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Monday, 2 October 2023

To All Councillors:

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday, 10 October 2023** at **6.00 pm** in the **Council Chamber, Town Hall, Matlock, DE4 3NN**

Yours sincerely,

Paul Wilson
Chief Executive

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, 9 October 2023**. 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 - 20)

12 September 2023

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 [Speak at Planning Committee](#). 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. 23/00787/FUL (Pages 21 - 28)

Alterations to windows and doors (re-submission) at 2 Birchwood Moor Court, Roston, Ashbourne, Derbyshire, DE6 2EJ.

5.2. APPLICATION NO. 20/00308/REM (Pages 29 - 84)

Approval of reserved matters for the erection of 196 no. dwellings, a café/restaurant (A3 Use) and 4no. Commercial Units (B1 Use) (outline planning application 14/00541/OUT) at Hall Dale Quarry, Matlock Spa Road, Snitterton, Matlock.

5.3. APPLICATION NO. 22/01371/FUL (Pages 85 - 140)

Mixed use development comprising of 24 no. dwellinghouses and 1535m² of commercial (Use Class E) floorspace at Hall Dale Quarry, Snitterton Road, Snitterton, Matlock.

5.4. APPLICATION NO. 23/00535/FUL (Pages 141 - 162)

Erection of 27 no. affordable dwellinghouses, open space, landscaping, highway improvements and associated works at Land North of Old Hackney Lane, Hackney, Matlock.

5.5. APPLICATION NO. 23/00363/FUL - **APPLICATION WITHDRAWN**

Erection of 41no. dwellinghouses including garages, provision of public open space, green infrastructure and access at Land to rear of Farm Cottage, Old Hackney Lane, Hackney.

5.6. APPLICATION NO. 22/00855/FUL (Pages 163 - 208)

Erection 11 no. dwellings within castle grounds, conversion of existing outbuildings and gatehouse to form 7no.dwellings, reconstruction of gatehouse to form 2no.dwellings, erection of orangery and covered parking area at Riber Castle, Riber Road, Riber, Matlock

5.7. APPLICATION NO. 22/00856/LBALT (Pages 209 - 226)

Alterations in association with conversion of outbuildings to dwellings and reconstruction of gatehouse to form dwelling at Riber Castle, Riber Road, Riber, Matlock.

5.8. APPLICATION NO. 22/00460/FUL (Pages 227 - 240)

Change of use of agricultural field for use as a driver training facility for excavators and conversion of mobile chicken shed to form classrooms at Brooklands House, Grove Lane, Doveridge, Derbyshire, DE6 5PB.

5.9. APPLICATION NO. 23/00832/OUT (Pages 241 - 252)

Outline planning application for the erection of up to 3no. dwellinghouses with approval being sought for access (resubmission) at Land to the West Side of Derby Lane, Ednaston, Derbyshire.

5.10. APPLICATION NO. 23/00830/FUL (Pages 253 - 266)

Demolition of 1no. dwellinghouse and erection of 4no. apartments with associated parking and access at 82 Oker Avenue, Darley Dale, Derbyshire, DE4 2GP.

5.11. APPLICATION NO. 23/00759/FUL (Pages 267 - 276)

Conversion and alteration of attached outbuilding and installation of new and replacement roof lights at 31 Bank Road, Matlock, Derbyshire.

6. APPEALS PROGRESS REPORT (Pages 277 - 290)

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

Members of the Committee: David Burton (Co-Chair), Peter O'Brien (Co-Chair), Sue Burfoot (Vice-Chair)

Robert Archer, John Bointon, Neil Buttle, Peter Dobbs, Nigel Norman Edwards-Walker, David Hughes, Stuart Lees, Laura Mellstrom, Dermot Murphy, Peter Slack, Mark Wakeman and Nick Whitehead

Nominated Substitute Members:

Substitutes – Councillors Anthony Bates, Geoff Bond, Kelda Boothroyd, Marilyn Franks, Gareth Gee, Dawn Greatorex, Andy Nash, Roger Shelley and Nick Wilton

SITE VISITS

Members are asked to convene outside Reception, at the front entrance of the Town Hall, Matlock at **9:50am prompt** on **Monday, 9 October 2023**, before leaving **(by coach)** at **10:00am** to visit the sites as detailed in the included itinerary.

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.

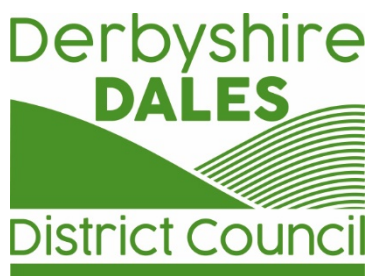
- g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers.
- h) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any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

SITE VISITS

LEAVE OFFICE		10:00
22/00855/FUL & 22/00856/LBALT	Riber Castle, Riber Road, Riber	10.15-11.00
22/01371/FUL & 20/00308/REM	Hall Dale Quarry, Matlock Spa Road, Snitterton, Matlock	11.15-12.00
23/00830/FUL	Oker Avenue, Darley Dale	12.10-12.20
23/00363/FUL & 23/00535/FUL	Old Hackney Lane	12.30-13.15
	Laburnum Inn – for wider view of Hall Dale	13.20-13.30
23/00759/FUL	31 Bank Road, Matlock	13.35-13.45
Comfort break	Town Hall, Matlock (30 Minutes)	14.00-14.30
23/00460/FUL	Brooklands House, Grove Lane, Doveridge	15.30-15.50
23/00787/FUL	2 Birchwood Moor Court, Roston	16.05-16.20
23/00832/OUT	Land To The West Side Of Derby Lane, Ednaston	16.40-16.55
RETURN	(45 Minutes)	17.40

Members are advised to bring footwear suitable for muddy / wet sites.

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Planning Committee

Minutes of a Planning Committee meeting held at 6.00 pm on Tuesday, 12th September, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor David Burton - In the Chair

Councillors: Sue Burfoot, Peter O'Brien, John Bointon, Neil Buttle, Peter Dobbs, Nigel Norman Edwards-Walker, Stuart Lees, Dermot Murphy, Peter Slack, Mark Wakeman and Nick Whitehead.

Present as Substitute - Councillors: Kelda Boothroyd, Marilyn Franks and Roger Shelley

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

Members of the Public – 67

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, David Hughes and Laura Mellstrom

103/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Stuart Lees, seconded by Councillor Peter Slack and

RESOLVED (unanimously)

That the minutes of the meeting of the Planning Committee held on 11 July 2023 be approved as a correct record.

The Chair declared the motion **CARRIED**.

104/23 - INTERESTS

Councillor Peter Dobbs declared a non-pecuniary interest in Item 5.8 Application No. 23/00787/FUL – 2 Birchwood Moor Court, Roston, Ashbourne DE6 2EJ, as he was known to the applicant.

6.03 pm Councillor Kelda Boothroyd joined the meeting.

6.06 pm Councillor Roger Shelley joined the meeting.

6.08 pm Councillor Neil Buttle joined the meeting.

105/23 - APPLICATION NO. 23/00566/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, Ms Dawn Lewis (Local Resident), Mr Nick Baker (Agent) and Mr Dan Macken (Applicant) spoke in support of the application. Cllr. Ruth Miles (Carsington and Hopton Parish Council), Ms Laura Stevens (Local Resident), Ms Pippa Ward-Bradley (Friends of Knockerdown), Ms Pamela Hattersley (Friends of the Knockerdown), Mr Tim Foxlow (Local Resident), Ms Libba Jones (Local Resident), Mr Chris Stait (Local Resident), Ms Anne Wilson (Local Resident) and Mr Ian Burton (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 four additional representations in objection to the development and one representation in support. Comments had also been received from Carsington and Hopton Parish Council, Hulland Ward Parish Council, Bradbourne and Ballidon Parish Council and the Police and Crime Commissioner. Further comments had been received from the Applicant in support of the proposed development.

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

RESOLVED

That planning permission be refused for the following reasons:

1. The application fails to demonstrate that the amount of additional parking is necessary to serve the requirements of the existing public house. Such development of the scale and nature proposed is unjustified and unsustainable and results in unwarranted harm to the character and appearance of this part of the countryside, contrary to Policies S1, S4, PD1, PD5 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) and policy contained in the National Planning Policy Framework.

Voting

14 For
00 Against
01 Abstentions

The Chair declared the motion **CARRIED**.

106/23 - APPLICATION NO. 23/00459/FUL

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

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

In accordance with the procedure for public participation, Cllr. Jason Farmer (Darley Dale Town Council) and Ms Georgina Mosley (Applicant) spoke in support of the application.

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

It was moved by Councillor Marilyn Franks, seconded by Councillor Peter Slack and

RESOLVED

That planning permission be approved with 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 other than in accordance with the following approved plans and subject to the following conditions or modifications.

Location Plan - 220224-01-01
Proposed Layout Plan - 220224-01-02
Proposed Drainage Plan - 220224-01-04
Dome Plan and Elevations - 220224-01-05
Bike Store Plan and Elevations 220224-01-08
Road and Access Plan - 220224-01-09
Proposed Lighting Plan - 220224-01-10
Bike Store Plan and Elevations - 220224-01-12

Reason:

For the avoidance of doubt and in the interests of the proper planning of the area.

- 3) A Landscape and Biodiversity Enhancement Plan (LBEP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The aim of the LBEP is to enhance and sympathetically manage the biodiversity value of onsite habitats and should combine both the ecology and landscape disciplines. The plan should clearly demonstrate a net gain for biodiversity through use

of a biodiversity metric. It shall be suitable to provide to the management body responsible for the site and shall include the following:

- a) Description and location of features to be retained, created, enhanced and managed.
- b) Aims and objectives of management.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a five-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the enhancement measures.
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Habitat enhancements for species, for example, bat and bird boxes.
- j) Requirement for a statement of compliance upon completion of planting and enhancement works. The LBEP 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 development shall not be carried out or occupied other than in accordance with the approved details.

Reason:

To ensure that the development delivers biodiversity net gain in accordance with the requirements of policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

- 4) All excavations shall be covered overnight or else have an escape ramp to prevent entrapment of badgers, hedgehogs and other wildlife. All pipework greater than 150 mm shall be blanked off at the end of the day and chemicals shall be stored securely. Topsoil mounds shall be checked for badger activity prior to removal or re-use. An ecologist shall be contacted if any evidence of badger activity is found within the application area during development.

Reason:

To conserve local wildlife during construction in accordance with policy PD2 of the Adopted Derbyshire Dales Local Plan (2017). Page 3 of 7 23/00459/FUL

- 5) Notwithstanding the approved plans, no part of the development hereby approved shall be occupied until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following details: i. Proposed trees, hedges and defined limits of shrubs and grass areas; ii. numbers of trees and shrubs in each position with size of stock, species and variety and grass seed mix; iii. types of enclosure (hedges, fences, walls etc); iv. regraded contours and details of changes in level; and v. access, access track, hard surface area for parking and any pedestrian paths.

Reason:

To ensure that the development incorporates appropriate planting and landscaping to conserve the site and its setting within the landscape in accordance with policies PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

- 6) All hard and soft landscaping works shall be carried out in accordance with the approved details (subject of condition 8). All hard landscaping works shall be completed

prior to the first occupation of any part of the development and all planting shall be carried out within the first planting season following the first occupation of any part of the development. Any trees or plants, either existing or planted pursuant to the landscaping works which, within a period of five years of the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the following planting seasons with others of similar size and species or in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development protects existing trees and hedges and incorporates appropriate replacement planting and landscaping which conserves the site and its setting within the landscape in accordance with policies PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

7) The foul and surface water drainage shall be installed and operational before the first occupation of the development hereby approved. Reason: To protect the water environment in accordance with policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

8) The development shall not be occupied until the access track and parking areas have been laid out, constructed and are available for use. Thereafter the access and track shall be available for their designated use throughout the lifetime of the development hereby approved.

Reason:

In the interests of amenity and highway safety.

9) No external lighting shall be installed (other than in accordance with the approved plans) other than in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To minimise the impact of the development upon the landscape and the setting of the Peak District National Park in accordance with policy PD5 of the Adopted Derbyshire Dales Local Plan (2017).

10) The colour finish of the surfacing material for the glamping domes shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall thereafter be carried out in accordance with the approved details and the surfacing material shall be installed before the first occupation of the development.

Reason:

To minimise the impact of the development upon the landscape in accordance with policy PD5 of the Adopted Derbyshire Dales Local Plan (2017).

11) The electric vehicle charge points shall be installed and operational before the first occupation of the development.

Reason:

To ensure that the charge points are installed to mitigate the impacts of climate change in accordance with policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

12) The glamping domes hereby approved shall be used solely for the purposes of temporary holiday accommodation and shall not at any time be occupied as permanent residential accommodation. No person shall occupy the glamping pods for a continuous period of more than 28 days in any calendar year or more than a total of 8 weeks in a calendar year and it shall not be re-occupied by the same person/s within 28 days

following the end of that period. The owner shall maintain a register of occupants for each calendar year which shall be made available for inspection by the Local Planning Authority upon request.

Reason:

The development is not considered appropriate other than as a holiday facility because it is outside any settlement framework boundary and does not accord with the development plan policies for general housing, namely policies S1 and S4 of the Adopted Derbyshire Dales Local Plan (2017).

- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no tent, caravan or habitable building or structure shall be sited or erected on the site (other than those expressly authorised by this permission) without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To ensure that the Local Planning Authority retains control over the extent and nature of the use and impacts to ensure that the development conserves the site and its setting within the landscape in accordance with policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no development required by the conditions of a site licence for the time being in force under the 1960 Caravan Sites and Control of Development Act shall be carried out or erected on the site without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the Local Planning Authority retains control over the extent and nature of the use and impacts to ensure that the development conserves the site and its setting within the landscape in accordance with policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

Voting

14 For

00 Against

01 Abstentions

The Chair declared the motion **CARRIED**.

107/23 - APPLICATION NO. 23/00630/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 John Youatt (Agent) and Mr Roger Yarwood (Agent) spoke in support of the application. Dr Siobhan Spencer

(Derbyshire Gypsy Liaison Group) commented on the application. Mr Stephen Walton (Local Resident) spoke against the application.

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

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of further comments from the Environment Agency, Derbyshire Wildlife Trust and Environmental Health. Late representations were received from the occupant of Rose Cottage objecting to the proposed development.

It was moved by Councillor Peter Slack, seconded by Councillor Dermot Murphy and

RESOLVED (unanimously)

That planning permission be approved for the following reasons:

1. The Environment Agency withdrew their previous objection, after reviewing the site levels they were satisfied that the site itself lay outside the Flood Zone 2.
2. The site was considered to be sustainably located, having regard to the Council's requirements for a site.
3. The development would be enclosed, and it was considered that it would not cause harm to the Derwent Valley Mills World Heritage Site.

Voting

14 For

01 Against

00 Abstentions

The Chair declared the motion **CARRIED**.

8.10pm – The Chair adjourned the meeting.

8.25pm – The meeting reconvened.

108/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At 8:35pm, it was moved by Councillor David Burton, seconded by Councillor Roger Shelley and

RESOLVED (Unanimously)

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

The Chair declared the motion **CARRIED**.

109/23 - APPLICATION NO. 23/00616/OUT

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

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

In accordance with the procedure for public participation, Mr Andrew Stock (Agent) spoke in support of the application. Cllr. John White (Brailsford and Ednaston Parish Council), Ms Elizabeth Tarling (Local Resident), and Ms Patricia Baker (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 a further consultation response received from Derbyshire Wildlife Trust, further indicative visuals submitted by the agent and one additional representation received following the site visit supporting the Officers recommendations.

It was moved by Councillor Stuart Lees, seconded by Councillor Peter Slack and

RESOLVED (unanimously)

That planning permission be refused for the reasons set out in section 8.0 of the report and for an additional reason as set out below:

3. The development would not be served by safe or convenient pedestrian links to Brailsford and would have limited accessibility to services and facilities within the village contrary to policies S1 and HC19 of the adopted Derbyshire Dales Local Plan (2017).

The Chair declared the motion **CARRIED**.

110/23 - APPLICATION NO. 23/00553/OUT

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

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

In accordance with the procedure for public participation, Mr Richard Pigott (Applicant) spoke in support of the application. Mr Philip Robinson (Local Resident) and Mr Mark Gorman (Local Resident) spoke against the application.

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

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of comments received from the Agent.

It was moved by Councillor Stuart Lees, seconded by Councillor Mark Wakeman and

RESOLVED (unanimously)

That planning permission be approved subject to prior entry into a planning obligation under S.106 to secure:

- 30 % of the dwellings as affordable units on-site with a financial contribution for 0.5 units.

- Financial contribution to allotments (off-site) of £1,773 on sites identified by the Neighbourhoods Manager.
- Financial contribution to play areas (off-site) of £4,252.50 on sites identified by the Neighbourhoods Manager.

And subject to planning conditions to cover the following:

1. Statutory time limit for approval of reserved matters.
2. Set out reserved matters to be approved (scale, layout, external appearance and landscaping).
3. The developable area, scale, layout and external appearance shall closely reflect the submitted indicative site plan and development design parameters.
4. Agree detailed design and management of surface water drainage.
5. Approve assessment to demonstrate proposed destination for surface water accords with the drainage hierarchy set out in planning practice guidance.
6. Approve details of how additional surface water run-off from the site will be avoided during the construction phase.
7. Approve verification report carried out by qualified drainage engineer to demonstrate that the drainage system has been constructed in accordance with the agreed scheme.
8. Conditions and informative's recommended by the Highway Authority on application 22/00777/OUT.
9. Submission and approval of travel plan prior to first occupation.
10. Arboricultural Impact Assessment and Method Statement to be submitted with any reserved matters application for landscaping.
11. Conditions recommended by Derbyshire Wildlife Trust.
12. Condition recommended by County Archaeologist.
13. Reserved matters application shall provide for housing mix in accordance with policy requirements.

Voting

08 For

02 Against

05 Abstentions

The Chair declared the motion **CARRIED**.

111/23 - APPLICATION NO. 23/00178/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 Jami Jones (Applicant) spoke in support of the application.

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

It was moved by Councillor Peter Slack, seconded by Councillor Stuart Lees and

RESOLVED (unanimously)

That planning permission be approved subject to the conditions set out in section 8.0 of the report and the additional condition:

1. The dwellings hereby approved shall only be occupied as primary residences and shall not be utilised as second homes or for holiday accommodation.

The Chair declared the motion **CARRIED**.

9.17 pm Councillor Nick Whitehead left the meeting.

112/23 - APPLICATION NO. 23/00115/FUL

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

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

In accordance with the procedure for public participation, Mr Gordon Wardman (Applicant) spoke in support of the application. Cllr. Vicki Raynes (Tansley Parish Council) and Mr Gary Swift (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 a letter from the applicant.

It was moved by Councillor Kelda Boothroyd, seconded by Councillor Peter Dobbs and

RESOLVED

That planning permission be approved subject to conditions and prior entry into a S.106 planning obligation set out in section 8.0 of the report. Conditions 7 and 8 shall be amended to require agreement of landscaping, including a timescale for implementation, before commencement of the development. Agreement if a timescale for implementation is to

ensure that planting is carried out and begins to establish as soon as possible following the commencement of the development.

Voting

13 For
01 Against
00 Abstentions

The Chair declared the motion **CARRIED**.

9.37 Councillor Peter Dobbs left the meeting.
9.38 Councillor Kelda Boothroyd left the meeting.

113/23 - APPLICATION NO. 23/00787/FUL

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

In accordance with the procedure for public participation, Ms Claire Critchlow (Applicant) and Mr David Legh (Local Resident) spoke in support of the application.

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

It was moved by Councillor John Bointon, seconded by Councillor Dermot Murphy and

RESOLVED

That planning permission be deferred for further discussion following a site visit.

Voting

11 For
00 Against
01 Abstentions

The Chair declared the motion **CARRIED**.

114/23 - APPEALS PROGRESS REPORT

It was moved by Councillor John Bointon, seconded by Councillor Dermot Murphy and

RESOLVED (unanimously)

That the report be noted.

The Chair declared the motion **CARRIED**.

