS:

Richard Sandell



Appeal Decisions

Site visit made on 4 October 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal A Ref: APP/P1045/W/22/3298107

Millfields Farm Cottages, Millfields Lane, Kirk Ireton, DE6 3JS

- 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 N Siner against the decision of Derbyshire Dales District Council.
 - The application Ref 21/01476/FUL, dated 3 December 2021, was refused by notice dated 2 February 2022.
 - The development proposed is the conversion of a garage/store to a holiday let with associated alterations.
-

Appeal B Ref: APP/P1045/W/22/3298112

Millfields Farm Cottages, Millfields Lane, Kirk Ireton, DE6 3JS

- 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 N Siner against the decision of Derbyshire Dales District Council.
 - The application Ref 21/01477/FUL, dated 3 December 2021, was refused by notice dated 2 February 2022.
 - The development proposed is the conversion of a workshop to a holiday let.
-

Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As set out above, there are two separate appeals for the conversion of existing buildings for use as holiday accommodation. The proposed schemes are very similar and are adjacent to each other. Therefore, in the interests of conciseness, I have dealt with the two appeals in the same decision. However, each appeal has been determined on its own merits.

Main Issues

4. The main issues, common to both appeals, are:
 - Whether the appeal site is suitable for new holiday accommodation; and,
 - The effect of the proposals on the character and appearance of the surrounding area.

Reasons

Suitability of Location

5. Policies S4 and EC8 of the Adopted Derbyshire Dales Local Plan (the LP, December 2017) set out the Council's tourism strategy. Policy EC8 is a broader policy, the aims of which include supporting and strengthening tourism where it is appropriate to the countryside location and environmental objectives. It also supports serviced overnight-accommodation, such as hotels, within towns and villages. Policy S4 is narrower, focussing on countryside locations, and supports the sustainable growth of existing tourism enterprises where they are in a sustainable location and identified needs are not met by existing facilities. I find that these policies comply with the aims of the National Planning Policy Framework (the Framework) which, under Paragraphs 84 and 85, similarly supports the sustainable growth of businesses including rural tourism.
6. The appeal site is within a countryside location outside of any settlement development boundaries. It is a spacious site which contains a former farmhouse and a range of former barns that have been converted for use as holiday accommodation. To the rear of these buildings is a group of smaller timber buildings that include the garage and workshop covered by appeals A and B respectively. The site is close to Carsington Waters and its associated visitor centre, a tourist attraction for the area. I also noted, during my observations on site, two caravan parks close to the site.
7. As tourists, future occupiers would have different needs to those typically expected for occupiers of a dwelling. The likely needs, or at least wants, of a tourist would be directed towards attractions and hospitality venues. However, they are likely to also need access to shops, including food shops, in order to purchase gifts, souvenirs, and food to cook when not eating out.
8. As part of my site visit, I visited the Carsington Water Visitor Centre which provided access to a limited number of shops, providing gifts and similar wares, and a café. The centre also provides an access to the lake and a footpath around it. Given the close proximity of the centre to the appeal site it could easily be reached by bicycle and there are deep verges and footpaths which would allow for walking.
9. Nevertheless, I find that the services provided at the visitor centre would not be sufficient to meet the likely needs of future guests including access to evening hospitality or a food shop to support home cooking. As such, and given there is only one attraction nearby, guests would regularly need to travel further afield to reach services, facilities, and attractions. Given the distance involved, and that the roads are fast, unlit and without pavements, it would not be realistic for future occupiers to walk or cycle to more distant settlements for the purposes of buying food, eating out or other tourist attractions.
10. Although the appellant has brought my attention to a bus route which passes near the site, it is not clear where the closest bus stop is. Moreover, the number of bus journeys are limited, restricting the options for future guests. This is especially so on weekends, which I find to likely be a popular time for guests, as the submissions do not refer to any weekend buses. Future guests would therefore primarily be reliant on private motor vehicles.