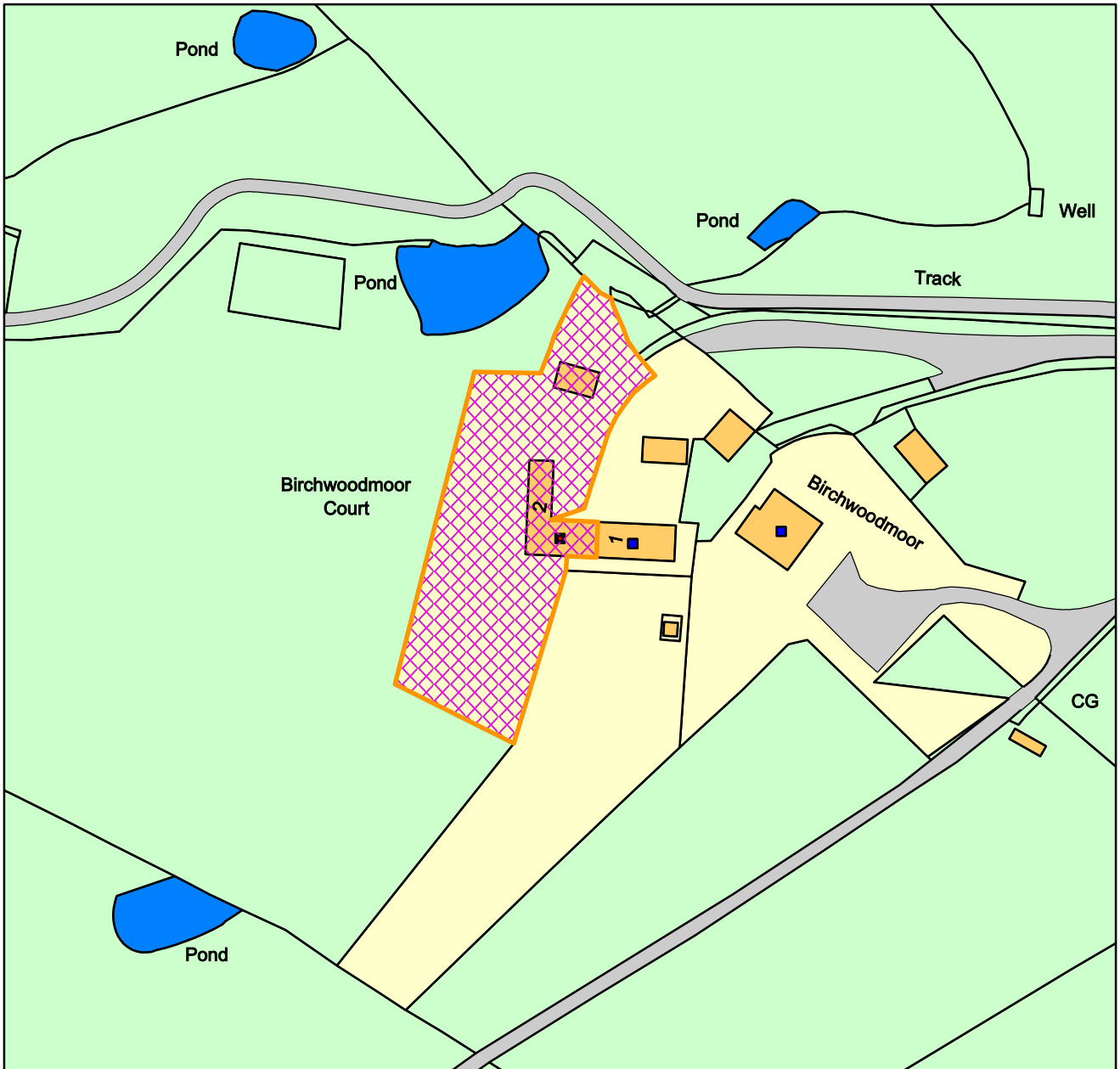
Meeting Closed: 9.55 pm

Chair

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23/00787/FUL

2 Birchwood Moor Court, Roston



Derbyshire Dales DC

1:1,250

Date: 27/09/2023

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		23/00787/FUL	
SITE ADDRESS:		2 Birchwood Moor Court, Roston, Ashbourne, Derbyshire, DE6 2EJ	
DESCRIPTION OF DEVELOPMENT		Alterations to windows and doors (re-submission).	
CASE OFFICER	Mr. Ecclestone	APPLICANT	Mrs. Critchlow
PARISH / TOWN	Roston	AGENT	Mr. Malkin
WARD MEMBER(S)	Vacant	DETERMINATION TARGET	15 th September 2023
REASON FOR DETERMINATION BY COMMITTEE	Deferred at last meeting for site visit.	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES
The impact of the alterations of the character and appearance of the building.

RECOMMENDATION
That the application be refused for the reason set out in section 8.0 of the report.

1. THE SITE AND SURROUNDINGS

- 1.1 2 Birchwood Moor Court, also known as 'Anromada', is a semi-detached barn conversion dwelling, situated in a rural area to the south-east of Roston. It is set down and back from the main road and has a long, shared drive.



2. DETAILS OF THE APPLICATION

- 2.1 This application was deferred at the September meeting for Members to undertake a site visit.
- 2.2 This is a re-submission of a previously refused planning application, for replacement windows, doors and alterations (23/00412/FUL). The only difference between this and the previous application, is that the height of the first-floor window in the gable (west elevation) has been reduced.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
S4: Development in the Countryside
PD1: Design and Place Making
- 3.2 Other:
National Planning Policy Framework (2021)
National Planning Practice Guidance
Derbyshire Dales District Council Supplementary Planning Document: The Conversion of Farm Buildings January 2019

4. RELEVANT PLANNING HISTORY

23/00412/FUL	Alterations to windows and doors.	Refused
22/01310/FUL	Provisions of ancillary living accommodation.	Approved
1292/0978	Retention of agricultural land in residential curtilage and retention of garage and boundary fence.	Approved
1193/0788	Erection of garden shed and insertion of window in bathroom.	Approved
0789/0628	Conversion of barns to two dwellings.	Approved
0694/0428	Incorporation of agricultural land within residential curtilage.	

5. CONSULTATION RESPONSES

Derbyshire County Council Rights of Way section:
No objection, subject to footnotes.

Footpath organisations:

No objection, provided that the footpath remains unaffected.

Parish Council:
No comments received.

6. REPRESENTATIONS RECEIVED

6.1 Two representations of support have been received.

7. OFFICER APPRAISAL

7.1 Having regard to the relevant provisions of the development plan and the consultation comments and representations received, the main issue to assess is the impact of the development on the character and appearance of the existing dwellinghouse. The alterations to the windows and doors of the property would not result in any unacceptable residential amenity impacts given their size and position relative to number 1 Birchwood Moor Court.

7.2 Policy S4 of the Adopted Derbyshire Dales Local Plan seeks to ensure that new development protects the landscape's intrinsic character and distinctiveness. It also requires development to be appropriate to its location and not to have an adverse impact on the character and appearance of the rural environment.

7.3 Policy PD1 of the Adopted Derbyshire Dales Local Plan requires development to be of a high quality design that respects the character, identity and context of townscapes and landscapes; and requires development that contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, the relationship to adjacent buildings and incorporating well integrated car parking. Policy PD1 also requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, overshadowing, overbearing effect, noise, light pollution, or other adverse impacts on local character and amenity.

7.4 The previous decision in respect of planning application code ref. 23/00412/FUL is a material planning consideration as is the Council's Supplementary Planning Document: The Conversion of Farm Buildings January 2019 which forms part of the development plan.

7.5 The previous reasons for refusal were:

The proposed windows and doors, particularly on the west elevation, will appear out of character and scale with the original building, a former barn, contrary to the requirements of Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017) and the Council's Supplementary Planning Document: The Conversion of Farm Buildings January 2019.

7.6 Reducing the dimensions of the first-floor window in the west elevation, is not considered to overcome the previous reasons for refusal.

7.7 The the Council's Supplementary Planning Document (SPD) on The Conversion of Farm Buildings January 2019, provides design guidance for dealing with Barn Conversions. Page 8 provides guidance on windows and doors:

7.8 *A fundamental and important characteristic of farm buildings are the existing type, form, size, shape and detailing of door and window openings and the minimal number of door and window openings (i.e. the ratio of solid to openings) to the elevations. Door and window openings generally only exist to perform a specific function. The form, rhythm and location of existing door and window openings can often identify the original use of a farm building and are, therefore, important distinctive elements and characteristics that should be retained and respected as part of any conversion scheme.*

- 7.9 *Existing window and door openings generally come under significant pressure to be altered as part of a proposal(s) to convert a farm building. Such alterations can significantly affect the existing character and appearance of a farm building. Other pressures / considerations include the methods and types of glazing, to both historically glazed and unglazed openings, and the formation of new door and window openings.*
- 7.10 *The distinctive character and appearance of the original building should be retained in any conversion scheme / proposal and therefore, sound justification (which does not constitute harm to character and appearance) for the inclusion / insertion of any new door and window openings, would need to be provided.*
- 7.11 *Proposals for the enlargement or reduction in the width / height of any existing window / door opening, will be resisted as being harmful to the building's existing character and appearance.*
- 7.12 *Where original openings within the fabric are to be copied (based on sound justification and no harm to character & appearance), their detailing shall match the existing exactly, in all respects and they must be appropriate to their new location or position.*
- 7.13 *Proposals for the introduction of 'stormproof' type window frames, would be resisted as being inappropriate to historic farm buildings.*
- 7.14 *The type, pattern and form of existing, traditional, window frames to a farm building, are considered important attributes of its character and appearance and should, therefore, be retained.*
- 7.15 *Alternative materials, such as UPVC and powder-coated metal, as a replacement for existing, historic, timber window frames, will not be considered appropriate or acceptable.*
- 7.16 *The District Council considers that window frames should be constructed of timber (being the traditional material for their construction) and that the timber should be given a painted finish, in accordance with historic tradition and precedent.*
- 7.17 The proposed replacement first-floor window on the north elevation, would appear to reinstate a window of a similar size to what would have been there originally, before it was partially bricked up. This is considered to be in accordance with The Conversion of Farm Buildings January 2019 SPD.
- 7.18 The other replacement windows and doors are considered to appear too large and out of character with the original building. It is proposed to replace a single door with bifold / patio doors in the west elevation of the building at ground level. This would not reflect the historic use and function of the building and would be out of character in this respect. The same applies to the patio doors in the south elevation, which results in the enlargement of the width of the opening.
- 7.19 There has been no justification for the windows and doors in terms of their appropriateness to satisfy The Conversion of Farm Buildings January 2019 SPD. In summary, the proposed replacement windows, are considered to appear over-sized and out of character with the buildings existing agricultural character and its surroundings and a recommendation of refusal is put forward on this basis.

8. RECOMMENDATION

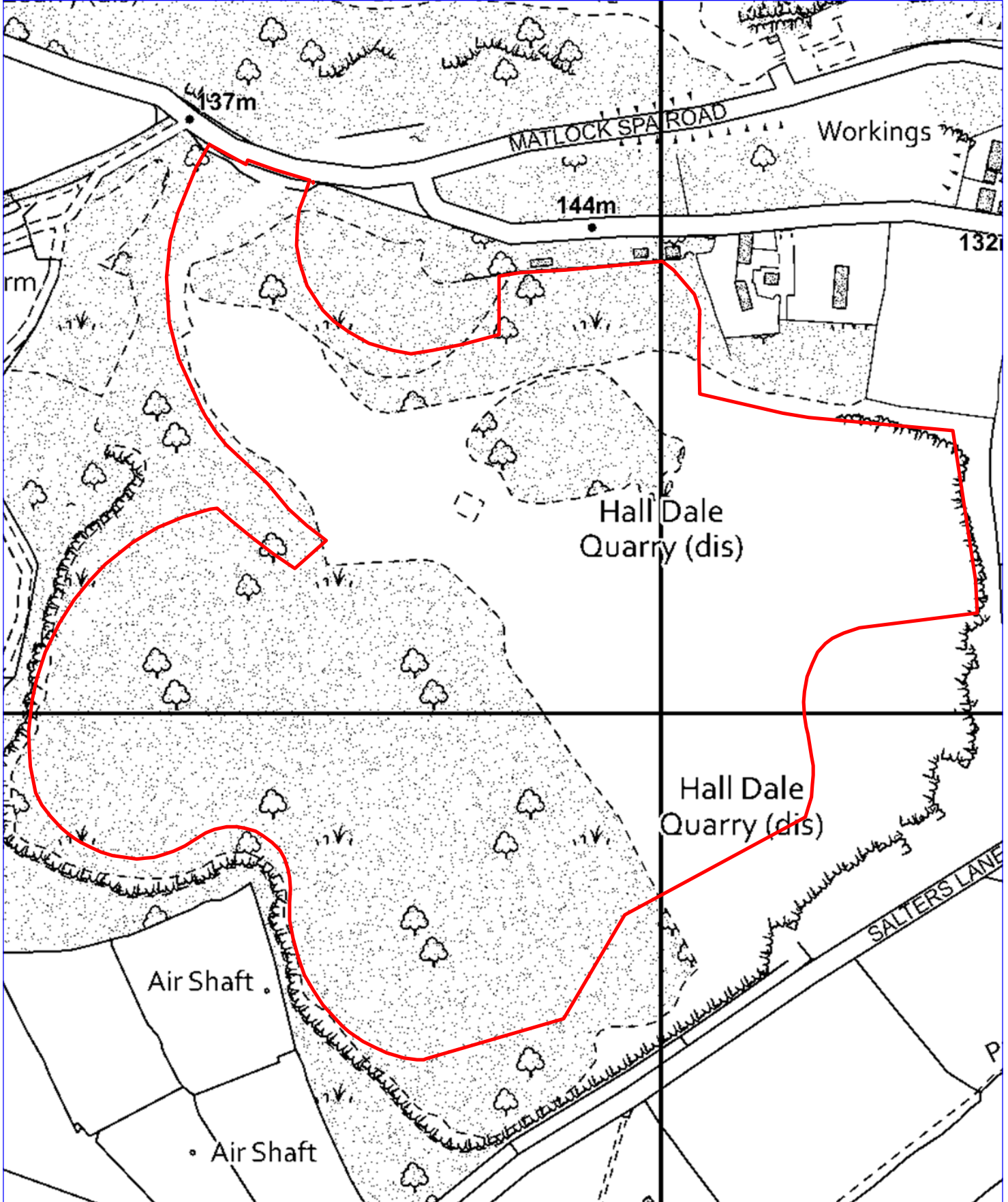
- 8.1 Planning Permission be refused for the following reason:

The patio doors in the west and south elevations will appear out of character and scale with the original building, a former barn, contrary to the requirements of Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017) and the Council's Supplementary Planning Document: The Conversion of Farm Buildings January 2019.

9. NOTES TO APPLICANT:

- 9.1 This Decision Notice relates to the following documents:
Planning application form and drawings, received by the Council on 21st July 2023.
- 9.2 The applicant entered into pre-application discussions with the Local Planning Authority. Unfortunately, however, the advice provided was not heeded 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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APPLICATION NUMBER		20/00308/REM	
SITE ADDRESS:		Hall Dale Quarry, Matlock Spa Road, Snitterton, Matlock	
DESCRIPTION OF DEVELOPMENT		Approval of reserved matters for the erection of 196 no. dwellings, a cafe/restaurant (A3 Use) and 4no. Commercial Units (B1 Use) (outline planning application 14/00541/OUT)	
CASE OFFICER	Mr Chris Whitmore	APPLICANT	Mr Adam Cavell (4M Property Partners)
PARISH	Matlock West	AGENT	Mr Jack Punter - Brick Architects F20C
WARD MEMBER(S)	Cllr. M. Burfoot Cllr S. Burfoot Cllr S. Wain	DETERMINATION TARGET	29 th June 2020 (EOT agreed until 13 th October 2023)
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	At the request of Officers to enable Members to fully assess the impact of the development

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • The appropriateness of the layout, scale and appearance of the development and associated landscaping / open space; • The acceptability of the housing mix; • Highway / pedestrian safety and connectivity to services and facilities; • Impact on designated sites, protected species and biodiversity; • Impact on the landscape and the setting of the Peak District National Park; • Measures to design out crime and mitigate the effects of and adapt to climate change, and; • The impact of the development on the residential amenity of the occupants of existing dwellings and future residents.

RECOMMENDATION
That the application be approved subject to conditions.

1. THE SITE AND SURROUNDINGS

- 1.1 The application site forms part of an extensive former limestone quarry (approximately 25.1 hectares) situated in an elevated position approximately 0.89 km to the south-west of Matlock town centre. The site occupies a prominent position against the wider backdrop of Masson Hill and is accessed at grade via Snitterton Road, close to the new junction with Matlock Spa Road. Snitterton Road runs along the northern boundary of the site with Salters Lane to the South. A number of residential properties border the site including White House, Gordon Lodge, Gordon Lodge Barn and Coach House on Snitterton Road to the northeast; Greenacres off Salters Lane to the South; Old Masson Farm to the west and Masson Farm and associated properties immediately to the northwest.
- 1.2 Hall Dale Quarry has been driven into the Masson hillside from the north, the main consequence of which is that the highest and steepest quarry faces are on its southern and south eastern sides. Three limestone faces rise vertically in three distinct lifts from the quarry floor which occupies an extensive area in the central / north western portion of the site. On its western and south western sides, quarry waste tipped against the rock face has created a long, steep, undulating slope which rises from the quarry floor to the quarry edge.
- 1.3 On the northern and western sides, long bunds of material are well vegetated with belts of trees and shrubs which provide effective screening of the quarry floor in views from the north and west. Extensive areas of mixed vegetation also occupy parts of the western and south western quarry slopes, again helping to screen views from these sides and are prominent within views of the higher parts of the quarry from the north.
- 1.4 Along the southern boundary with Salters Lane, vegetated bunds and mature roadside hedgerows effectively screen views of the quarry from the lane and in middle to long distance views from the site. However, due to its prominent hillside location, there are extensive views of the site from a number of local vantage points including Matlock Bank and Upper Hackney.
- 1.5 Major quarrying operations ceased at the site over 20 years ago. Since then, naturalisation and ecological succession of overburden bunds and quarry spoil has enabled flora and fauna habitats to establish on the site generating scrub vegetation and extensive areas of grassland. The quarry itself is characterised by bare rock and tipped / stockpiled limestone blocks.
- 1.6 The site is located within the defined Settlement Framework of Matlock and extends to 15.4ha. It is formally allocated for housing development (220 dwellings) and 2ha of employment land under policies HC2(v) and EC2(e) of the Adopted Derbyshire Dales Local Plan (2017). Strategic land allocation policy DS5 also sets parameters for the development of the site.



2. DETAILS OF THE APPLICATION

- 2.1 This application follows the grant of outline planning permission code ref. 14/00541/OUT which gave outline planning permission for mixed residential and commercial development comprising of 220 dwellings, 400m² of A3 floorspace (Restaurant and Café), and 6400m² of B1 floorspace. The application was received within the requisite 3 year period set by the outline planning permission, however, has been pending consideration for some time and recently amended to include new elements which sit outside of the scope of this permission. These separate elements form part of a separate, parallel full application (code ref. 22/01371/FUL).
- 2.2 The total site area extends to 21.85ha. This approval of reserved matters application covers an area of 15.4ha and includes 196 dwellings of the following mix of open market housing:

No. of bedrooms	No. of dwellings
2	69
3	26
4	90
5	11

The application also includes 3240m² of commercial floorspace in the form of 4no. Commercial Units (E(g)) and a café / restaurant building covering an area of 1.1ha.

- 2.3 The site will be accessed via a single (priority) junction onto Snitterton Road, which joins Matlock Spa Road. The point of access was agreed in principle in respect of the outline permission, however, condition 24 of this permission required that, as part of any subsequent reserved matters or full planning application, comprehensive detailed designs

for the permanent access solution for the site, comprising layout, realignment of Matlock Spa Road shall be submitted. The application includes a detailed road layout to serve the development and the applicant has commenced work on entering into a legal agreement with the County Council under s278 of the Highway Act to make permanent alterations or improvements to the public highway. These plans have been submitted with this application.

- 2.4 The application as originally submitted proposed 182 dwellings, a A3 Café / Restaurant use and 2304m² of commercial floorspace. The café/restaurant building, however, exceeded the floorspace designated for this use under the outline permission at 657m². A 'Hub' building (sports area and spa) also did not fall under what was a class B1 use classification. There were also concerns that the quantum of development being applied for did not deliver the site allocation and there were concerns with regard to the layout and design of the development.
- 2.5 Following protracted discussions, the application in its amended form is presented for consideration and a parallel full application submitted do deal with development that sits outside of the scope of this permission in terms of both description and site area to deliver development that more closely reflected the development allocation in the Adopted Derbyshire Dales Local Plan (2017). These amendments were made in April 2023, with further amendments and information submitted and consultation carried out in July 2023.
- 2.6 The layout of the development is designed around a newly defined local centre, comprising a series of apartment block, anchor commercial building, attenuation basins and a restaurant / café. The main access road will sweep down from Snitterton Road. At the entrance of the a single storey commercial unit is proposed. This forms part of the parallel full application, with residential development on the western side of the site access. The application site includes the land to the east of the access road. From the entrance, these will comprise a mixture of detached traditional two storey houses of varying character and appearance. The road will continue to the central part of the site, where a play area and the restaurant and pub is located, to a road junction. Development up to this point becomes more dense, with two / two and a half storey town house development and a series of three storey apartment blocks (with accommodation in the roof). To the north of the restaurant / café building an apartment block with a crescent form is proposed. At the termination of the main spine road a 'Manor House' style commercial building is proposed.
- 2.7 Commercial development is located at the site entrance and in the core, extending out to the south east. A bespoke approach to the design of the commercial buildings has been taken. The commercial buildings at the entrance and within the core will be of a traditional appearance and constructed in stone, whereas the commercial units on the eastern fringe will be of a more contemporary appearance with subterranean parking. The housing development will comprise a mix of traditional properties, incorporating traditional design detailing and more contemporary development to respond to site level challenges and on the periphery of the site. Between the two distinctive building styles will be a transitional dwelling type, which will incorporate traditional forms and contemporary detailing.
- 2.8 In addition to the Design and Access Statement and amended planning drawings, the application is accompanied by the following documents:
 - Biodiversity Net Gain Calculation
 - Habitat Creation and Enhancement Summary
 - Flood Risk Assessment and Drainage Strategy
 - Tree Protection Method Statement
 - Landscape Design Strategy
 - Vehicle Tracking and Road Section Drawings
 - Traffic Generation Note
 - Sustainability Statement

- Crime Prevention Statement

These documents have been made available for examination and comment and circulated to consultees and in the case of amended plans and documents re-consulted on. They are referred to, where necessary, and pertinent in the officer appraisal section of this report.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 The Development Plan

Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S3	Development within Defined Settlement Boundaries
S7	Matlock/Wirksworth/Darley Dale Development Strategy
S10	Local Infrastructure Provision and Developer Contributions
PD1	Design and Place Making
PD2	Protecting the Historic Environment
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
HC2(v)	Housing Land Allocations – Land at Halldale Quarry
HC4	Affordable Housing
HC11	Housing Mix and Type
HC14	Open Space, Sports and Recreation Facilities
HC15	Community Facilities and Services
HC18	Provision of Public Transport Facilities
HC19	Accessibility and Transport
HC20	Managing Travel Demand
HC21	Car Parking Standards
EC1	New Employment Development
EC6	Town and Local Centres
DS5	Land at Halldale Quarry / Matlock Spa Road, Matlock

3.2 Other Material Considerations:

National Planning Policy Framework (2023)
 National Planning Practice Guidance
 National Design Guidance
 Climate Change Supplementary Planning Document (SPD) (2021)

4. RELEVANT PLANNING HISTORY

1195/0711	USE OF BUILDING FOR STORAGE/MAINTENANCE OF DRILLING EQUIPMENT	A	10/01/1996
02/07/0547	Variation of Condition 9: Stone lorry frequency (application code CM3/0602/36)	WDN	01/08/2002

10/00039/OUT	Redevelopment of site for mixed use development comprising Use Class B1 Office and Workshop Space, Use Class C2 CCRC/medical facility, Use Class C1 Hotel and Hiker's Hostel, car showrooms, cinema and internal leisure uses, ancillary Use Class A1 and A3 uses, car parking, landscaping and approximately 40 acres of managed ecological habitat	PERC	04/01/2011
14/00541/OUT	Mixed residential and commercial development comprising of 220 dwellings, 400m ² of A3 floorspace (Restaurant and Café), and 6400m ² of B1 floorspace	PERC	31/03/2017
14/00541/DCOND	Discharge of Conditions 4 and 5	DISFUL	26/02/2018
14/00541/DCOND/2	Discharge of condition(s) 10.1 and 10.2	DISFUL	13/11/2018
14/00541/DCOND/3	Discharge of condition 10.3 of application 14/00541/OUT - Mixed residential and commercial development comprising of 220 dwellings, 400m ² of A3 floorspace (Restaurant and Café), and 6400m ² of B1 floorspace	DISPAR	11/09/2019
22/01371/FUL	Mixed use development comprising of 24no. dwellinghouses and 1535m ² of commercial (Use Class E) floorspace	PCO	

5. CONSULTATION RESPONSES

5.1 Matlock Town Council

Comments on the original scheme:

Object.

This is an application for Reserved matters, the site having been given outline planning permission in 2014. The Town Council are concerned that there do not appear to be details about the materials to be used in this development. The dwellings appear to be predominately of brick and this must be of a buff grey colour with grey slate roofs. Ideally most of the houses should be of stone. It is crucial that the house designs are in character with the prevailing architectural traditions of the town and this is not the case here. We do not want ANY red brick on this development. Matlock is not a red brick town! Ideally the development would be of the same high standard as the Cawdor Quarry development in terms of design of the dwellings and materials used. The development can be clearly seen from Matlock Bank and as such the visual intrusion needs to be minimal. Landscaping is crucial and detailed plans appear to be absent. A management plan is also necessary. Another pedestrian access to the site would be welcome.

Vehicular movements to the town should be minimised. The Town Council is not opposed to development on brownfield site, but such developments need to be of high quality and

sympathetic to the local architectural tradition of the town. In conclusion, it is our view that as presented this application should be refused and sent back to the applicant for reconsideration. In addition, I would like to point out that the application is in its present form insufficient for a decision to be made. Missing is a comprehensive site layout plan which is particularly important since the site layout is different from that approved in 2014. The site layout provided does not give sufficient detail therefore for a decision to be made. The site is visible from Matlock Bank to Hackney, and hence will be a visual intrusion for most of the town. As such, the landscaping and the building form need to enable the development to complement the surrounding green fields and the excellent development in Cawdor Quarry below. As such, it needs to be of a form and density typical of villages in Derbyshire, with buildings mixed in size and orientation, coloured and textured in a manner consistent with the prevailing local palette. The design does not reflect these characteristics. Water run off may become an issue with the site, since with development there will be an inevitable decrease in porous land. This water will end up in the Derwent. In normal times, the Derwent would be able to handle such run off. However, it is during abnormally wet weather that the site may cause problems. First, the runoff will be greatest at that time. Secondly, the load on the Derwent may cause it to flood. As a number of large developments are anticipated in the area, all of which will result in an additional run off load on the Derwent, any single development cannot be taken in isolation, but needs to be considered in conjunction with the additional run off load from these other developments. As such the Environment Agency must provide a view about each large development including this one for consideration by the Planning Department.

The Town Council make the following comments with regard to development plan policies:

S02: To maintain, enhance and conserve the area's distinctive landscape characteristics, biodiversity and cultural and historic environment and in particular Policies PD1: Design and Place Making and PD5: Landscape Character

The site is visible from Matlock Bank to Hackney, and hence from most of the town. As such, the landscaping and the building form need to complement the surrounding green fields and the new development in Cawdor Quarry below. It is separated from Matlock itself and therefore it will appear on the hillside as a new village. As such, it needs to be of a form and density typical of villages in Derbyshire, with buildings mixed in size and orientation, coloured and textured in a manner consistent with the prevailing local palette. Do not think that the design as submitted reflects these characteristics and perhaps more importantly does not reflect the criteria specified under PD5.

PD7: Climate Change

It is not clear to what extent the climate emergency has been taken into account in the design. Perhaps the Planning Department needs to obtain a full statement from the developers about the measures taken to meet the Government's 2050 Climate Change goal. The precedent has been set with Heathrow Airport. The houses built in the 2020s will be but 20 to 30 years old in 2050. The building fabric cannot easily be replaced or modified to meet the 2050 goals. The developers need to submit a design that with only minor modifications is able to meet the 2050 goals.

PD8: Flood Risk Management and Water Quality

Water run off may become an issue with the site, since with development there will be an inevitable decrease in porous land. This water will end up in the Derwent. In normal times, the Derwent would be able to handle such run off. However, it is during abnormally wet weather that the site may cause problems. During such times, increased run off from other developments in conjunction with the Halldale Quarry run off may cause the Derwent to flood. As a number of large developments are anticipated in the area, all of which will result

in an additional run off load on the Derwent, any single development cannot be taken in isolation, but needs to be considered in conjunction with the additional run off load from these other developments. As such the Environment Agency must provide a view about each large development, not by itself but in combination with the other developments envisaged in the Local Plan.

HC3: Self-Build Housing Provision

The Local Plan states that developers will be encouraged to make provision for small builders or individuals or groups who wish to custom build their own homes ... Perhaps the Planning Department should insist that suitable land is set aside for such developers on this site and on other large sites in the future.

HC6: Gypsy and Traveller Provision

The District Council is having great difficulty finding suitable sites for the traveller community. It has already been agreed that this site is suitable for housing. Perhaps a portion of it could be made available for a travellers' site. It would have good road access and be reasonably close to Matlock to enable access to shops and other facilities.

DS5: Land at Halldale Quarry / Matlock Spa Road, Matlock

In no doubt that the planning department will insist on all the requirements specified under this policy being met.

Comments on the amended scheme and further amendments / information:

Advise that comments have already been made and do not wish to comment.

5.2 South Darley Parish Council:

Comments on the original scheme:

Object and make the following comments:

1. Matlock Spa Road/Snitterton Road Layout

The proposal shows Matlock Spa Road revised to sweep into the site, with Snitterton Road joining at a simple T-junction. This is shown in outline on Drawing E788-10A, Engineering Layout Sheet 1 of 4. However, this does not comply with Condition 24 of the outline planning permission, which requires "comprehensive detailed designs for the permanent access solution for the site" to be submitted and approved as part of a reserved matters application.

Furthermore, Derbyshire County Council's letter of 13th July 2016 commenting on the proposed development notes that: "It was also considered a priority road connection into the site may, with an appropriate design solution, deter traffic movements through Snitterton and Oker etc; this should remain a primary objective in any future detailed designs. Whilst a priority simple 'T' junction may in theory work, it may not be the best or optimum highway solution for access into this development."

The reserved matters submission does not take any of these points into consideration and should, therefore, be rejected in its current form. The developer should be required to design the revised road layout at the quarry entrance so that Snitterton Road joins at an acute angle, similar to the layout shown on the enclosed sketch. Also, he should be required to use his best endeavours to obtain a Traffic Regulation Order banning traffic from turning right out of Snitterton Road and left into the road.

2. Traffic Flows on Snitterton Road

Snitterton Road is a narrow country lane, only single-track in places, with many narrow blind bends and with houses very close to the road. There are no footways and the road cannot carry much traffic. Traffic counts by the County Council have shown that the Annual Average Daily Traffic on Snitterton Road increased by about 25% between 2006 and 2009. At some times of the day it increased by up to 48%; this was presumably due to the construction of Sainsbury's store.

The developer has estimated AM and PM peak hour traffic from the proposed Halldale Quarry development, calculating that only 4.5%, amounting to 9 to 11 vehicles in the peak hours, will use Snitterton Road to the west. However, I believe that this is an underestimate. The large increase in traffic flow following the opening of Sainsbury's shows that Snitterton Road is an attractive through route for many vehicles. The road will form a useful route for traffic from the quarry travelling to or from the West and North-west, so it is to be expected that the residents of Halldale Quarry would frequently use the road.

As traffic congestion increases in Matlock journey times on the A6 will increase considerably encouraging drivers to find alternative routes, such as Snitterton Road. This is already apparent as the traffic through Snitterton increases considerably whenever there is a hold-up on the main road. Thus, a significant extra volume of traffic can be expected to use Snitterton Road, especially during peak hours.

The new housing at Cawdor and Halldale Quarries will give rise not only to more motor vehicles but also more pedestrians and cyclists using Snitterton Road, making it all the more important to avoid increased traffic. Banning Halldale traffic from turning into and out of Snitterton Road would help to limit this extra traffic.

3. Further Mitigation on Snitterton Road

At the meeting of the Central and Northern Area Planning Committee on 29th June 2010, it was resolved that grant of planning permission for the then proposed development of Halldale Quarry should be dependent on, among other things, a Section 106 agreement requiring the developer to pay for mitigation measures on Snitterton Road to reduce traffic flows. These measures would be triggered if the Annual Average Daily Traffic flows increased by about 35% above the 2009 figures (1,015 vehicles).

The Parish Council would urge that a suitable Section 106 agreement be drafted for the current proposals in order to implement this earlier resolution. Possible mitigation could take the form of narrowing the straighter lengths of Snitterton Road to single track with a footway and with intervisible passing places. Potential sites are between the quarry and Snitterton and between Oker and Kirby Lane.

Comments on the amended scheme / additional information:

Reiterate their earlier comments and make the following further comments:

Lack of Affordable Housing

The proposal for 220 houses on the site does not appear to include any requirement for affordable housing. The layout and house types are clearly aimed at the higher end of the market. This does not address the urgent need for more affordable housing in the district and is in clear contravention of the Adopted Derbyshire Dales Local Plan of December 2017.

Policy DS5 of the Local Plan requires "Provision of the required proportion of affordable housing and provision of an appropriate mix of housing types to meet the needs of the

community.” The proposal does not address this requirement, nor does it appear to meet a number of the other requirements of Policy DS5.

Development in clear contravention of the Local Plan should not be permitted.

Matlock Spa Road/Snitterton Road Layout

The proposed road layout at the entrance to the development would have detrimental effects on Snitterton Road through Snitterton and Oker.

5.3 Local Highway Authority (DCC):

Comments on the original scheme:

We are consulted by DDDC regarding the highways and transport side of the planning application proposals, and I wanted to clarify a couple of things with you regarding the proposed development of the site: -

(1) it is not clear if the car parking associated with proposed commercial aspect ‘The Cabins’ is to be provided as it is not shown on the submitted layout drawings or is ‘The Hub’ basement parking to be shared with ‘The Cabins’?

(2) will the proposed carriageways and footways be put forward for adoption by the Highway Authority or are they to remain private/unadopted?

If yes to the adoption query, then on this basis the applicant/agent should denote on the drawings which sections of the proposed roads/footways layout will be put forward for highway adoption with a coloured-up drawing, although it is appreciated that engineering drawings have been submitted it is still not clear which areas are to be put forward for highway adoption. This procedure is dependent upon the actual satisfactory specifications of the intended highway areas.

Comments on the further amendments to the scheme / additional information:

We appreciate the revised ‘Travel Plan’ has not been submitted as part of the current applications and on this basis, the Highway Authority would expect a condition to be imposed for a revised Travel Plan to be submitted prior to the buildings within the application site being occupied.

Regarding the detailed submission for the main access junction and highway realignment at Matlock Spa Road/Snitterton Road, it is worth noting that there is a Section 278 Highway agreement being processed at this time with the County Council for the highway access arrangements and the principle of the junction design is virtually agreed subject to sorting out the issue relating to surface water drainage. The overall design is still subject to ‘technical approval’.

It is understood from the applicant/agent that the internal roads/footways etc. are to remain private/unadopted.

In summary, there are no objections to the applications from a traffic and highway point of view subject to conditions.

5.4 Derbyshire Wildlife Trust:

Comments on the original scheme:

We have reviewed the Green Infrastructure Plan produced by FPCR in March 2020. We consider the plan to be broadly in line with the indicative plan included in the Landscape and

Ecological Management Plan produced by FPCR in February 2018. The main difference is that the wetland/pond/SUDS has moved to the north-west near the existing entrance to the quarry.

The commitment within the LEMP is to establish 6 ha of wetland habitat and the area identified on the Green Infrastructure plan appears to be smaller than that. The delivery of other habitat creation targets stills looks achievable.

We have no further comments at this time, but would advise the LPA to clarify the extent of wetland habitat that will be created within this Green Infrastructure Plan.

Comments on the amended scheme / additional information:

In our previous response (DWTDAL 195-9/14th May 2020), we queried whether the full 6 ha of wetland habitats would be created, in line with the LEMP. The current masterplan includes more wetland / open water, however the area is not quantified on any of the plans and these areas appear to largely comprise attenuation basins surrounded by built development and amenity flowering lawn, albeit with some corridors through the site. There appears to be little naturalistic wetland on site. Furthermore, the LEMP states, "The principal aim of habitat creation in this area will be to provide a variation in substrate, topography and soil moisture content, with some areas of seasonal water-logging and permanent open water to provide a receptor habitat for great crested newts that will need to be translocated away from areas disturbed by remediation and earthmoving". The report states that 2-3 GCN ponds will be created.

The areas of wetland should be quantified and it should be confirmed whether features are permanent waterbodies or dry attenuation basins and also whether they are part of the SuDS or primarily for wildlife benefit. It should also be noted that due to the presence of GCN on site and the large number of roads intersecting the scheme, drop kerbs and offset gullies should be utilised, especially in the locations where roads are located between waterbodies or bisect green corridors.

The calcareous grassland shown on the Green Infrastructure Plan is labelled as 'retained habitat', however there is also reference to translocation of turves and the LEMP refers to translocation of soils and additional seeding. There should be a clear plan of areas where translocation will be from and the receptor sites it will be taken to. It is important that areas of open /bare ground are also maintained in the south/south-east as per the LEMP, however this is not identified on the landscape plan. Areas should be quantified to ensure they are in line with the specifications in the LEMP. In general, there appears to be less area of open grassland within the current scheme.

Other observations include the lack of meaningful movement corridors for wildlife. Ribbons of trees/woodland/grassland are indicated but these are located between rear gardens and all are fragmented by numerous residential roads. It is not quite clear how they will function on site – will there be public footpaths and how will access be provided for management? Some are quite narrow and there is the risk they will become shaded, overgrown and a dumping ground for gardens waste and potentially other fly-tipping. The previous layout incorporated wider corridors with more open grassland, only bisected at a single point, which was far more favourable for wildlife on site.

To conclude, further clarification should be provided as to how the scheme will meet the habitat and species specifications set out in the LEMP, however the layout does not appear as favourable as previous iterations and we consider that it could be improved to maintain habitat provision and connectivity through the site.

Following receipt of the above comments the applicant presented a habitat creation and enhancement summary and biodiversity net gain calculations for the development, which DWT reviewed and commented on as follows:

In response to our comments, a Habitat Creation and Enhancement Summary (Morph Ecological Consultants (August 2023) has been submitted. This provides a good level of detail, including a clear map of intended grassland translocation donor and receptor site, however it also states that due to the passage of time and the new layout, the agreed habitat creation set out in the agreed Landscape and Ecological Management Plan (LEMP) (FPCR, 2018) needs to be amended and the intention is to submit a new LEMP. We are concerned that this approach would result in a far poorer result for biodiversity, through the development of what was assessed to be an ecologically valuable site in the initial stages of the application.

Due to it being an older application, a biodiversity metric has not been submitted at the outline stage and it is therefore difficult to quantify losses and gains. However, effort was made to quantify the habitats present at the time of the outline application and this is detailed in the Ecological Mitigation Strategy and Management Plan (FPCR, 2015). This outlines the original mitigation measures, which the LEMP was based on and on which DWT based their advice on the acceptability of the scheme. The agreed LEMP (secured by condition) provided a level of clarity regarding the extent of habitats to be provided as part of the scheme. These were considered to be sufficient to offset the losses that would be incurred by the outline proposal.

The revised layout submitted at the reserved matter stage, is significantly different and means that the level of habitat creation previously agreed cannot be accommodated on site. Part of this may also be due to the development of four additional areas, dealt with as part of a separate application (22/01371/FUL) but which were initially proposed to offset some of the impacts of this development. This clearly therefore reduces the overall effectiveness of proposals to minimise losses and we suspect the new layout would result in a net loss of biodiversity. We advise that the new layout would result in a poorer outcome overall, unless previously agreed commitments are delivered. Whilst a metric has not been required at the outline stage, the applicant should still be able to demonstrate a net gain in line with the NPPF 2021 and currently this is not evident. The differences in habitat creation have been summarised in a table.

We would also repeat our previous concern regarding the lack of meaningful movement corridors for wildlife in the new layout. Ribbons of trees/woodland/grassland are indicated but these are located between rear gardens and all are fragmented by numerous residential roads. It is not quite clear how they will function on site - will there be public footpaths and how will access be provided for management? Some are quite narrow and there is the risk they will become shaded, overgrown and a dumping ground for garden waste and potentially other fly-tipping. The previous layout incorporated wider corridors with more open grassland, only bisected at a single point, which was far more favourable for wildlife on site.

The Summary confirms that four new GCN ponds have already been created as part of the mitigation licence for the site. It also provides further clarity regarding the other proposed lakes and ponds. We maintain that due to the presence of GCN on site and the large number of roads intersecting the scheme, drop kerbs and offset gullies should be utilised, especially in the locations where roads are located between waterbodies or bisect green corridors.

To conclude, we advise that the revised layout appears likely to result in a significant net biodiversity loss, compared to the outline layout and the agreed LEMP. Net gain has not been clearly demonstrated, as required by the NPPF 2021, nor do the proposals comply with Policy PD3 of the Local Plan, which aims to protect locally important site including priority habitats and requires no net loss as a minimum.

Following receipt of the above comments the applicant presented revised BNG and enhancement reports, which took into consideration improved landscaping proposals. DWT commented on this information as follows:

We welcome the additional details provided regarding the onsite hedgerows which are intended to be safeguarded through a covenant. Confirmation has also been provided that vegetated landscape corridors will have access for maintenance in the long term and we welcome the widening of these corridors, in response to our previous comments.

We welcome confirmation from the applicant that drop kerbs and offset gullies will be incorporated within the scheme, especially in the locations where roads are located between waterbodies or bisect green corridors.

Due to there being no biodiversity metric submitted for this application and queries raised over the accuracy of the previous habitat quantification, it is difficult to advise the LPA whether or not a net biodiversity gain will result from this application.

We acknowledge that update survey has shown the extent of calcareous grassland and OMH to be reduced through habitat succession since the surveys for the outline application, from around 5 ha to ~2 ha. However, scrub encroachment could arguably be reversed through management and a reduction of ~3 ha of calcareous grassland between what was agreed at the outline stage and what is now proposed, still seems quite significant.

We advise that all proposed areas of calcareous grassland should be either translocated, as per the Habitat Creation and Enhancement Summary - Revision 2 or created with nutrient poor sub-soils suitable to support a calcareous plant community. These should not be accessible to the public and maintained in the long-term through scrub control. In line with our comments on the full application for the additional four development areas (22/01371/FUL), we advise that efforts should be made to increase the area of calcareous grassland on site or a contribution made to a nearby calcareous grassland / OMH site. Perhaps there is potential for the two wider corridors in the west of the site to have more of a grassland focus rather than the tree and scrub planting to address this?

Further to our email correspondence, we agree that a revised LEMP is required to reflect the new scheme and are advised that this could be secured via a variation of the original condition.

To conclude, some of our concerns have been addressed. It is difficult to quantify habitat losses/gains at this site and consequently advise with confidence whether a net gain has been achieved, in line with local and national planning policy.

If any further areas of calcareous grassland could be incorporated, this would be preferable. A revised LEMP will ensure appropriate management of proposed landscaping.

With regards to bats, the following two conditions have been suggested for the full application 22/01371/FUL. It is likely that the condition regarding quarry faces should also be attached to this REM approval. It is not clear where the block-built building is located and if it is within the main quarry area, the related condition should be attached to the REM consent rather than the FUL consent. If it is not possible to attach further conditions, these measures should be secured via another mechanism:

Bats – quarry faces

Prior to any works to the eastern cliff faces or construction in adjacent areas, the faces shall be assessed by a suitably qualified ecologist to update the existing information with regards to roosting bats. If any potential roost features are identified, the appropriate level of survey

effort shall be undertaken to inform any necessary mitigation or licensing, based on the most up to date best practice guidance. A report shall be submitted to the LPA detailing the results of the assessment and any survey work, and setting out a mitigation strategy which shall consider direct impacts, such as stabilisation works, and indirect impacts, such as lightspill. The mitigation strategy shall be implemented in full.