11. I am cognisant that tourists to a rural area will, especially where the attraction is, at least in part, the open countryside, travel to various locations in order to experience the countryside. It is unlikely that public transport would service all rural attractions, such as walks, and so some use of a private motor vehicle is to be expected. Nevertheless, and whilst the proposals may only result in a small increase, individually or cumulatively, in travel to and from the site, it would nonetheless be an increase and one which would likely be greater than new overnight accommodation within a settlement or with better accessibility to public transport.
12. Furthermore, it has not been suitably demonstrated that the proposals would meet an identified need for overnight accommodation within this area. Therefore, and whilst the proposals would extend an existing tourism facility, as they are not within a sustainable location and do not meet an identified need they do not meet the requirements of Policy S4.
13. The proposals would result in a small increase in holiday accommodation provision in the area, and as such increase the number of overnight visitors. This would have some positive knock-on effects to local businesses and support local tourism. However, given the small scale of the proposals, both individually and cumulatively, this benefit would be limited.
14. Having regard to the above, by way of the site's location, remote from services and facilities it would not be suitable for new holiday accommodation and therefore, contrary to the locational strategy for tourist facilities. As such, the proposals would conflict with LP Policies S4 and EC8 as outlined. It would also conflict with the strategy for rural development set out under Section 6 of the Framework as summarised above.

Character and Appearance

15. The existing pair of buildings are relatively simple and retiring features which are seen in public views only from long distances against a backdrop of trees. The garage building is the largest of the group and contains accommodation within the roof accessed via an external staircase. The workshop is a lower, but longer building set perpendicular to the garage and within a row of, what appear to be, former stables. All of the buildings within this group are clad in timber with simple grey rooves. The proposed schemes include alterations to both buildings as part of the conversion.
16. The external changes to each building are relatively limited, primarily relating to changes to fenestration, doors, and roofing materials, with the most significant being the dormer proposed under Appeal A on the garage. Although the dormer would likely be visible in the distant public views it would be seen within the envelop of the existing roof and I do not find it to be so significant an addition that it would unacceptably alter the character of the building. Although more prominent from views within the appeal site, it would be read in the context of the other converted buildings used for holiday accommodation and so its effect would not be significant in this regard either.

17. As they are not intrinsically domestic in character, and given their scale, this would also be true for the smaller alterations raised above, in both close and distant views of the buildings. I do not, therefore, find that the proposals would unacceptably affect the character and appearance of the buildings in their own right or to the detriment of their context and the landscape of the surrounding area.
18. Whilst I note that Policy HC8 requires buildings to provide a positive contribution to the character and appearance of their surroundings to be acceptable for conversion, this relates to re-use as residential accommodation. The proposals before me are for holiday accommodation and so, such requirements are not directly relevant to either appeals A or B.
19. By way of the appearance of the resulting buildings and their relationship with the wider area, the proposals would not harm the character and appearance of the surrounding area. Both proposals would therefore comply with LP Policies S4 and PD1 which collectively, and amongst other matters, require that developments are of a high-quality design that protects and respects the character, identity and context of its surroundings including the landscape.

Other Matters

20. The appellant has made reference to a recent permission, 21/00803/FUL, granted by the Council for the change of use of an ancillary domestic outbuilding to a holiday cottage. However, it appears from the limited information before me that the context of this scheme is markedly different to those before me. In particular, this example was used for accommodation ancillary to the host dwelling and had direct access to the wider footpath network. Whilst there are footpaths near the appeal site, from the submissions before me I understand these solely serve Carsington Water. All proposals must be considered on their own merit and, given the above, this example has not been determinative in my considerations.
21. Although I note the Council's concerns regarding the use of the host buildings as residential dwellings, it is clear from the evidence before me that the proposals are for holiday accommodation. Moreover, in the event that either appeal was allowed, a suitably worded condition could be imposed requiring the use of the building to be limited to holiday accommodation and allowing the monitoring of this.

Conclusion

Appeal A

22. By way of its location and relationship to public transport, services, facilities and tourist attractions, the proposal would undermine the council's plan-led approach to the delivery of tourist facilities. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
23. Therefore, for the reasons outline above, I conclude that the appeal should be dismissed.

Appeal B

24. By way of its location and relationship to public transport, services, facilities and tourist attractions, the proposal would undermine the council's plan-led approach to the delivery of tourist facilities. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

25. Therefore, for the reasons outline above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR

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BACKGROUND PAPERS

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

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

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

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

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