Bats – onsite building

Prior to any works to the onsite block-built building (INSERT LOCATION / REF), an updated building assessment and any subsequent nocturnal bat surveys will be undertaken, in accordance with best practice guidance. The results shall inform a detailed mitigation strategy and identify any requirement for licensing. These details shall be submitted to the LPA for approval and implemented in full.

5.5 Cllr. Steve Wain

Comments on the original scheme:

I acknowledge this application has already been granted outline planning permission in 2016.

I am somewhat confused, as it appears as though some of the proposed site is to be built outside the approved area. I have now found that additional applications are anticipated to cover this, but this in my opinion this disjointed and confusing.

I would have preferred to have seen a more comprehensive site layout or plan, but I am sure that any determination will not be considered until all aspects of the application have been submitted.

The area in question is highly visible from the northern slopes of Matlock Bank, Hackney and Snitterton.

It is essential that the site layout works aesthetically and does not have a negative impact on the amenity of residents and visitors to our wonderful Town.

This will be difficult as the predominantly self set trees in Hall Dale currently present a wonderful green area that compliments the locality.

Therefore, it is imperative that careful consideration is given to the design, layout and materials used within this development. These must compliment and not be at odds with the existing surroundings. Upon initial perusal, the proposed design of dwellings do not appear to be consistent with others in the locality.

Can we be assured that both the Cawdor and Hall Dale sites will compliment each other?

I note that there will be no affordable housing on this site, due to the cost of this development. However, I would not wish there to be any concession in quality of materials on such a visually prominent site. This is basically the western gateway to Matlock and first impressions are often lasting impressions!

If some of the properties have to be constructed in brick, then please let's use colours that compliment the palette of the rock face and use as much natural local stone as I economically viable. I would hope that those houses most prominent on the site are completely constructed from stone.

5.6 Cllr. Martin Burfoot

Comments on the original scheme:

1. I am very disappointed with the details in this application, for Reserved Matters. The plans appear to be incomplete, poorly annotated if at all, with no detailed statement about the materials to be used (unlike the plans for Cawdor Quarry nearby), or even the applicant's design principles, if they have any, considering that most of the proposed house designs appear to be completely out of character, and alien to Matlock and its domestic vernacular architectural tradition. I would ask why this particular developer should expect to 'get away with' inappropriate design and materials, compared to Groveholt and the excellent detailing approved for Cawdor Quarry?
2. Even worse is the lack of a comprehensive site layout plan, to show clearly all proposed development components, as well as the proposed roads, pedestrian routes and footways, not to mention the all important single vehicular and pedestrian access off Snitterton Road. This is particularly pertinent, given the site layout plan's departure from that approved in outline form in 2014. Again, the site layout plans fail to show exactly what is proposed, given the lack of annotation and/or explanatory key.
3. The fact that the proposed 182 dwellings cannot be seen from close proximity viewpoints is no justification for the submission of a mixture of such inappropriate designs, alien to local architectural character, alongside some which are more sympathetic. The materials appear to be predominately brick, with no indication of colour or texture, which must be a priority and preferably grey buff to match the limestone quarry setting, along with blue slate roofs. The applicant should have submitted better analysis of visual and landscape impact, including receptors on Matlock Bank, including Jackson Road, Jackson Tor Road and Cavendish Road, from where residents have a 'bird's eye view' into most of the development site.
4. A further problem with this application is the single point of vehicle and pedestrian access on to Snitterton Road, adjacent to the proposed business units, which will entail residents walking an excessive distance to the site entrance, before embarking on a walk down Matlock Spa Road to Snitterton Road to Matlock. Surely there should be a further pedestrian access negotiated, if feasible, with the neighbouring landowner above Snitterton Road, to enable and encourage residents to walk the shorter distance to town and leaving their cars at home. I would also question some of the quoted distances to various destinations in one of the reports and would ask if these were taken from the centre or east end of the site, or indeed the site entrance. I do welcome the proposal to provide a paved footway alongside the south side of Matlock Spa Road, whilst challenging the assertion that there is already one along the north side. Given the proposed Tesco Express lower down the road, to be provided by Groveholt, I consider that a paved footway along the north side should be provided in conjunction with this development (see clauses 4.17 and 4.18 in the design statement). I question the statement that such footways will be provided 'where deliverable within the adoptable land', since Matlock Spa Road is clearly outside the site curtilage, and yet these facilities are essential for pedestrian safety and a deterrent to car use. It is also disappointing that there appears to be no detailed road layout for this site access point, unless I have overlooked it amongst the multiplicity of proposed house plans.
5. I have no objections in principle to the proposed commercial units, restaurant / cafe and possible care home or similar facility, as yet to be submitted, but consider these proposals must be adequately detailed.
6. I welcome the proposed provision of an electric vehicle charging point for each dwelling, but question the range of other mitigation measures required to cater for the huge increase in traffic movements to and from Matlock town centre. Along with additional traffic generated by the Cawdor development, the County Council needs to address with both developers exactly how the inevitable extra congestion and pollution is to be mitigated.

7. There appears to be an absence of detailed plans and proposals for landscaping, which must be critical in terms of mitigating more distant visual impact, as well as local residential amenity. This must be addressed prior to any consent being granted, along with all important wildlife conservation and management proposals for the upper reaches of the quarry where no development is proposed, as well as management of the site generally. This will presumably be subject to a permanent landscape management agreement.

In conclusion, I don't consider the submitted application can be approved in its present form, so should either be refused or withdrawal encouraged for a comprehensive reconsideration of the development proposals.

In subsequent correspondence Cllr Burfoot asked why ward members were not advised of the application being suspended pending further information, given that they had recently made the above comments.

Comments on the further amendments to the scheme / additional information:

I am generally relaxed about this latest application, which seems to combine traditional and contemporary design, between a mixture of residential and commercial buildings, with a welcome use of natural stone, presumably limestone, with a more traditional village centre.

This application is a welcome acknowledgement by the applicant that building work should be based on the present former quarry floor, thereby avoiding extensive re-grading, although there are already huge variations in levels, some incorporating stepped designs. These are acceptable on the lower quarry floor, but should not be sited in view of the upper parts of Matlock Bank. Specifically, I am more concerned about the proposed three storey apartments.

Also, the surface water and sewer systems across a quarry floor and their outfall to Snitterton and Matlock Spa Roads must be considered, together with the capacity of the main sewers etc on those roads to accommodate further connections.

Given that this is obviously a 'brownfield' site, I am more relaxed about the proportion of modern designed commercial buildings, and doubt if there is a demand locally for what appear to be office type uses, as opposed to light industrial.

I am concerned about several other aspects of the proposals, specifically my previous request (in a historic application for the site) that there must be a range of footpath links to Snitterton Road and Matlock Spa Road, in order to encourage walking.

Also, I am always sceptical about the relative lack of landscaping of large, mainly residential developments, with locally indigenous tree and shrub planting, as well as appropriately located areas of wild flora conservation and seeding, in order to enhance the existing biodiversity, which is typical of limestone quarry floors with minimal soil cover. The external works or hard landscaping, mainly roads and footways within the development, also needs close attention to materials and overall design.

Finally, I have severe doubts about how appropriate and acceptable in landscape and visual impact terms the upper tier and later phase of residential properties will be, given the removal of so much of the naturally regenerated tree growth. Therefore, I think the phasing proposed needs to be made absolutely clear prior to any approval.

5.7 Cllr Sue Burfoot (in their capacity as County Councillor):

Comments on the original scheme:

Character and appearance.

My concerns and objection to this application are based on my view that many of the proposed house designs are out of character with the prevailing architectural tradition of the town of Matlock. The dwellings appear to be predominately brick but with no colour specified. They need to be of a grey buff colour with grey slate roofs to match the former limestone quarry setting. Ideally, most of the new houses should be predominantly built in stone. The development can be clearly seen from Matlock Bank and it is crucial that the visual intrusion is minimised. No red brick!

Landscape

Detailed plans for the proposed landscaping appear to be absent. As stated above, the visual impact of this development must be mitigated and residential amenity enhanced by a comprehensive landscape plan, including details of future management.

Access

One single point of both vehicular and pedestrian access is proposed. I consider that the detailed design for this must be shown, including how it links safely to both Matlock Spa Road and Snitterton Road. Could we ask for a further point of pedestrian access from the east end of the development to enable those residents to avoid a needless walk through the site and encourage walking rather than constant car use?

Pedestrian access to the town is vital to lessen the need for vehicular movements from this large number of dwellings.

Layout

The site layout plan needs to be looked at in detail as it appears to be inadequate and the plans as presented are poorly annotated.

In conclusion, my considered view is that this Reserved Matters application, as submitted, should be refused and reconsidered by the applicant.

I am certainly not opposed to development on this brownfield site, but the details need to be of a high quality and sympathetic to the local architectural tradition of the town.

The nearby Cawdor Quarry development by Groveholt is of a high standard and this proposed. Halldale development needs to be of an equally high standard.

5.8 Derby and Derbyshire Integrated Care Board (Formerly Clinical Commissioning Group):

Comments on the original scheme:

Based on service demands a financial contribution of £87,360 is sought towards enhancing capacity and infrastructure within local practices, the closest being Lime Grove Surgery and Imperial Road Surgery.

Comments on the further amendments to the scheme / additional information:

Request a financial contribution of £176,400 to be used to provide additional capacity at any practice in the vicinity of the development, which may be through the extension of one or more existing site.

5.9 Development Control Archaeologist (DCC):

We have no records of a consultation response on outline planning application.

On the basis of the Development Control Archaeologist's original comments it is likely that his advice of 2010 would have been reiterated, and the negative condition cited in Steve's original response should have been added to the 2014 permission.

If this is the case, a WSI for the archaeological treatment of the lead mining shafts which appear on early maps of the footprint of the quarry is now required, in line with Steve's advice.

We would be happy to advise the developer further on the detail of the WSI and suggest archaeological contractors which might undertake the work.

5.10 Environment Agency:

Comments on the original scheme:

No objection.

Comments on the amended scheme / additional information:

The Environment Agency does not have any new comments to make to this re-consultation.

Comments on further amendments / information received:

The Environment Agency does not have any new comments to make at this reserved matters stage. We will make new comments at the discharge of conditions stage, when the conditions we recommended are being discharged.

5.11 Trees and Landscape Officer (DDDC):

Comments on the original scheme:

A Green Infrastructure Plan by FPCR, dated 24 March 2020, Drawing number 5905-L-04 Rev B has been referenced in making the following comments. Further details, relating to proposed grassland, wetland, amenity / specimen tree, hedgerow and woodland planting and details related to the proposed continuous scrub, existing trees and potential tree removals and protection of retained trees should be submitted to DDDC to allow an informed decision to be made as to whether the proposed scheme layout, proposed tree removals and tree protection and proposed soft landscaping/planting scheme is acceptable.

5.12 Force Designing Out Crime Officer:

Comments on the original scheme:

The constraints presented by the topography of this site are recognised, and the layout now presented is broadly acceptable.

There are good examples of use of detail to design against crime and community safety problems throughout the development, but also a number of specific areas where there is room for improvement in respect of enclosure, outlook and the supervision of public or open space.

Specific improvements relating to the site layout, including parking provision, footpath links, boundary treatments and elevation treatments to specific house types to improve surveillance / outlook were recommended.

Comments on the amended scheme / additional information:

Generally from a community safety perspective the scheme now proposed is superior to the previous incarnation.

Previously undefined open space between housing has been mostly drawn into private curtilage, bringing about a more cohesive layout, and the majority of key plots are well treated and distinctive.

I previously commented upon boundary treatment around some corner plots which restricted outlook. The revised plans don't include any enclosure, other than soft landscaping, which in many instances will not form an immediate or robust boundary definition, either for security or privacy.

Can I assume that there will be an additional enclosures plan, including the position of garden gate access, or a condition set for future approval.

Any soft landscaping intended to form a residential boundary other than for frontage definition would need some form of fencing reinforcement, such as stock fencing, until it can mature.

With regard to matters of detail mail box provision within the apartment blocks, supervision of parking courts, supervision of streets from plots 92 and 123 are the only issues raised.

Comments on further amendments / information received:

None of the revised plans and documents address the comments I made on 21.4.23, so from my perspective these need to be resolved, in particular the provision for secure mail delivery to X and Z apartment blocks.

I note that part 2.0 of the supporting crime prevention statement makes mention of the security of letter and package apertures, without exploring how this might be achieved in actuality.

As I mentioned previously, unless this is taken into account prior to building design approval, the eventual solution will probably involve compromises.

I appreciate that final boundary treatments may well be a condition of approval, but should take account of comments in respect of visually permeable treatment next to under-supervised communal parking locations.

5.13 Environmental Health DDDC (Commercial):

I have no objection in principle to the above planning application on the condition that the commercial premises will comply fully with all relevant Food Hygiene and Health and Safety at Work requirements.

Comments on the amended scheme / additional information:

Do not wish to comment further.

5.14 Right of Way Team (DCC):

Comments on the amended scheme / additional information (made in respect of application code ref. 22/01371/FUL):

I can confirm that Matlock Public Footpath No. 90 runs adjacent to the development site, as shown on the attached plan.

The creation of footpaths within the site is welcomed and, should the application be successful, the applicant is invited to dedicate these as public rights of way, in order to safeguard them for future generations.

It appears from the proposed layout plan that there is no way in or out of this large site, other than the primary access route that connects to the highway. Considering that there is a network of public footpaths in the vicinity, it is vital that the site links to these routes via a number of connections around the site, to give residents access to the surrounding countryside. If this can be achieved, it would also provide safer and quicker walking routes to Matlock town centre and would significantly improve the PRow network in the area. The Rights of Way Section therefore objects to the layout plan as it stands but would welcome the opportunity to liaise with the applicant to achieve the improvements mentioned.

A footnote concerning Matlock Footpath 90 is recommended.

Comments on further amendments / information received:

There is still a clear lack of any decent connectivity on foot to and from the site. The only pedestrian provision is shared with cycles and is alongside a road. This has not been highlighted in the Sustainability Statement for Transport and Connectivity, which also does not acknowledge that the most sustainable method of transport is on foot. In addition, within the Sustainability Statement for Health and Wellbeing, it does not highlight the lack of ability for residents to connect with the surrounding countryside for walks to enhance health and wellbeing.

The Travel Plan focusses entirely on the one and only option for people to travel to and from the site, on foot or otherwise. Although a walkway into Matlock is welcomed, it is in no way sufficient. It provides no choice and no convenient access to the surrounding countryside, nor any more convenient or enjoyable options for walking into Matlock town centre. Just because it is possible to walk into the town centre along the proposed walkway, does not mean that the objectives for sustainable travel are fulfilled. It provides a possibility. It does not encourage walking, which would in turn improve the fitness of residents and reduce reliance on the private car. To encourage walking, the enjoyment and convenience of path users must be considered. Walking alongside a road is not generally thought of as enjoyable. Convenience from a large site like this relies on there being choice, so that residents can choose the option that is most convenient for their needs. I would agree that the site is well located for accessing a range of local facilities on foot but would argue that the proposals do not capitalise on that by providing options for that access.

For these reasons, the Rights of Way Section strongly objects to the proposals as they stand. There are a few possible options that could be investigated for providing sufficient pedestrian connectivity to the surrounding area.

The Rights of Way Section therefore asks that the applicant be required to provide much improved pedestrian connectivity to and from the site.

Comments received following further information submitted to address the above:

The footpath connection to Matlock Public Footpath No. 90 is certainly a welcome addition to the layout plan. However, it is unclear if the other proposed footpath, leading to the northern boundary of the site, will ultimately be able to connect to Snitterton Road. Additional information is therefore required for this proposal. For instance, would a connection to Snitterton Road be dependent on an agreement with a neighbouring landowner? Further

details of the width and surfacing of both proposed paths is also needed, as well as whether or not it is the intention to dedicate the paths.

Despite the additions, it is very clear that opportunities for further connections to the wider environment are not being exploited nor, it seems, explored. In addition, the only footpaths proposed within the site itself are to provide connections between site roads. Although these paths are welcomed (especially if it is the intention to dedicate them), opportunities to create recreational routes in the outer areas of the wider site, are also not being exploited.

If this is purely because those areas do not come under the remit of this application, this should be made clear. Although, if the intention is to propose further footpaths within a separate application, I would still expect to see provision within the existing layout for connections to them. The attached georeferenced plan shows where opportunities may exist for connecting to the rights of way network in the west and south of the site, in particular. The southern corner of the site, which abuts an adopted highway, Salters Lane, is very close to Footpath No. 76. A connection here would allow access to the rights of way network to the south of the site. In addition, the definitive line of Footpath No. 106, which is currently a cul de sac path due to a legal order made to enable quarrying, enters the site to the west. If a connection was to be provided to link up with this footpath, it would allow access to the rights of way network to the west. At the very least, these opportunities should be explored, as for a site of this size to have so little access on foot to the surrounding area is unacceptable.

The previous Rights of Way responses to this application still stand, as does the strong objection to the current proposals, for the aforementioned reasons. Once again, the applicant is invited to liaise directly with the Rights of Way Section.

5.15 Derbyshire Dales Group of the Ramblers:

Comments on the original scheme:

Object for the following reasons:

PRoW should evaluate and comment on the dead-end Rights of Way footpaths numbers Matlock 91 and 106 before the application is allowed to proceed. FP 106 from the west, off FP 90 and FP 91 from the east off Snitterton, Road, if extended to the development could provide very valuable and useful sustainable routes to and out of the development. 2. These two FPs would have almost certainly existed in a longer and continuous, linked form before the quarry was opened. Both PRoW and Legal Dept should investigate the status of these two FPs. It is often usual for a quarry development to just suspend any RoWs through the site.

In addition, i) there appeared to be no Design & Access Statement 'nor any other overview of the development. Just myriad elevations, etc. This is very unhelpful. ii) the one overall plan does not show any RoWs. Matlock 90 runs along the western edge of the proposed site and must remain unaffected both during and after any development iii) There appears to be just one way into the development. This is surely poor and out of date practice, as it discourages sustainable travel e.g. walking, cycling and instead encourages a car culture. From the southern end of the development, it could take 10 minutes or more just to reach Matlock Spa Road. There then a further 10 minutes plus to the town centre. Development proposals ought to be linking in the design to utilising the Limestone Way FP 72, crossing Salters Lane, and also FPs 73, 74,76 and 90.

A climate resolution has been passed by the Council. The developers, Planning and PRoW should re-evaluate this plan to ensure robust sustainable travel options for the prospective residents.

Comments on the amended scheme / additional information:

Ramblers Derbyshire Dales Group notes:

- i) Previous comments submitted;
- ii) The additional Sustainability Statement. It is unclear if the Rights of Way on, adjacent and near to the site are the ones referred to;
- iii) I can still not see any overall plan for the site showing the layout of the access roads, footways, RoWs and access points from and in to the site;
- iv) I am unconvinced by the sustainable travel options of this site.

Comments on further amendments / information received:

Ramblers Derbyshire Dales Group continues with its holding objection:

- i) It is welcome that provision is made for a path link in the NW corner of the development to Matlock FP 90 in the Footpaths Mark Up Plan.
- ii) It is also welcome that provision is made for a path on the north boundary, potentially linking to Snitterton Road
- iii) However, there is no mention of Matlock FP 106 which ends just inside the SW boundary of the development. FP 106 continues westwards from FP 90. A path should be created to link with this Right of Way FP and on to the wider RoW network. There is potential safety issues of walkers arriving at the western end of FP 106 and then trying to continue. It is Ramblers' policy to oppose any RoW extinguishments.
- iv) Likewise, there is no mention of a path to the western edge of the boundary, where there is the great potential to link up with the present truncated Matlock FP 91. This is the most important potential link for safe and sustainable travel by foot out of the development. The eastern end of Snitterton Road leads directly to into Matlock Bridge and the town centre. The highway is blocked to vehicles from its junction with Salters Lane.
- v) Access out of the development for vehicles, walkers and wheelers is only via Snitterton Road. This highway is poor in terms of safety for walkers and wheelers
- vi) This situation with the present plans creates a 'bag' development with only one way out and further creates a car-dependency environment for residents and visitors. Residents may be discouraged from walking and/or wheeling the very short distance to the town and instead drive the less than one kilometre distance.
- vii) Consultation should be made on all the above with the DCC Rights of Way Team

5.16 Peak and Northern Footpaths Society:

Comments on the original scheme:

I have found the plethora of documents difficult to evaluate, but there does not seem to be a simple site layout plan showing off-road, traffic free pedestrian routes across and out of/into the site. Possibly there are no such routes? If so, that is a serious omission – the provision of infrastructure to encourage sustainable transport within the site, and from the site to reach the amenities of Matlock, and into the surrounding countryside for informal recreation, is very important. I trust the council's planners will look critically at the plans to ensure that such walking routes are provided.

Comments on the amended scheme / additional information:

I can see no improvement in provision for pedestrian off-road links to and from the site to encourage sustainable transport to facilities and for informal recreation. There seems to be no point in repeating this request.

Comments on further amendments / information received:

There does seem to have been some attempt to improve the traffic-free on- and off-site links for the use of walkers. However, there need to be more such links to the green areas in the development, and the provision of made-up paths within the green areas for informal recreation for the residents. All the on-site paths must be designed for the safety and security of users e.g. straight, wide, lit etc. Footpath 90 should be improved as necessary to cater for its increased use by the residents.

5.17 Derbyshire Fire and Rescue:

Comments on both the original and amended scheme / additional information:

The Fire and Rescue Authority strongly recommend the Installation of a Domestic Sprinkler System in the proposed dwellings, however should you choose not to install a Domestic Sprinkler System at this stage, the Fire and Rescue Authority would like to recommend that you provide a minimum 32mm water supply capable of delivering the required volumes which would allow an installation to be carried out easier and at less cost should this be proposed in the future.

5.18 Director of Housing

I note the lack of provision of affordable housing across the site. I appreciate there will be viability issues on this site but I would have hoped that a major development of this size could make some contribution to affordable housing provision.

5.19 Natural England

Comments on the amended scheme / additional information:

No objection subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would:

- damage or destroy the interest features for which Cawdor Quarry and Masson Hill, Sites of Special Scientific Interest have been notified.

<https://designatedsites.naturalengland.org.uk/>

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- An appropriate construction environmental management plan (CEMP) should be established prior to the commencements of any permitted work on site.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Comments on further amendments / information received:

Natural England has previously requested further information on this proposal in our letter dated 14th April 2023.

The information is still needed by Natural England to determine the significance of impacts on designated sites/landscapes/best and most versatile land.

Without this information Natural England may need to object to the proposal.

Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.

Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.

5.20 Sport England

Comments on amended scheme / additional information received:

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non- statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case and direct the Local Planning Authority to their standing advice.

5.21 Planning Policy (DCC):

Comments on the original scheme:

It is noted that at the time of consultation on the outline application, no contributions were requested towards waste or education due to existing capacity at the relevant facilities.

The comments provided below are based on the application consultation details as provided by the District Council.

Greenways

The development is fairly self-contained within the former Hall Dale Quarry and the topography appears to make it difficult for many pedestrian/cycle linkages in and out of the site, apart from onto Matlock Spa Road where the proposed improvements to the existing footway/cycleway provision are welcomed in order to help facilitate access into the town centre. This also leads directly onto a completed section of the White Peak Loop which is available for pedestrians and cyclists, initially along a shared footway/cycleway alongside the A6, before joining a purpose built trail opposite the Arc Leisure Centre and continuing through to Rowsley. The White Peak Loop is a significant part of Derbyshire's Key Cycle Network which will provide a new 60 mile circuit connecting the Monsal and High Peak Trails into Bakewell, Buxton, Cromford and Matlock. It was disappointing to note that this is not recognised in the Travel Plan for the development.

It is noted that an informal pedestrian route will be retained out onto Salters Lane to the south of the development – this is a narrow lane with no footway provision, but which can be used to access the wider public rights of way network, including the popular Limestone Way from Castleton to Rocester in North Staffordshire. It would be helpful if this informal route could be extended in a south westerly direction on land running parallel with Salters Lane. This appears to be owned by the developer and would take pedestrians closer to the nearest Public Footpath, Matlock No. 76 without having to walk on the road.

Comments on the amended scheme / additional information:

The following additional comments were made:

The application site lies within 250m of two former landfill sites, one being the Cawdor Quarry site (ref LM07) and the other being the farm landfill at Greenhills Farm (ref LM20). In accordance with the Building Regulations an assessment of ground gas risks must be performed. Ground gas risks should be assessed in accordance with good practice guidance such as 'CIRIA C665 Assessing risks posed by hazardous ground gases to buildings, Construction Industry Research and Information Association, 2007'. Where any significant

risks are identified there may be a need for specific remedial measures in respect of ground gas. These measures should be designed in accordance with good practice guidance such as 'BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings'. The scope and details of the gas assessment and any necessary remedial measures must be agreed with the local authority Contaminated Land Officer as part of the wider geo-environmental assessment of the site.

Comments on further amendments / information received:

We consider our comments previously provided on the 7th May 2020 to still stand along with the additional comments provided on the 27 April 2023.

5.22 Lead Local Flood Authority:

Initial comments on the amended scheme / additional information:

Before conditioning this planning, application can the applicant provide the following information;

- Applicant is proposing to discharge into existing Hall dale Quarry at a rate of 2.38l/s/ha as agreed with LLFA (see page 19 FRA) through existing land drainage asset within the Hall dale Quarry, can the applicant provide more information regarding the outfall, its condition and wider connectivity, evidence to be provided with photos.
- Applicant has not provided allowance for urban creep, this need to be included in the Flood Risk Assessment (refer to section J of Advisory/Informative Notes of the attached document). A revised FRA to be submitted.

Comments on further amendments / information received and receipt of the above information:

We have reviewed the above planning application, The LLFA have no comment to make to the amended plans and additional information, the surface water related conditions were recommended at the outline application. The applicant should ensure that the proposed development layout reflects the outline application and that the relevant surface water conditions can be discharged within the proposed layout of the reserved matters application.

5.23 Neighbourhoods Manager (DDDC):

I have a looked through the drawings and to the best of my knowledge I haven't found anything relating to Play Area, Allotments or Parks and Gardens within the development itself.

In terms of contribution, I understand this to be:

- Parks and Gardens = £28,635.60
- Children's Play = £33,339.60
- Allotments = £11,583.60

Total £73,558.80

Could this be allocated to Hall Leys Park, Dimple Recreation ground and the Tippin, Matlock

6. REPRESENTATIONS RECEIVED

- 6.1 A total of nine representations have been received from local residents, 5 objecting to the application and 4 commenting. 5 representations were made in respect of the original submission, in which the following comments are made:

Objections

- Concern raised regarding increased number of vehicles that will use Salters Lane to avoid Matlock and Matlock Bath.
- Concerns raised about the additional traffic the development will cause both on Matlock Spa Road and Snitterton Road. Since the development of Limestone Croft there has been a marked increase in the traffic on Snitterton Road and we now have the new development under construction at Cawdor which will add significantly to the Matlock Spa Road traffic.
- Representations which repeated the comments made by South Darley Parish Council.

General Comments

- It would be good to encourage both walking and cycling into town from this new development. As Snitterton Road presents the most direct route, to achieve this safely would require a 20mph or 30mph speed limit on Snitterton Road between the junction of Matlock Spa Road and the junction of Salters Lane. In addition the speed limit of Matlock Spa Road up to and preferably beyond the entrance to the new development should be no more than 30mph with no parking allowed on the roadside.
- Permission should be conditional upon a Community Liaison Group being created to monitor the construction works and to provide a mechanism to keep the public informed and to allow feedback to the developer.
- We live at Gordon Lodge Barn. In order to maintain our privacy we would like assurance that the existing woodland/scrub between our property boundary and this new site is to be retained.
- We have no real issue with the development of this site predominantly for housing as outlined in the proposal, provided it is approached in sympathy with its semi-rural surroundings.

Representations on the amendments to the scheme / additional information (2 in total):

- Permission should be conditional upon a Community Liaison Group being created to monitor the construction works and to provide a mechanism to keep the public informed and to allow feedback to the developer.
- The combined effects of the two major development schemes at Cawdor Quarry and Hall Dale Quarry will inevitably risk generating a substantial increase in traffic volume using the road network through the rural settlements of Snitterton and Oker. The 'country lane' system through these parts is over 1 mile long and is typically narrow, single lane in sections, without footpaths and with several tight blind bends.
- From the design details provided to date for the Hall Dale Quarry development, particularly in relation to the vehicular access solution to the site, I am not entirely convinced that adequate attention has been given to formulating measures that will deter traffic movement along the country lanes of Snitterton Road and Oker Road and instead, to encourage use of Matlock Spa Road for access and egress. I therefore recommend that the applicant should be requested to review the design for the proposed site entrance and to produce a road junction layout that will seriously deter the use of Snitterton Road by traffic approaching or departing the proposed development. Further mitigation measures should also be employed to control traffic flow on Snitterton Road and Oker Road, as well as to allow safe movement by road users and pedestrians. These might include traffic calming, improved speed and safety

signage, visibility improvements at blind bends and where practicable, the provision of footways.

- Representations which repeated the comments made by South Darley Parish Council.

Representations on further amendments / information received (2 in total):

- Our representations in respect of the mitigation measures to deter excess traffic flow from Snitterton and Oker and the need for a Community Liaison Group remain unchanged.
- Our main objection is with the addition of plot 140, which is shown as within the protective sloped tree area between the development site and our property. This plot 140 is shown as higher than the others and oriented to look directly into our property, whereas the other properties are contained within the quarry walls. We don't object to the concept in general, but Plot 140 is too obtrusive to our property and the other properties in the Gordon Lodge community of 5 properties.

6.2 In addition to the above representations, the following representations have also been received from Matlock Civic Association:

Comments on the original scheme:

In summary our objections are that:

- The Engineering Drawings of the proposed layout indicate that a further application will be submitted for a substantial area of retail floorspace.
- The overall potential extent and scale of development is far in excess of that envisaged at previous stages in the planning process.
- The additional Commercial Area 2. will be a prominent intrusion into the countryside.
- The development will completely alter the dominant and attractive character of Masson Hill due to substantial loss of vegetation and development which will be widely visible to the public from higher land to the north of the Derwent Valley.
- The proposal is contrary to Local Plan Policy S4 particularly bullet points 6 and 7 relating to landscape impact.
- The proposed layout is unsatisfactory, due to
 - a. access to commercial development by roads between dwellings lining the highway;
 - b. the frequent incidence of public views towards rear gardens and rear boundary fencing;
 - c. the distribution of open space in relation to the development;
 - d. the proposed frequent incidence of relatively uninteresting lines of semi-detached housing;
 - e. the need to increase the extent to which elevations reflect traditional domestic architecture in the locality,
 - f. the absence of a network of pedestrian routes which encourages a sense of community for existing residents
- the minimal proposed use of stone for elevations and boundary walls is unacceptable and roofing materials are not specified.

Matlock Civic Association also comment that if the applicant wishes to develop beyond the site of the outline permission, the Council are able to consider community provision afresh and negotiate a revised legal agreement.

Comments on amended scheme / additional information received:

It is noted that the submitted Design and Access statement (DAS) is expressly covering the recent Full Application (22/01371/FUL) and the reserved matters application (20/00308/REM), which has been held in abeyance for 3 years. These representations, therefore, relate to both applications.

Matlock Civic Association welcome the judicious use of brownfield sites for mixed development, which reduces the need for greenfield additions to the town, and it is noted that the broad principle of the proposal has been established by outline permission. The applications have been considered in that context.

Improvements and positive elements

We note changes have been made to meet our primary objections in 2020 as follows:

- a. The council appear to be considering the proposed development as a whole rather than in piecemeal fashion.
- b. The mix of uses and concept of the village centre, including significant areas enabling increases in employment, are welcomed.
- c. The proposed commercial area close to the site entrance is substantially smaller and lower with a good design in our opinion. It is a big improvement. However, we share the concerns of the highway authority about adequacy of associated parking /turning space. Overspill commercial parking at the entrance to the main access route would be particularly unfortunate in this key location.
- d. The inclusion of a substantial proportion of contemporary dwellings, but with traditional materials and pitched roofs, is commendable.
- e. The plans indicate the additional extent of development, compared to outline stage, within the area enclosed by the quarry walls, and woodland.
- f. The additional areas for development are acceptable in our view. It enables landscaping conditions to apply to the periphery of the development area.

Reservations

We hope that the proposals can be remedied accordingly to take account of the following comments. If not, they should be considered as objections to the proposal.

Social Housing

The DAS refers to the requirements of the Local Plan for affordable housing in accordance with Local Plan policy. but it does not specify the number of social housing units or its location. The Head of Housing at DDDC, Mr. Cogings, considers that a major development of this size should make a contribution to Social Housing. We would normally go further than that. The full provision of social housing, as defined in Local Plan policy, should normally be provided. However, we note that the outline permission and section 106 agreement (20/00308) did not set out a social housing requirement.

Consequently, the extra 24 units the subject of the Full Permission, and outside the site of the outline application ,should be subject, at least to the 30% social housing requirement to come forward in a timely manner.

Design and Landscape

The proposals indicate that a total of 33 dwellings are of a large cuboid design with flat roofs and large areas of glass. Their stepped design reflects the designer's intention to incorporate the existing landscape, rock faces and evidence of the former quarry. This contemporary approach is considered to be acceptable at the eastern part of the site where the proposed

block of 7 flats (V) and dwellings on plots 148 and 149 can be sited where there will be ample opportunity for intervening landscaping.

Elsewhere, and including blocks W and plots 136-140 at the north of the site, plots 218-220 near the main access, and plots 192-197 on higher land, the proposed use of this form of design will be close to, and conflict with, the more traditional form of development proposed and will be contrary to the character of the Halldale site and its surroundings.

The mansard form of development, also including some high flat roofing, at blocks X, Y and Z will be prominent and completely out of character with the traditional form of architecture in the locality.

It is important that existing woodland at the site margins remain intact, particularly at the northern part of the site, where it would be vulnerable to the impact of development.

Materials

The overall extent of each type of facing material is not stated on the elevations of house types. The extent and type of all facing materials to be used needs to be clarified, with opportunity for further public comment, before any permission is granted.

Visual cohesion should be achieved by grey slate for pitched roofs throughout, and a far greater proposed use of stone for elevations and walls. The remainder of facing materials for buildings and walls should be brick, which tones well with stone, or plain white render. Red brick or other non-toning colours should not be used except to a limited extent for detailing, for example at cills and window heads on a small proportion of dwellings.

Since the site is close to the divide between limestone (extracted from this quarry) and gritstone (prominent in Matlock) maybe a mix of both would be appropriate as at nearby Wensley and Winster (e.g. gritstone quoins, and door and window frames, but limestone infill). Jackson's Leys at Middleton by Wirksworth is a good example of how it could be done in a modern development.

We are concerned about the proposed use of timber panelling, since it is more vulnerable to natural deterioration, and can become unsightly.

Pedestrian Links

The Master Plan appears to include commendable scope for jitties to enable pedestrian links between and within the proposed layout, but they are only shown to a very limited extent on the proposed site plan. This is a major omission. The layout should be amended so that there are clear and direct pedestrian routes between the main point of access off Snitterton Road, residential, retail, recreational and social uses.

The provision of jitties linking the various parts of the site and linking to the roads and paths around the site should be clearly designed - in from the start and protected by condition.

Flooding

The development will result in substantial ground disturbance and extensive additional hard surfaces. The site is also likely to overlie old lead mine workings, with a risk of engineering work causing surface water percolation. These factors will substantially increase the extent of risk of flooding. It is noted that the proposals include flood attenuation ponds, but it is essential that adequate site investigation and ameliorative measures are incorporated so as not to add to Matlock's flooding problems.

Conclusion

We would be grateful if you can consider the points in this letter, particularly our concerns in section 3 of this letter. I would also welcome your confirmation that make application reference 20/00308/REM will be made available for public consultation when all necessary changes to that application have been made by the applicant.

Additional comments received 24th April 2023:

MCA are grateful for the opportunity to add to, and confirm, our comments in its letter dated 31st March 2023.

Pedestrian links and jitties

There is scope in the layout to add-in jitties (separate pedestrian ways) and cycle links, and the provision of these links between plots 191-192, 195-196, and 206-207 is commendable.

However, the extent of provision elsewhere is limited, particularly:

- a. North from the vicinity of plots 206-207 to gain access to the main access point to Snitterton Road and the nearby proposed commercial area.
- b. From the central play area and village centre to development proposed to its east, south and west. and
- c. The provision of a short - cut from plot 12 westwards to the main access point would be a worthwhile addition.

This is a fundamental sustainable Master Plan requirement which is likely to endure for centuries if implemented. The presence of jitties through and to Megdale and Morledge are examples which should be followed, even if it means revision to the remainder of the Layout Plan.

Conditions of any permission should ensure that footways are implemented at reasonable time periods so that they benefit the first occupants of Halldale and are not delayed until later phases of development.

Design and materials

We omitted to mention in earlier representations that we particularly welcome the use of local stone and toning brick and the emphasis on simple gabled roof designs where this approach has been deployed. This approach is marred to some extent by the use of neo-classical features including for the designs of porches on a large number of proposed dwellings.

MCA are becoming increasingly concerned about the proposed scale and design of proposed block X and the 3 proposed blocks Z, which are providing 47 x 2 bed flats in total. The buildings with 4 floors will be of a substantially greater scale than their proposed surroundings. They are proposed at a crucial location close to a central water feature and the well-designed proposed waterside café/restaurant / social centre. These buildings should enhance their surroundings, but their roof detailing bears no relation to traditional design in the locality and would relate poorly to the designs selected for the majority of dwellings proposed in their vicinity. It is suggested that the height is reduced, traditional pitched roofs are used to cover a reduced depth of footprint, and the detailing on the elevations takes more account of local building styles.

Revised plans should also clearly indicate car parking provision for these flats; it looks as though there is insufficient surrounding land to accommodate adequate parking provision.

The area in the vicinity of the main site entrance includes 3 large and overtly contemporary dwellings on plots 218-220 and a 4-storey mansard -roofed block Y, at plots 22-24. In order to achieve a reasonable level of cohesion these house types should be replaced by the more traditional designs proposed for plots 1-9 and 25-33.

Similarly, the 2 ultra contemporary blocks of 4 flats type (W) proposed for plots 14-21 would also be completely out of character with the more traditional designs proposed for plots 10-13 and 78-82 in close vicinity.

A similarly contemporary house type 101 proposed on plots 136-140 would also stray from the cohesive traditional approach for dwellings across the road and further south. Types 101 at plots 166-169 are also proposed to be sandwiched between more traditional designs, and the same criticism can also be levelled at types 102 and 103 on plots 192-197.

The location for the proposed contemporary buildings (types V, 148 and 149) is more acceptable since they can satisfactorily occupy a separate and well-landscaped area. It is important though that the large areas of flat roof are not seen from the higher locations on the other side of the Derwent Valley. Timber cladding appears to be proposed to a considerable extent on proposed commercial building. It has a tendency to deteriorate and is not a feature of Matlock, even on modern buildings. These commercial buildings will be in prominent locations and the materials used should reflect local practice and should match the stone and toning brick proposed everywhere else in the development. Any timber cladding should be a clearly subordinate element.

Social housing

MCA find it very difficult to accept that the strict application of social housing policy to the whole development encompassing the outline permission and proposed full application will only generate 7 social dwellings, when an application of Local Plan policy would release 66 such dwellings. It is understood that this arises from the terms of the outline planning permission in 2017, but the council are urged to seek to negotiate as many social dwellings as possible. This should not result in reduced compliance with all other relevant policies.

Conclusion

I repeat that it is recognised that the current proposals include many commendable features, but this letter indicates MCA's overriding view that substantial amendments are still required to these proposals.

Comments on further amendments / information received:

Following our previous representations, the applicants extended an invitation to meet them on site, and we also corresponded on their proposals. This has led to a further narrowing down of the issues between us and further acceptable amendments. However, I regret that there are still significant objections to the proposal(s).

Design

MCA recognise that the applicants have amended their more traditional house-types so that the detailing better reflects the well-established local building styles.

However, we are still very concerned about the non-traditional roof designs including for plot 92 and proposed blocks W, X, Y and Z. This is a major sticking point for us. Flat-roofed designs and hipped and crown roofed designs with large flat roofed dormer windows, should be replaced by traditional pitched roofs with less dominant dormers, preferably with gable ends rather than hipped roofs. Where a deep plan form would create an excessively

dominant roof, it is necessary to either reduce the depth of the building or create double pitched roofs in keeping with the local vernacular.

These proposals are even more unacceptable because they will be relatively dominant and unsympathetic to the more traditional areas of proposed development in close proximity. For example, the proposals for blocks X and Z will adversely affect the otherwise well-designed approach for the social hub/restaurant and nearby dwellings in the vicinity of the proposed central water feature.

The proposed ultra contemporary designs are also unacceptable where they will be close to, and would clash with, more traditional development proposals nearby. This applies to plots 136-140 ,166-169, and 218-220.

The cuboid design on the latter 3 plots would be These proposals are contrary to planning policy PD1 of the 2017 Local Plan which requires :
“all development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes”.

The roof plans produced are not entirely consistent with how they are depicted on the proposed Site Plan.

Materials

The applicants have indicated that there will be a consistent use of stone for the facing material. This is welcomed but this is not apparent from many of the drawings which indicate a wider range of facing materials.

The local area has a tradition of limestone facing with a darker gritstone for detailing such as quoins, plinths, and window and door surrounds. This approach should be followed on this site, and conditions applied accordingly.

The timber cladding proposed on the upper section of commercial buildings is not traditional and is a potential maintenance problem. We suggest the option of replacing the timber-cladding with good quality, dark grey profiled steel sheeting to blend with the dark-grey roofing materials which are being proposed on pitched roofs.

An alternative colour for the upper profiled steel sheeting, which tones with the stonework proposed, might also be acceptable.

Pedestrian Links

The County Council Rights of Way officer has requested links to the local public footpath network and the proposed link on the “Footpaths Markup” is welcomed. However, this and the provision for future footpath to the north are not added to the proposed site plan.

A stepped footpath link in the vicinity of plots 208, 217, 218, 25 and 26 is required to ensure a direct link between the main access and a large number of dwellings in the southern and western sectors. Matlock has many examples of long-term maintenance of steeply stepped paths and I am sure it is possible to design a robust and practical scheme, including safety railings, to ensure this additional and much needed pedestrian link.

Conclusion

MCA hope that the objections referred to above can be overcome by satisfactory amendments, since the development will provide housing without encroaching into open

countryside. However, this is a large and important site and if the amendments requested above are not forthcoming, we consider that the proposals should be refused.

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).
- 7.2 The National Planning Policy Framework (2023) is an important material consideration in respect of this application.
- 7.3 The principle and amount of development have already been established through the granting of outline planning permission 14/00541/OUT. The application site area, however, covers a reduced site, with additional development which sits outside of the scope of the outline permission (in both area and description terms) put forward as part of a separate, parallel full application (code ref. 22/01371/FUL). The development proposed as part of this application sits well within the parameters of the outline permission.
- 7.4 The terms of the permission for up to 220 dwellings, 400m² of A3 (now class E(b)) floorspace and 5400m² of B1 (now class E(g)) is set by the outline application and associated legal agreement, which relinquishes the existing quarrying permissions requires the delivery of the employment development in conjunction with the housing development and financial contributions towards highway improvements (£75,000 to be spent in the Matlock Area to mitigate the impact of the development), a traffic regulation order (£7,500 in respect of relocating the 30mph on Matlock Spa Road / Snitterton Road and travel plan (£12,500 to monitor the Travel Plan prepared by PTB Transport Planning Ltd dated 24 June 2014. No contributions towards affordable housing, school places or health care provision were secured, as the applicant had demonstrated that the development would be unviable with such contributions. These matters cannot be revisited as part of the assessment of this planning application for approval of reserved matters.
- 7.5 This application seeks approval of all of the matters reserved in respect of the outline planning permission, namely access (insofar as the internal road layout and permanent site access solution), appearance, landscaping, layout and scale. These are defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:
- ‘Access’ – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
 - ‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
 - ‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
 - ‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

- 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.
- 7.6 Of relevance in terms of the decision made in respect of the outline permission conditions 18, 19, 20 and 24, which require details of the Locally Equipped Area of Play, measures to minimise the risk of crime and comprehensive details of the permanent access solution for the site to be submitted and the development to reflect the housing mix detailed in the District Valuers Office Viability Assessment dated 12th July 2016.
- 7.7 The applicant has submitted information to address the above requirements, which has been made available for public inspection on the application file and is assessed in respect of the key considerations forming part of the assessment of this approval of reserved matters application below.
- 7.8 Also of relevance in the assessment of the reserved matters are the provisions of strategic housing land allocation Policy DS5, which relates to 27 hectares of land allocated for mixed use development (Policy HC2(v) and Policy EC2(e)) comprising approximately 220 dwellings and 2 hectares of employment land at Halldale Quarry/ Matlock Spa Road, Matlock. The strategic policy advises that development will be subject to compliance with adopted Local Plan policies and:
- Preparation of a comprehensive layout and site masterplan for the development incorporating community facilities proportionate to serve the needs of future residents of the site.
 - Preparation of a detailed phasing programme covering the entire site, such a programme to ensure the provision of the employment development and residential development concurrently or as otherwise agreed with the District Council. Preparation of a Transport Assessment and Travel Plan, including full highways design, specific consideration of public transport routes, improvements to existing and development of new pedestrian/cycle routes and implementation of measures to deter traffic diverting through Oker and Snitterton.
 - Provision of crossing facilities across Matlock Spa Road and the provision of footways up to and into the site.
 - Provision of the required proportion of affordable housing and provision of an appropriate mix of housing types to meet the needs of the community.
 - Provision of a comprehensive landscaping plan, including the retention of key landscape features.
 - Preparation of a scheme to address the impact of development on visual amenity including potential light pollution.
 - Provision of open space and green infrastructure on site with links established to the wider countryside.
 - The submission of an air quality assessment and hydrological and hydrogeological assessment which identifies any potential effects, and any mitigation measures necessary to avoid adverse effects on the integrity of the Peak District Dales SAC either as a standalone development or in combination with other plans or projects.
 - The submission of an assessment of the potential effects from recreation by future residents of the development on Peak District Dales SAC and any mitigation measures necessary to avoid adverse effects on the integrity of the Peak District Dales SAC either as a standalone development or in combination with other plans or projects.
 - A site-specific Flood Risk Assessment in accordance with the findings of the Derbyshire Dales Strategic Flood Risk Assessment.
 - Development shall have regard to the need to ensure sufficient capacity in the local sewage network and receiving sewage treatment works.
 - Developer contributions towards the provision of infrastructure, educational services and other community services including open space as required.

- Ecological Assessment (i.e. desk and field based assessments, habitats/species assessments/mitigation proposals).
- Contamination and ground condition survey, and in the event that remedial works are required the extent of any mitigation measures to enable the site to be brought forward for development.
- Development shall have regard to the impact on the existing mineral resource, and
- Provision of a comprehensive landscape and biodiversity mitigation plan, including the retention of key landscape and ecological features.

7.9 The above requirements, which are pertinent to the assessment of this application are considered under what are the following main issues to assess, having regard to the reserved matters for which approval is sought, relevant policies of the development plan and guidance contained within the National Planning Policy Framework (NPPF) and comments from the statutory consultees and contained in the representations received:

- The appropriateness of the layout, scale and appearance of the development and associated landscaping / open space;
- The acceptability of the housing mix;
- Highway / pedestrian safety and connectivity to services and facilities;
- Impact on designated sites, protected species and biodiversity;
- Impact on the landscape and the setting of the Peak District National Park;
- Measures to design out crime and mitigate the effects of and adapt to climate change, and;
- The impact of the development on the residential amenity of the occupants of existing dwellings and future residents.

Matters relating to the provision of affordable housing and other developer contributions, land drainage, contamination and the impact of the development on the existing mineral resource were considered in respect of the initial grant of outline permission, and conditions were imposed, and a legal agreement secured relating to such matters. The Lead Local Flood Authority are satisfied that the development makes provision for drainage to meet the requirements of the recommended conditions in respect of the outline planning permission. Given the archaeological significance of the lead mining shafts, a written scheme of investigation is required as to their treatment and recording, having regard to the layout of the development. This can be secured by condition.

The appropriateness of the layout, scale and appearance of the development and associated landscaping / open space

7.10 Having regard to the matters for approval, the appropriateness of the layout, scale and appearance of the development and associated landscaping / open space are important considerations. Development Plan Policy requires that development is of high design quality.

7.11 Paragraph 126 of Chapter 12 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.

7.12 Paragraph 134 of the National Planning Policy Framework advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Footnote 52 refers to guidance contained in the National Design Guide (NDG) and

National Model Design Code. As the District Council has not yet adopted any Design Codes the NDG and Model Design Code are of relevance.

7.13 In terms of local design policies, Policy PD1 of the Adopted Derbyshire Local Plan 2017 deals with design and place making and requires:

- development to be high quality design that respects the character, identity and context of the Derbyshire Dales townscapes,
- all new development is based on a thorough site appraisal and that 'design quality' is reflected in the development through a clear understanding of site context including reference to any Design Statements, Neighbourhood Plans, and is sensitive to its context as well as contributing to sustainable living and contribute positively to an areas layout and relationship to adjacent buildings and landscape features.
- development on the edge of settlements enhances and/or restores landscape character, particularly in relation to the setting and character of the Peak District National Park 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.
- public and private spaces are well-designed, safe, attractive, complement the built form and provide for the retention of significant landscape features such as mature trees.
- developments are easy to move through and around, incorporating well integrated car parking, pedestrian routes and, where appropriate, cycle routes and facilities.
- developments are designed to minimise opportunities for anti-social or criminal behaviour and promote safe living environments.
- the inclusive design of development, including buildings and the surrounding spaces, to ensure development can be accessed and used by everyone, including disabled people development takes account of national design guidance and Supplementary Planning Documents.

7.14 Some of these provisions are included in Policy S7 of the Adopted Derbyshire Dales Local Plan, with an emphasis on maintaining the identity of the settlements that make up the central area, including Matlock.

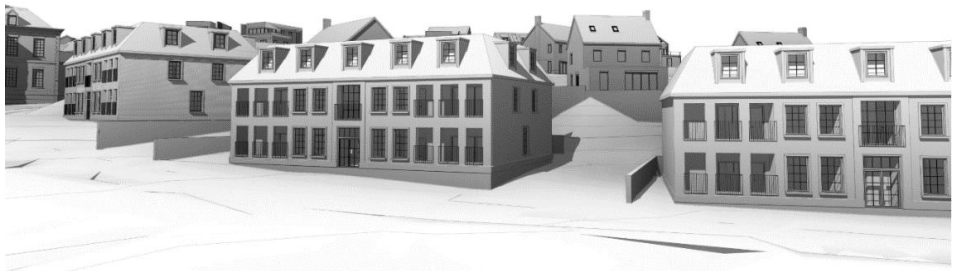
7.15 The National Design Guide (NDG) sets out the characteristics of well-designed places and demonstrates what good design means in practice. It includes 10 characteristics that are key to good design. Its use helps to assess the quality of planning applications.

7.16 The application site is unique, in that it comprises a bowl / depression high up on the hillside that is surrounded by established tree planting and quarry faces. Other than the site entrance the site is well contained in landscape terms. Although development of the site will be on the edge of the town, within its settlement framework boundary it will have its own identity, with only development at the site entrance having a close physical relationship with existing development along this part of Snitterton Road.

7.17 The applicant recognises the unique opportunity the development of the site presents. An architect led scheme has been prepared that seeks to positively respond to the features of the site. They have engaged Matlock Civic Association and made further revisions to the amended scheme to better respond to the architecture prevalent in the area and to reflect local built forms, whilst creating a strong identity / sense of place.

7.18 The development proposes a single entrance into the site from what will form a continuation of Matlock Spa Road with new junctions created where it meets with Snitterton Road. This will result in some realignment of the highway and extension of the 30mph speed limit into the site. The main service road will comprise the main route into the development and will sweep into the centre of the site. Development in this area is traditional in appearance, with

variations in building designs and heights. At the site entrance will be a two-storey traditional dwelling which will sit gable end on to the road and have an active side elevation when viewed from Snitterton Road. Beyond this property will be a series of traditional dwellinghouses, which will rise towards a series of boulevard gatehouses and the central heart of the development. The central heart, will comprise three storey flats (with



accommodation in the roofs) with hipped ends, as illustrated in indicative image below:

These buildings will face out onto a series of lakes / water attenuation features, a play area and the café / restaurant, which is a two-storey farmhouse design. Opposite the junction where the main service road terminates will be a commercial building, built in a Georgian 'manor house' style, and stable block building beyond (comprising the grange area) which will accommodate offices. The commercial development will continue to the south east of these buildings and includes 'the hub'. These are contemporary timber and stone clad buildings providing further commercial (E(g)) floorspace.



On the opposite side of the water attenuation features will be a contemporary three storey apartment building, which will have a crescent plan form as illustrated in the image below.



The buildings in the heart of the development are of a scale and design that would give a strong sense of arrival at the core of the development. Beyond the central area, off a series of secondary service roads will be further two storey residential development, transitioning from properties of a traditional form, with contemporary detailing to dwellings of overtly contemporary design and form that will be split level, responding to the level changes across the site. This is considered to result in successful place making.

- 7.19 In explaining the design approach, the applicant advises in the Design and Access Statement that they have created a clear sense of hierarchy with a series of character places along the key routes within the scheme. The main entrance, boulevard gatehouses, green, cafe/restaurant, streets and the grange all combine to create senses of place set within each of its distinctive contexts.
- 7.20 Officers consider that the development is successful in terms of responding to context and creating identity to ensure successful place. The mix of housing and commercial development will also assist in creating a sustainable community. The development mixes built form with nature, including the retention of woodland planting around the site and the creation of new habitats, green corridors including trees lined streets and surface water attenuation features which will permeate through the site creating an attractive place to work and live. The play area, café / restaurant and commercial buildings will maximise the potential for social integration and inclusivity based on the type and nature of development proposed. The height, scale and appearance of the different house / building types, contribute to successful place making.
- 7.21 The application is accompanied by a detailed landscaping strategy which adds to and strengthens the existing woodland areas. A tree protection report, green infrastructure plan habitat creation and enhancement strategy has been submitted to address the concerns of the Trees and Landscape Officer. It is recommended that a detailed tree retention plan, which follows the parameters of the approved Green Infrastructure Plan and Landscaping Strategy and details of new tree planting, in terms of tree species, sizes and numbers for each development phase is submitted prior to works commencing on the construction of a building within each phase of development phase to ensure the retention and enhancement of landscape features.
- 7.22 The commercial development and apartment block X is also served by below ground parking to reduce the visual impact of parked cars. The layout and siting of buildings has also been carefully considered so as to not result in a car dominated development, with parking areas mainly to the sides and rear of properties.
- 7.23 As can be noted from the representations received concerns have been raised / remain from Matlock Civic Association regarding the appearance and scale of apartment blocks X and Z, which provide 47 no. two bedroomed flats. Although reference is made to the buildings being four storeys in height, the parking courtyard to apartment block X will be below ground. The buildings are three storeys high with accommodation at roof level, with the exception of the tower element to the centre of apartment block X. The scale of development in the central part of the site is considered to be appropriate and the design of the apartment buildings is considered to be of high quality in this context and would not be out of scale or character with the site or its wider surroundings. The sections through the site show the development in the central part of the site to be fully contained within the quarry and will not be prominent in wider views from across the valley. The higher density and scale of development will create a core / heart to the development, which will help create identity and legible place. The mansard roof to building block Y (which is four storeys high, including the accommodation in the roof) has been replaced with a steep hipped cornered roof, however, sits outside of the scope of this application. At the site entrance a traditional dwellinghouse will sit gable end on to the road. It will also have an active north elevation to create an

attractive entrance property. The traditional design and form of the houses at the entrance to the site is considered to be an appropriate treatment and will ensure a cohesive and strong entrance. Although there is a transition from more traditional property designs to contemporary, in the case of building W this is on the periphery of the site on higher ground and well within the main body of the site. The contemporary dwellings have been purposefully positioned to deal with varying levels, hence the split-level design. There is continuation of this theme along the north-eastern edge and a consistent approach to this constraint across the site.

- 7.24 The applicant has indicated the use of natural stone. The prevailing material used in the construction of stone properties in the town is Derbyshire gritstone. Being located within a limestone quarry there is opportunity to use limestone to boundary walls and in the construction of some of the contemporary dwellings adjacent the quarry faces. Some brick properties are also proposed. An appropriate buff tone would need to be agreed to ensure harmony of materials and a consistent and cohesive appearance. The expectation is that the traditional stone properties would be constructed in Derbyshire gritstone and the applicant has agreed to a condition to secure appropriate materials and their distribution across the site to ensure a high-quality development, the responds positively to its surroundings and context. The amended plans show the omission of timber cladding to the roofs of commercial buildings. Careful consideration of the use of this material to the walls will need to be given. On the edges of the development site and against the wooded areas, it could serve to preserve the natural feel / character of the site. Appropriate provision is made for informal open space and provision for children, including a Local Equipped Area of Play (LEAP) within the heart of the development.
- 7.25 Officers have sought amendments to the design detailing of some of the house types to more closely the building forms and traditions in the local area. The harmonisation of materials and the execution of the architecture and, in particular, the various design elements will be key to the success of the development. In order to achieve this, conditions to secure samples of all materials (which shall include natural stone and buff brick), their distribution across the site, details of window and door designs (pattern, material and colour), porches, dormers, stonework (verge copings, kneelers, cornices, quoins, string courses, head and cills, window surrounds), chimney stacks and pots, boundary treatments, finished site levels and hardsurfacing will be required. Subject to careful consideration of such details, the development would satisfy the relevant provisions of the development plan in terms of the layout, scale and appearance of the development and associated landscaping and will deliver high quality development that would respect the site context and character and identity of the wider area.

The acceptability of the housing mix

- 7.26 Policy HC11 states that all new residential developments (both market and affordable and whether general needs or specialised) will be required to contribute towards the creation of sustainable, balanced and inclusive communities by meeting identified local and District housing needs in terms of housing mix, size and tenure. Generally, the larger the scale of development, the more opportunity exists for a wider range of dwelling types and sizes.
- 7.27 The policy advises that the Council will seek to secure the following mix of housing as part of all residential developments of 11 dwellings or more although recognises that the 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:

	1-bed	2-bed	3-bed	4+ bed
Market	5%	40%	50%	5%
Affordable	40%	35%	20%	5%
All Dwellings	15%	40%	40%	5%

7.28 Although a consideration in respect of an outline permission, Condition 20 of the application 14/00541/OUT requires that any reserved matters application reflects the housing mix detailed in District Valuers Viability Assessment dated 12th July 2016 unless otherwise agreed in writing by the Local Planning Authority.

7.29 The application proposes the following housing mix:

No. of bedrooms	No. of dwellings
2	69
3	26
4	90
5	11

7.30 The housing mix which fed into the District Valuers assessment indicated, 51 no. two bed roomed dwellings, 79 no. three bed roomed dwellings, 80 no. four bed roomed dwellings and 10 no. five bed roomed dwellings. This mix of housing indicated that the development could not support any level of affordable housing or s106 contributions. Although the number of four bed roomed dwellings, has increased slightly, so have the number of two bed roomed dwellings. Notwithstanding the development that has come forward as part of the parallel full application, the proposed mix housing mix is considered to be acceptable and would not be at significant variance with / undermine the findings of the viability assessment that was undertaken in 2016.

7.31 The housing mix proposed is therefore considered to be acceptable in accordance with requirements of condition 20 of the outline permission and Policy HC11 of the Adopted Derbyshire Dales Local Plan (2017).

Highway / pedestrian safety and connectivity to services and facilities

7.32 'Policies S1, S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) require development proposals to demonstrate that they can be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan.

7.33 The Local Highway Authority has assessed the ability of the road network to accommodate the amount of development when considering the outline application and developer contributions have been secured towards highway improvements. The applicant is also at an advanced stage with agreeing the priority junction design to serve the development with the Local Highway Authority under s278 of the Highway Act. Although the roads are to remain private, the Local Highway Authority have advised that the road layout and parking provision is acceptable from a highway safety and traffic perspective and subject to conditions have raised no objections.

7.34 The Local Highway Authority have advised that a revised Travel Plan, necessary to satisfy condition 33 of the outline planning permission can be submitted prior to the occupation of any building on site. This will need to be conditioned as part of this and the parallel full application.

- 7.35 The various rights of way groups, Planning Policy (DCC) and local ward members have raised concerns with regard to the lack of walking and cycling connections to the town and wider countryside. These concerns are also raised in some of the representations received. There are no public footpaths that cross through the site, although there is a network of routes within the vicinity.
- 7.36 Due to existing topography, the previous quarrying activity and land ownership, there only is one point of primary access which is possible. In an earlier amendment to the reserved matters application the applicant explored the removal of the large hill at the front of the site, which could have led a much wider access area into the site, however this would open up views of the site and resulted in the removal of vegetation that would have a significant adverse impact on the landscape.
- 7.37 The applicant has had regard to the comments submitted by the County Council Rights of Way officer on the 24th of April, 2023, together with comments made from other consultees and contributors. The applicant has investigated how they could improve connectivity both within the site and to the wider area, given the existing topography, which in part consists of sheer quarry faces along much of the boundary of the site, which makes connectivity at those locations challenging. The masterplan was revised to incorporate a direct linkage onto footpath 90 from the site, which in turn links to footpath 106 and the wider network.
- 7.38 The revised site layout plan also includes the provision of a footpath link directly between the application site and Snitterton Road, on the land that lies within the applicant's ownership to the north. However, there is a strip of land within third party ownership that the applicant does not own or control that would be required to make this full connection. The current plan does make provision for a future link in this location. The amended site layout plan also includes increased footpath/pedestrian links throughout the site to encourage walking on foot. These linkage areas were marked on a revised plan which was submitted on 14th July 2023.
- 7.39 The applicant has commented on the County Council Rights of Way Officer's suggestion of a footpath being formed to the south of the site to Salters Lane to link to footpath no. 76. They advise that they have examined this opportunity and it has been discounted given that it is impossible to gain access at this point due to the major quarry faces located very close to it.
- 7.40 It is considered, having regard to the site constraints that appropriate provision has been made to connect to existing infrastructure to encourage walking and cycling where opportunities allow. The site is located approximately 1500m by foot from Matlock town centre. Matlock Spa Road and Snitterton Road rise on a considerable gradient to reach the site. Sainsbury's supermarket, some 600-700m from the site and is well served by buses. The railway station is located approximately 800m from the site via Snitterton Road/Matlock Spa Road. The station provides a direct service at an hourly frequency to Derby and Nottingham.
- 7.41 Having regard to the above development is considered to be acceptable in respect of the requirements of Policies S1, S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017), insofar as the site layout and the approval of reserved matters are concerned.

Impact on designated sites, protected species and biodiversity

- 7.42 With regard to protected species and biodiversity impacts Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) seeks to protect, manage, and where possible enhance the biodiversity and resources of the plan area and its surroundings by ensuring that development proposals will not result in harm to biodiversity. The policy advises that this will

be achieved by encouraging development to include measures to contribute positively to the overall biodiversity of the plan area to ensure there is a net overall gain to biodiversity.

7.43 The outline permission was approved ahead of the requirements in national policy that planning decisions should provide net gains for biodiversity and the mandatory requirement to deliver a 10% net gain which will come into force later this year. In the consideration of outline application 14/00541/OUT it was considered that the social and economic benefits of the development outweighed the potential for harm to be caused to the nature conservation value of the site. However, a landscape and ecological management plan was secured by condition (no. 7), which required the following:

- a) Description and evaluation of features to be managed/created/translocated including at least 5 ha of flower rich calcareous grassland, 6000m² of ponds and marshy grassland, 1.5 ha of short perennial/ephemeral grassland or neutral grassland, 5 ha of glades and broad-leaved woodland and other habitats as set out in Table 2 of the Ecological Mitigation Strategy and Management Plan Feb 2015, unless otherwise agreed in writing by the Local Planning Authority.
- b) Details of mitigation for rare plants (*Filago vulgaris* and *Filago minima*) on the site
- c) Ecological trends and constraints on site that might influence management
- d) Aims and objectives of management
- e) Appropriate management options for achieving aims and objectives including the ability to graze the calcareous grassland (consideration needs to be given to fencing grazing units, provision of water and sheep/cattle pens).
- f) Prescriptions for management actions
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- h) Details of the body or organisation responsible for implementation of the plan
- i) Ongoing monitoring and remedial measures.

7.44 As can be seen in the consultation comments received from Derbyshire Wildlife Trust (DWT), initial concerns were raised with regard to the level of habitats to be created, including wetland habitats and calcareous grassland (although 0.6ha of wetland habitat, not 6ha was required). Lack of meaningful movement corridors for wildlife was also raised as an issue. To address these matters the applicant has presented a habitat creation and enhancement summary and also biodiversity net gain calculations for the development to satisfy the policy requirements in respect of the parallel full application. Further revisions and improved landscaping proposals have then been prepared and submitted.

7.45 Derbyshire Wildlife Trust are satisfied that the development includes suitable provisions in relation to habitat creation and wildlife corridors through the site. Some concern was raised with regard to the translocation of calcareous grassland and the ability of the approval of reserved matters application to accommodate this. The applicant has since confirmed that this habitat can be accommodated in the wider corridors also, enabling a biodiversity net gain to be delivered in respect of the full application and the requirements of condition 7 of the outline permission to be met. The details reserved by the condition will need to be discharged based on the new proposals, however, the Local Planning Authority can be satisfied that the proposed development will enable an acceptable scheme to be delivered from a biodiversity and habitat creation perspective.

7.46 The development site lies approximately 600m north-west of the Peak District Dales Special Area of Conservation (Matlock Woods), 200m north of Masson Hill SSSI and is adjacent to the south of Cawdor Quarry SSSI. The development was screened in terms of the likely effects under the Habitat Regulations in respect of the outline permission and a Construction Environment Management Plan (CEMP) was secured by condition. Natural England have raised no objections subject to the inclusion of such a condition and have advised that the

development will not have likely significant effects on the Peak District Dales Special Area of Conservation and that likely significant effects can be ruled out.

- 7.47 An appropriate assessment is not required in respect of the development. It is not hydrologically connected to the SAC and is physically separated from the SAC by the intervening topography. The features of this unit of the SAC are also immobile, and thus unlikely to be impacted by the proposals.
- 7.48 The proposed development has the potential to impact on the SSSI sites during construction via dust mobilisation, hence the need for a CEMP (which has already been secured by condition).
- 7.49 Taking the above into consideration officers are satisfied that the development would not adversely impact on protected sites or result in harm to wildlife or biodiversity and would therefore satisfy the relevant provisions of Policy PD3 and national planning policy.
- 7.50 Additional conditions to secure inspection of the quarry faces and the existing block built building at the northern end of the site for bats are recommended before work affecting these features is carried out. such conditions are considered necessary to ensure appropriate protection and reasonable, having regard to the site layout and extent of development.

Impact on the landscape and the setting of the Peak District National Park

- 7.51 Policy S1 advises that all developments should seek to make a positive contribution towards the achievement of sustainable development by improving the economic, environmental and social conditions of the area wherever possible. This will be achieved by conserving and, where possible, enhancing the distinct Peak District character, the natural and historic environment, including the setting of settlements both within the Plan area and its surrounding areas including the Peak District National Park amongst other considerations.
- 7.52 Policy PD5 deals specifically with landscape character and states that the District Council will seek to protect, enhance and restore the landscape character of the plan area recognising its intrinsic beauty and its contribution to the economic, environmental and social well-being of the Plan area. This will be achieved by:
- Requiring that development has particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, such as trees and woodlands, hedgerows, walls, streams, ponds, rivers or other topographical features.
 - Requiring that development proposals are informed by and are sympathetic to the distinctive landscape character areas as identified in 'The Landscape Character of Derbyshire' and 'Landscape Character of the Derbyshire Dales' assessments and also take into account other evidence of historic landscape characterisation, landscape sensitivity, landscape impact and the setting of the Peak District National Park and where appropriate incorporate landscape mitigation measures.
 - Requiring that development proposals recognise the intrinsic character, appearance and local distinctiveness of the landscape and landscape setting of the Peak District National Park and can be accommodated without unacceptable impact.
 - Resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement.

Development will also only be permitted if all the following criteria are met:

- a) The location, materials, scale and use are sympathetic and complement the landscape character.

- b) Natural features including trees, hedgerows and water features that contribute to the landscape character and setting of the development should be both retained and managed appropriately in the future.
- c) Opportunities for appropriate landscaping will be sought alongside all new development, such that landscape type key characteristics are strengthened.

7.53 Halldale Quarry provides a dramatic and familiar backdrop to views across the valley, especially from Matlock Bank and Hackney.

7.54 The development will be substantially contained within the quarry and views from across the valley filtered by established tree planting. There will be some views of the more contemporary dwellings on higher ground, however, these will not be harmful in the context of the existing despoiled land and the extension of the town in this direction, particularly when viewed with the Cawdor Quarry development. The position of the site relative to the Peak District National Park, some 700m away and surrounding topography is such that there would be no views that would result in harm to its setting.

7.55 There will be some further intrusion at night when the lighting associated with the development would be apparent in views from Matlock Bank and Hackney. To minimise any adverse effects an external lighting scheme is recommended. The development seeks to utilise and supplement existing tree planting to maintain the natural setting of the site and its contribution to the landscape. Conditions relating to the delivery of landscaping and protection of retained vegetation are included in the outline permission.

7.56 Taking the above into consideration the development is considered to be acceptable in terms of its landscape impacts and effect on the Peak District National Park.

Measures to design out crime and mitigate the effects of and adapt to climate change

7.57 Policies S1 and PD7 of the Adopted Derbyshire Dales Local Plan (2017) state that the Council will promote a development strategy that seeks to mitigate the impacts of climate change and respects our environmental limits by: requiring new development to be designed to contribute to achieving national targets to reduce greenhouse emissions by using land-form, layout, building orientation, planting, massing and landscaping to reduce energy consumption; supporting generation of energy from renewable or low-carbon sources; promoting sustainable design and construction techniques, securing energy efficiency through building design; supporting a sustainable pattern of development; water efficiency and sustainable waste management. Paragraph 126 of Chapter 12 of the National Planning Policy Framework also states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Development should also be safe.

7.58 The Force Designing Out Crime Officer has made a number of design recommendations to reduce crime, some of which have been addressed by the applicant in the amended plans received. Residual matters relate to boundary treatments and secure mail facilities. Such matters can be conditioned and in the case of boundary treatments considered in conjunction with design considerations.

7.59 The application is accompanied by a Sustainability Statement which considers the provisions of Policy PD7. It states that the development will adopt the following sustainable features:

- The residential part of the development will follow best practice guidance and aim to reduce the total carbon emissions by 19% over Building Regulations using SAP 10.2 carbon dioxide emission factors;

- The non-domestic part of the development will as a minimum meet carbon emissions reductions demanded by the BREEAM “Very Good” Standard
- Reduce energy consumption by targeting improved U-values and airtightness. Low energy lighting will be specified.
- Implement a site waste management plan and stringent resource efficiency benchmarks.
- Follow best practice policies in terms of air, water and ground pollution and appoint a contractor who will register for the Considerate Constructors Scheme.
- Achieve a water consumption target of 110 litres/person/day for all new homes, through the implementation of water efficiency measures;
- Utilise sustainable transport, including access to public transport and inclusion of cycle storage facilities;
- Minimise embodied carbon through efficient design, procurement of materials from a local source, or with a high-recycled content, where possible.
- Be of high build quality, surpassing the minimum Building Regulations.
- Ensure all materials are responsibly sourced and of low environmental impact where feasible.
- Consider health and wellbeing through design and operational procedures, including daylight, optimum indoor air quality and thermal comfort.
- Protect and enhance the ecological value of the site.

7.60 The above measures would make a contribution towards mitigating the effects of and adapting to climate change. There is no mention of electric charging points or microgeneration. The Local Highway Authority have, however, recommended that an electric vehicle infrastructure strategy and implementation plan, that includes details of the number and location of all electric charging points across the site be secured by condition. With such a condition to encourage and secure electric charging points, the proposals are considered to comply with the requirements of development plan Policy PD7, particularly having regard to the viability of the development. A sustainable urban drainage (SUDs) system will be delivered which will help attenuate surface water during extreme rainfall events.

The impact of the development on the residential amenity of the occupants of existing dwellings and future residents

7.61 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

7.62 Representations have been received from an occupant of a dwelling forming part of the Gordon Lodge community of 5 properties to the north of the site. The proximity of these dwellings to plot 140 and the potential for overlooking has been raised. Whilst this plot sits outside of the scope of this application, the applicant has presented sections through the site and finished floor levels on detailed engineering drawings to indicate that the dwelling will not be prominent. Although the land rises at the northern end of the Quarry towards the Gordon Lodge community, there will be a substantial woodland buffer between these properties and the development. The dwelling on plot 140 will also be a split level dwelling cut into the site, 3m below the level to the north. The distances between the properties and intervening woodland is such that there would not be any loss of privacy or overbearing / overshadowing effects.

7.63 In the representations received reference is made to the need for a community liaison group to be formed to ensure that the local community is kept up to date on the build programme and significant construction works to keep any disturbance to a minimum. This is considered to be a reasonable request and can be secured by condition to satisfy the requirement of policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

7.64 Given the proximity of some of the dwellings to quarry faces it will be necessary to assess and secure their stability prior to first occupation to satisfy the requirements of Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017). This can be secured by condition.

Conclusion

7.65 The application concerns the approval of reserved matters for 196 dwellings, 3240m² of commercial floorspace in the form 4no. Commercial Units (B1 – now E(g)) over an area of 1.1 ha approved under outline application 14/00541/OUT, covering the vast majority of a brownfield quarry site on the fringes of Matlock, where reasonable access to services and facilities within the town can be achieved by methods other than the private motor vehicle. Following protracted discussions and negotiations with the applicant, development has come forward within the requisite period which seeks to deliver high quality residential and employment development, whilst conserving and where possible enhancing the natural environment and local landscape. The layout, scale and appearance of development and associated landscaping would respect the identity of the site and the character of the local area, provide for social inclusivity, not result in any highway safety concerns, deliver an appropriate mix of housing and quantity of employment development to help meet the districts housing and employment needs and would not impact on the Peak District National Park or unacceptably impact on the residential amenity of the occupants of nearby residential properties. A recommendation of approval with conditions as outlined in the report and to define the permission and provide certainty is recommended on this basis. Although this application is presented alongside an associated full application, officers are satisfied that development can come forward independently of this permission and would accord with the terms and conditions of the outline permission and the relevant provision of the development plan and national planning policy, having regard to the District Councils 5 year housing land supply position.

8. OFFICER RECOMMENDATION:

That the application be approved subject to the following conditions:

1. The development hereby permitted shall not be carried out except in complete accordance with the following amended plans and documents:

Café / Restaurant - Elevations - 21-009_L(00)_3901 Rev B
Block C – GA Elevations - 1 of 2 - 21-009_L(00)_3531 Rev B
Block C - GA Elevations - 2 of 2 - 21-009_L(00)_3532 Rev B
Block D - GA Elevations - 21-009_L(00)_3541 Rev C
Block D - GA Elevations - 21-009_L(00)_3542 Rev B
Block D - GA Elevations - 21-009_L(00)_3543 Rev B
Block E - GA Elevations - 21-009_L(00)_3551 Rev C
Block E - GA Elevations - 21-009_L(00)_3552 Rev C
Block E - GA Elevations - 21-009_L(00)_3553 Rev C
Block F - GA Elevations - 21-009_L(00)_3561 Rev C
Block F - GA Elevations - 21-009_L(00)_3562 Rev C
Block G - GA Elevations - 21-009_L(00)_3571 Rev B
Block J - GA Elevations - 21-009_L(00)_3601 Rev C
Block J - GA Elevations - 21-009_L(00)_3602 Rev C
Block L - GA Elevations - 21-009_L(00)_3621 Rev C
Block V - GA Elevations - 21-009_L(00)_3721
Block V - GA Elevations - 21-009_L(00)_3722
Block W - GA Elevations - 21-009_L(00)_3731 Rev A
Block X - GA Elevations - 21-009_L(00)_3741 Rev C
Block X - GA Elevations - 21-009_L(00)_3742 Rev C

Block Za - GA Elevations - 21-009_L(00)_3761 Rev C
Manor House - GA Elevations HAL-ARC-B1-XX-DE-A-3700
Stable Block - GA Elevations HAL-ARC-B1-XX-DE-A-3703
The Hub - GA Elevations HAL-ARC-B1-XX-DE-A-3704A
Manor Barn - GA Elevations HAL-ARC-B1-XX-DE-A-3705
Unit Type 02 - GA Elevations 21-009_L(00)_302 Rev A
Unit Type 03 - GA Elevations 21-009_L(00)_303 Rev B
Unit Type 03_B - GA Elevations HAL-ARC-B1-XX-DE-A-3757
Unit Type 03_C - GA Elevations HAL-ARC-B1-XX-DE-A-3758
Unit Type 04 - GA Elevations 21-009_L(00)_304 Rev B
Unit Type 05 - GA Elevations 21-009_L(00)_305 Rev A
Unit Type 05_B - GA Elevations HAL-ARC-B1-XX-DE-A-3759
Unit Type 05_C - GA Elevations HAL-ARC-B1-XX-DE-A-3760 Rev A
Unit Type 06 - GA Elevations HAL-ARC-B1-XX-DE-A-3761
Unit Type 07 - GA Elevations 21-009_L(00)_307 Rev A
Unit Type 08 - GA Elevations 21-009_L(00)_308 Rev B
Unit Type 09 - GA Elevations 21-009_L(00)_309 Rev B
Unit Type 09_B - GA Elevations HAL-ARC-B1-XX-DE-A-3762
Unit Type 10 - GA Elevations HAL-ARC-B1-XX-DE-A-3763
Unit Type 10_C - GA Elevations HAL-ARC-B1-XX-DE-A-3764
Unit Type 12 - GA Elevations HAL-ARC-B1-XX-DE-A-3765
Unit Type 16 - GA Elevations 21-009_L(00)_316 Rev A
Unit Type 16_B - GA Elevations HAL-ARC-B1-XX-DE-A-3766
Unit Type 17 - GA Elevations 21-009_L(00)_317 Rev B
Unit Type 17_B - GA Elevations -HAL-ARC-B1-XX-DE-A-3767
Unit Type 18 - GA Elevations - 21-009_L(00)_318 Rev A
Unit Type 19 - GA Elevations - 21-009_L(00)_319 Rev B
Unit Type 101 - GA Elevations - 21-009_L(00)_3201 Rev A
Unit Type 101_B - GA Elevations - Option 1 - HAL-ARC-B1-XX-DE-A-3748
Unit Type 101_B - GA Elevations - Option 2 - HAL-ARC-B1-XX-DE-A-3749
Unit Type 102 - GA Elevations - Option 1 - HAL-ARC-B1-XX-DE-A-3752
Unit Type 102 - GA Elevations - Option 2 - HAL-ARC-B1-XX-DE-A-3753
Unit Type 103 - GA Elevations - Option 1 - HAL-ARC-B1-DE-A-3750
Unit Type 103 - GA Elevations - Option 2 - HAL-ARC-B1-DE-A-3751
Unit Type 104 - GA Elevations - 21-009_L(00)_3231 Rev B
Unit Type 105 - GA Elevations - 21-009_L(00)_3241 Rev A
Unit Type 105 - GA Elevations - 21-009_L(00)_3242 Rev A
Unit Type 108 - GA Elevations - 21-009_L(00)_3271 Rev B
Unit Type 108 - GA Elevations - 21-009_L(00)_3272 Rev B
Unit Type 109 - GA Elevations - 21-009_L(00)_3281 Rev A
Unit Type 110 - GA Elevations HAL-ARC-B1-XX-DE-A-3768
Unit Type 110_C - GA Elevations HAL-ARC-B1-XX-DE-A-3769
Twin Garage - 21-009_L(00)_4001 Rev D
Twin Garage Large – Elevations - 21-009_L(00)_4003
Twin Garage Large 2 – Elevations - 21-009_L(00)_4005
All associated building type floor plans;
Quad Garage - 21-009_L(00)_4006;
Commercial Car Park Ramp Section 21-009_L(00)_2001
Block X - Car Park Ramp Section 21-009_L(00)_2741 Rev B
Site Sections - 21-009_L(00)_2011
Site Sections - no cliff trees -21-009_L(00)_2011
Entrance View - View 1
Stepped House View - View 2
Block X View - View 3
Block Z's View - View 4
RESERVED MATTERS APPLICATION - Site Plan - 21-009_PL_002D

Footpaths Markup
Tree Fencing Markup
Design and Access Statement - DAS_REVF
Engineering Layout Plan Sheet 1 of 4 - E788-10 D
Engineering Layout Plan Sheet 2 of 4 - E788-11 D
Engineering Layout Plan Sheet 3 of 4 - E788-12 D
Engineering Layout Plan Sheet 4 of 4 - E788-13 D
Road and Sewer Long Sections Sheet 1 of 4 - E788-20-01 C
Road and Sewer Long Sections Sheet 2 of 4 - E788-20-02 C
Road and Sewer Long Sections Sheet 3 of 4 - E788-20-03 D
Road and Sewer Long Sections Sheet 4 of 4 - E788-20-04 D
Vehicle Tracking-1 of 2E788-15-01B
Vehicle Tracking-2 of 2E788-15-02B
Site Cross Sections Location Plan - e788-08a
Site Cross Sections Sheet 1 of 8 - E788-22-01 B
Site Cross Sections Sheet 2 of 8 - E788-22-02 B
Site Cross Sections Sheet 3 of 8 - E788-22-03 B
Site Cross Sections Sheet 4 of 8 - E788-22-04 B
Site Cross Sections Sheet 5 of 8 - E788-22-05 B
Site Cross Sections Sheet 6 of 8 - E788-22-06 B
Site Cross Sections Sheet 7 of 8 - E788-22-07 B
Site Cross Sections Sheet 8 of 8 - E788-22-08 B
Technical Note 2, Traffic Generation T21505 TN2 rev A
Green Infrastructure Plan 23.1745.002 Rev B (26.09.23)
Landscape Strategy 23.1745.001 Rev B (26.09.23)
Biodiversity Metric 4.0 Calculation Tool September 2023 Rev 5
Waste Management Strategy 21-009_PL_050
Waste Management Strategy 21-009_PL_051
Waste Management Strategy 21-009_PL_052
Crime Prevention Statement 21-009 - Crime Prevention Statement
Sustainability Statement 10236 - Halldale Quarry Matlock - Sustainability Statement - 2302-21RS, and
Flood Risk Assessment V2 Halldale FRA 17-01-23.

Reason:

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

2. An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of any commercial building hereby permitted. The plan shall contain details of the number, specification and location of all electric vehicle charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Derbyshire Highway Design Guide. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.

Reason:

To promote sustainable travel and healthy communities in accordance with the requirements of Policies S1, PD7 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

3. No part of the development hereby approved shall be occupied until the applicant has submitted a revised Travel Plan in writing to the Local Planning Authority that promotes sustainable forms of travel to the development site and this has been approved in writing by the Local Planning Authority. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details.

Reason:

To reduce vehicle movements and promote sustainable access in accordance with the requirements of Policy HC20 of the Adopted Derbyshire Dales Local Plan (2017).

4. The development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason:

To reduce vehicle movements and promote sustainable access in accordance with the requirements of Policy HC20 of the Adopted Derbyshire Dales Local Plan (2017).

5. Prior to works commencing on the construction of any building or associated with the removal or transfer of material to or from the site a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason:

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development in accordance with the aims of Policy HC19 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

6. a) No development shall take place within 10m of the lead mining shafts which appear on the ordnance Survey map of c1895 until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority.

The scheme shall include an assessment of significance and research questions; and

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

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for 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 the aims of Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

7. No building within 50m of a quarry face shall be occupied / brought into use until a competent person has assessed the integrity of the faces and verified in a report that they are safe. The report and details of any stabilisation works required and timetable for completion of works shall be submitted to and approved by the Local Planning Authority before the first occupation of any building within the 20m buffer zone.

Reason:

To ensure the stability of the quarry faces and a safe environment in accordance with the requirements of Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017)

8. Prior to any works to the eastern quarry faces or construction in adjacent areas, the faces shall be assessed by a suitably qualified ecologist to update the existing information with regards to roosting bats. If any potential roost features are identified, the appropriate level of survey effort shall be undertaken to inform any necessary mitigation or licensing, based on the most up to date best practice guidance. A report shall be submitted to the Local Planning Authority detailing the results of the assessment and any survey work, and setting out a mitigation strategy which shall consider direct impacts, such as stabilisation works, and indirect impacts, such as lightspill. The mitigation strategy shall thereafter be implemented in full.

Reason:

To safeguard wildlife and the biodiversity on site in accordance with the requirements of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

9. Prior to any works to the existing onsite block-built building (Target Note 1 in the ecological report by Morph Ecological Consultants), an updated building assessment and any subsequent nocturnal bat surveys shall be undertaken, in accordance with

best practice guidance. The results shall inform a detailed mitigation strategy and timetable and identify any requirement for licensing. These details shall be submitted to the Local Planning Authority for approval and implemented in full.

Reason:

To safeguard wildlife and the biodiversity on site in accordance with the requirements of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

10. Details of all external lighting (street lighting and lighting to private property) shall be submitted to and approved in writing by the Local Planning Authority prior to erection / installation.

Reason:

To minimise the impact of the development on the local landscape in accordance with the aims of Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017).

11. Prior to the construction of any building details of the phasing of the development and construction timetable and delivery of landscaping (hard and soft) in respect of each development phase 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.

Reason:

To ensure a satisfactory appearance of the development in accordance with the aims of Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

12. Prior to works commencing on the superstructure of any building hereby approved the following construction details shall be submitted to an approved in writing by the Local Planning Authority:

- Details, including samples of all materials, which shall include natural stone and a complementary buff brick in the case of the walling materials to be used and their distributions across the development phase;
- 2 sq. m sample panel of the stone and brick;
- Construction details of any porches and dormers;
- Window and door recess;
- Window and door details, including design, pattern, material and colour;
- Stonework details, including verge copings, kneelers, cornices, quoins, string courses, heads and cills, window surrounds;
- Chimney stacks and pots;
- Secure mail facilities in relation to the apartment blocks;

Each building shall thereafter be fully constructed in accordance with the approved details prior to first use.

Reason:

To ensure a satisfactory appearance of the development and to ensure the provision of measures to design out crime in accordance with the aims of Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

13. In conjunction with the requirements of condition 11, details of surface treatment materials to all roads and areas of hardstanding across the site 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.

Reason:

To ensure a satisfactory appearance of the development in accordance with the aims of Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

14. The finished levels for each building shall not exceed those set out in Engineering Layout Plan drawings numbered E788-10 Rev D, E788-11 Rev D, E788-12 Rev D and E788-13 Rev D.

Reason:

To ensure that the development has a minimal impact on the local landscape to satisfy the requirements of Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017).

15. Notwithstanding the submitted details a detailed tree retention plan, which follows the parameters of the approved Green Infrastructure Plan and Landscaping Strategy and details of new tree planting, in terms of tree species, sizes and numbers for each development phase shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the construction of a building within that phase.

Reason:

For the avoidance of doubt and to ensure a satisfactory standard of landscaping in accordance with the aims of Policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

16. Prior to first occupation of any building details of the legal and funding mechanism for maintenance and management of all roads and public open space, including surface water attenuation features shall be submitted to and approved in writing by the Local Planning Authority. The public open space and roads shall thereafter be maintained and managed in accordance with the approved details.

Reason:

To ensure a satisfactory standard of landscaping and maintenance of roads and public open space in accordance with the aims of Policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

17. Prior to works commencing on the construction of any building or associated with the regrading of land or removal or transfer of material to or from the site details setting out how the local community will be kept up to date and informed about the build programme and any significant construction works and a mechanism to report and resolve any issues shall be submitted to any approved in writing by the Local Planning Authority. The construction / development shall thereafter be undertaken and managed in accordance with the approved details.

Reason:

In the interest of minimising disturbance to the local residents in accordance with the aims of Policies PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

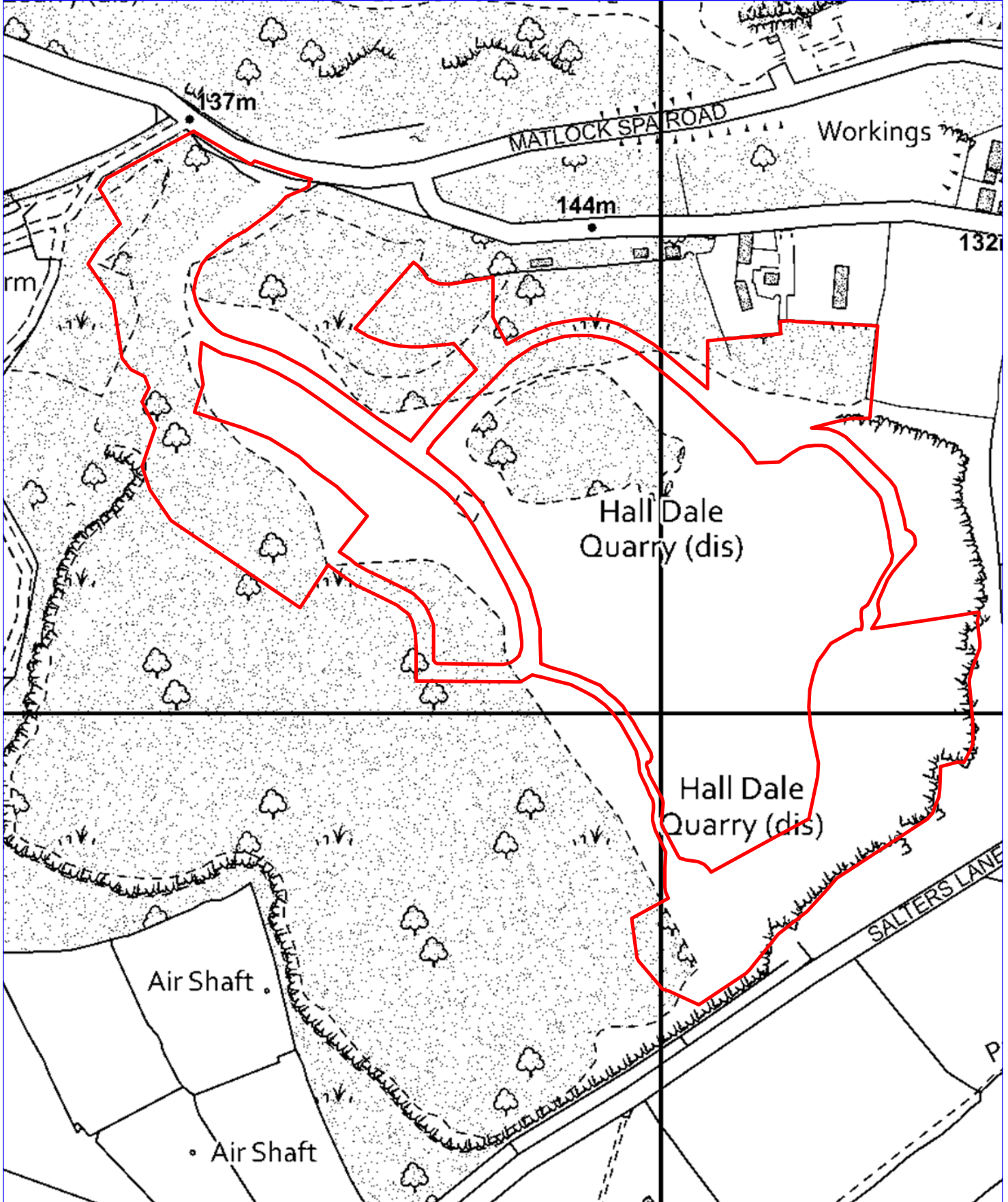
INFORMATIVES

The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to the layout, scale and appearance of the development.

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

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.

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APPLICATION NUMBER		22/01371/FUL	
SITE ADDRESS:		Hall Dale Quarry, Snitterton Road, Snitterton, Matlock	
DESCRIPTION OF DEVELOPMENT		Mixed use development comprising of 24no. dwellinghouses and 1535m ² of commercial (Use Class E) floorspace	
CASE OFFICER	Mr Chris Whitmore	APPLICANT	Mr Adam Cavell, (4M Property Partners)
PARISH/TOWN	Matlock	AGENT	Brick Architects Ltd
WARD MEMBER(S)	Cllr. M. Burfoot Cllr S. Burfoot Cllr S. Wain	DETERMINATION TARGET	23 rd May 2023 (EOT agreed until 13 th October 2023)
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	At the request of Officers to enable Members to fully assess the impact of the development on the environment

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Policy context; • The appropriateness of the layout, scale and appearance of the development and associated landscaping; • The impact on the local landscape and setting of the Peak District National Park Authority; • Highway safety and traffic impacts and connectivity to the town / services and facilities; • Viability, affordable housing provision, housing mix and developer contributions; • The impact of the development on the residential amenity of the occupants of existing dwellings and future residents; • Open space and recreation provision; • Impact on protected sites, wildlife and ecology; • Surface water drainage; • Climate change, and; • Planning balance and conclusion

RECOMMENDATION
<p>That authority be delegated to officers to grant planning permission, subject to conditions and following the completion of a linking agreement or deed of variation to tie the development to the terms of the s106 agreement secured in respect of outline permission 14/00541/OUT and to secure the long term delivery of biodiversity net gain.</p>

1. THE SITE AND SURROUNDINGS

- 1.1 The application site forms part of an extensive former limestone quarry (approximately 25.1 hectares) situated in an elevated position approximately 0.89 km to the south-west of Matlock town centre. The site occupies a prominent position against the wider backdrop of Masson Hill and is accessed at grade via Snitterton Road, close to the new junction with Matlock Spa Road. Snitterton Road runs along the northern boundary of the site with Salters Lane to the South. A number of residential properties border the site including White House, Gordon Lodge, Gordon Lodge Barn and Coach House on Snitterton Road to the northeast; Greenacres off Salters Lane to the South; Old Masson Farm to the west and Masson Farm and associated properties immediately to the northwest.
- 1.2 Hall Dale Quarry has been driven into the Masson hillside from the north, the main consequence of which is that the highest and steepest quarry faces are on its southern and south eastern sides. Three limestone faces rise vertically in three distinct lifts from the quarry floor which occupies an extensive area in the central / north western portion of the site. On its western and south western sides, quarry waste tipped against the rock face has created a long, steep, undulating slope which rises from the quarry floor to the quarry edge.
- 1.3 On the northern and western sides, long bunds of material are well vegetated with belts of trees and shrubs which provide effective screening of the quarry floor in views from the north and west. Extensive areas of mixed vegetation also occupy parts of the western and south western quarry slopes, again helping to screen views from these sides and are prominent within views of the higher parts of the quarry from the north.
- 1.4 Along the southern boundary with Salters Lane, vegetated bunds and mature roadside hedgerows effectively screen views of the quarry from the lane and in middle to long distance views from the site. However, due to its prominent hillside location, there are extensive views of the site from a number of local vantage points including Matlock Bank and Upper Hackney.
- 1.5 Major quarrying operations ceased at the site over 20 years ago. Since then, naturalisation and ecological succession of overburden bunds and quarry spoil has enabled flora and fauna habitats to establish on the site generating scrub vegetation and extensive areas of grassland. The quarry itself is characterised by bare rock and tipped / stockpiled limestone blocks.
- 1.5 The quarry faces comprise the extent of a Regionally Important Geological Site designation, protected under Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) and the site is approximately 600m north-west of the Peak District Dales Special Area of Conservation (Matlock Woods), 200m north of Masson Hill SSSI and is adjacent to the south of Cawdor Quarry SSSI.
- 1.6 The application site is located within the defined Settlement Framework of Matlock and extends to 4.8ha around the periphery of the quarry. The site and the wider quarry is formally allocated for housing development (220 dwellings) and 2ha of employment land under policies HC2(v) and EC2(e) of the Adopted Derbyshire Dales Local Plan (2017). Strategic land allocation policy DS5 also sets parameters for the development of the site.



2. DETAILS OF THE APPLICATION

- 2.1. This application follows the grant of outline planning permission code ref. 14/00541/OUT which gave outline planning permission for mixed residential and commercial development comprising of 220 dwellings, 400m² of A3 floorspace (Restaurant and Café), and 6400m² of B1 floorspace in 2017 and has been submitted in parallel to a subsequent application for approval of reserved matters on the site under planning application code ref. 20/00380/REM. It seeks full planning permission for development that sits outside of the scope of the outline permission. In particular, this seeks full planning permission for mixed use development comprising of 24no. dwellinghouses and 1535m² of commercial (Use Class E) floorspace.
- 2.2 The site covers an area of 4.8 ha around the outer edge of the wider quarry site. The commercial floorspace will be contained within a series of buildings, with an irregular plan form and asymmetric roofs known as the cabins at the south-eastern end of the quarry, in front of a quarry face and a single storey workshop style building at the site entrance, which will be of traditional appearance faced in stone and slate. The cabin buildings are shown to be clad in a mixture of stone and vertical timber boarding, with feature windows and chimneys. The application includes plot 149 at the eastern end of the quarry, which is a substantial contemporary dwelling in a large plot with swimming pool.
- 2.3 This application also includes plots 22 – 25, 203-209 and 213 – 220 at the site entrance and forming a continuation of the transition dwellings (of traditional form with contemporary detailing) off an estate road forming part of the parallel approval of reserved matters application at the western side of the quarry. The application also includes plots 12 and 137 – 140 at the northern end of the quarry. The dwelling on plot 12 is of traditional design, located close to the central heart of the development. The dwellings on plots 137-140 and 218-220 are of contemporary design, which respond to challenging levels.

2.4 The commercial (Use Class E) will cover an area of 0.9ha. The mix of housing proposed as part of this full application is as follows:

No. of bedrooms	No. of dwellings
3	17
4	7

2.5 In addition to the Design and Access Statement and details planning drawings, the application is accompanied by the following documents:

- Technical Note 2, Traffic Generation
- Green Infrastructure Plan
- Landscape Strategy
- Habitat and Enhancement Strategy
- Waste Management Strategy
- Crime Prevention Statement
- Sustainability Statement
- Flood Risk Assessment
- BNG Report and Calculations
- S106 / viability note
- Tree Protection Method Statement

These documents have been made available for examination and comment and circulated to consultees and in the case of amended plans and documents re-consulted on. They are referred to, where necessary, and pertinent in the officer appraisal section of this report.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 The Development Plan

Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S3	Development within Defined Settlement Boundaries
S7	Matlock/Wirksworth/Darley Dale Development Strategy
S10	Local Infrastructure Provision and Developer Contributions
PD1	Design and Place Making
PD2	Protecting the Historic Environment
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
HC2(v)	Housing Land Allocations – Land at Halldale Quarry
HC4	Affordable Housing
HC11	Housing Mix and Type
HC14	Open Space, Sports and Recreation Facilities
HC15	Community Facilities and Services
HC18	Provision of Public Transport Facilities
HC19	Accessibility and Transport
HC20	Managing Travel Demand
HC21	Car Parking Standards
EC1	New Employment Development

EC6 Town and Local Centres
 DS5 Land at Halldale Quarry / Matlock Spa Road, Matlock

3.2 Other Material Considerations:

National Planning Policy Framework (2023)
 National Planning Practice Guidance
 National Design Guidance
 Climate Change Supplementary Planning Document (SPD) (2021)

4. **RELEVANT PLANNING HISTORY**

1195/0711	USE OF BUILDING FOR STORAGE/MAINTENANCE OF DRILLING EQUIPMENT	A	10/01/1996
02/07/0547	Variation of Condition 9: Stone lorry frequency (application code CM3/0602/36)	WDN	01/08/2002
10/00039/OUT	Redevelopment of site for mixed use development comprising Use Class B1 Office and Workshop Space, Use Class C2 CCRC/medical facility, Use Class C1 Hotel and Hiker's Hostel, car showrooms, cinema and internal leisure uses, ancillary Use Class A1 and A3 uses, car parking, landscaping and approximately 40 acres of managed ecological habitat	PERC	04/01/2011
14/00541/OUT	Mixed residential and commercial development comprising of 220 dwellings, 400m ² of A3 floorspace (Restaurant and Café), and 6400m ² of B1 floorspace	PERC	31/03/2017
14/00541/DCOND	Discharge of Conditions 4 and 5	DISFUL	26/02/2018
14/00541/DCOND/2	Discharge of condition(s) 10.1 and 10.2	DISFUL	13/11/2018
14/00541/DCOND/3	Discharge of condition 10.3 of application 14/00541/OUT - Mixed residential and commercial development comprising of 220 dwellings, 400m ² of A3 floorspace (Restaurant and Café), and 6400m ² of B1 floorspace	DISPAR	11/09/2019
20/00308/REM	Approval of reserved matters for the erection of 196no. dwellings, a cafe/restaurant (A3 Use) and 4no. Commercial Units (B1 Use) (outline planning application 14/00541/OUT)	PCO	

5. CONSULTATION RESPONSES

5.1 Matlock Town Council

Object.

As a Town Council we would like to raise some key concerns linked to Hall Dale Quarry development. Firstly, we are concerned with net biodiversity loss – disused Quarries are often fantastic areas of biodiversity and Hall Dale is a case in point. Please can this scheme be reviewed to deliver a minimum of 10% biodiversity gain. We are also concerned with the traffic implications of this development. Has realistic modelling been completed that takes into account the multiple developments in Matlock over recent years. We are concerned that the compound effect of multiple developments is not fully appreciated by the planners and without mitigations there will be a significant negative impact on the amenity of residents across Matlock. In particular we believe there needs to be mitigation put in place to anticipate the pinch point at the Sainsburys roundabout. We also have some concern that the design of the houses is not fully sympathetic to the Matlock built environment.

Representations made in respect of the additional information provided:

No comment.

5.2 South Darley Parish Council:

Object and make the following comments:

1. Matlock Spa Road/Snitterton Road Layout

The proposal shows Matlock Spa Road revised to sweep into the site, with Snitterton Road joining at a simple T-junction. This is shown in outline on Drawing E788-10A, Engineering Layout Sheet 1 of 4. However, this does not comply with Condition 24 of the outline planning permission, which requires "comprehensive detailed designs for the permanent access solution for the site" to be submitted and approved as part of a reserved matters application.

Furthermore, Derbyshire County Council's letter of 13th July 2016 commenting on the proposed development notes that: "It was also considered a priority road connection into the site may, with an appropriate design solution, deter traffic movements through Snitterton and Oker etc; this should remain a primary objective in any future detailed designs. Whilst a priority simple 'T' junction may in theory work, it may not be the best or optimum highway solution for access into this development."

The reserved matters submission does not take any of these points into consideration and should, therefore, be rejected in its current form. The developer should be required to design the revised road layout at the quarry entrance so that Snitterton Road joins at an acute angle, similar to the layout shown on the enclosed sketch. Also, he should be required to use his best endeavours to obtain a Traffic Regulation Order banning traffic from turning right out of Snitterton Road and left into the road.

2. Traffic Flows on Snitterton Road

Snitterton Road is a narrow country lane, only single-track in places, with many narrow blind bends and with houses very close to the road. There are no footways and the road cannot carry much traffic. Traffic counts by the County Council have shown that the Annual Average Daily Traffic on Snitterton Road increased by about 25% between 2006 and 2009. At some times of the day it increased by up to 48%; this was presumably due to the construction of Sainsbury's store.

The developer has estimated AM and PM peak hour traffic from the proposed Halldale Quarry development, calculating that only 4.5%, amounting to 9 to 11 vehicles in the peak hours, will use Snitterton Road to the west. However, I believe that this is an underestimate. The large increase in traffic flow following the opening of Sainsbury's shows that Snitterton Road is an attractive through route for many vehicles. The road will form a useful route for traffic from the quarry travelling to or from the West and North-west, so it is to be expected that the residents of Halldale Quarry would frequently use the road.

As traffic congestion increases in Matlock journey times on the A6 will increase considerably encouraging drivers to find alternative routes, such as Snitterton Road. This is already apparent as the traffic through Snitterton increases considerably whenever there is a hold-up on the main road. Thus, a significant extra volume of traffic can be expected to use Snitterton Road, especially during peak hours.

The new housing at Cawdor and Halldale Quarries will give rise not only to more motor vehicles but also more pedestrians and cyclists using Snitterton Road, making it all the more important to avoid increased traffic. Banning Halldale traffic from turning into and out of Snitterton Road would help to limit this extra traffic.

3. Further Mitigation on Snitterton Road

At the meeting of the Central and Northern Area Planning Committee on 29th June 2010, it was resolved that grant of planning permission for the then proposed development of Halldale Quarry should be dependent on, among other things, a Section 106 agreement requiring the developer to pay for mitigation measures on Snitterton Road to reduce traffic flows. These measures would be triggered if the Annual Average Daily Traffic flows increased by about 35% above the 2009 figures (1,015 vehicles).

The Parish Council would urge that a suitable Section 106 agreement be drafted for the current proposals in order to implement this earlier resolution. Possible mitigation could take the form of narrowing the straighter lengths of Snitterton Road to single track with a footway and with intervisible passing places. Potential sites are between the quarry and Snitterton and between Oker and Kirby Lane.

Comments on the amended scheme / additional information:

Reiterate their earlier comments and make the following further comments:

Lack of Affordable Housing

The proposal for 220 houses on the site does not appear to include any requirement for affordable housing. The layout and house types are clearly aimed at the higher end of the market. This does not address the urgent need for more affordable housing in the district and is in clear contravention of the Adopted Derbyshire Dales Local Plan of December 2017.

Policy DS5 of the Local Plan requires "Provision of the required proportion of affordable housing and provision of an appropriate mix of housing types to meet the needs of the community." The proposal does not address this requirement, nor does it appear to meet a number of the other requirements of Policy DS5.

Development in clear contravention of the Local Plan should not be permitted.

Matlock Spa Road/Snitterton Road Layout

The proposed road layout at the entrance to the development would have detrimental effects on Snitterton Road through Snitterton and Oker.

5.3 Local Highway Authority (DCC):

Initial Comments:

It is noted that the principle of a mixed-use development on this site has already been established with an Outline planning application, although this current application is in part Full and therefore detailed. I would therefore like to comment on the lack of parking for the commercial element referred to as 'The Cabins' where there appears to be no allocated parking adjacent to the site, which does not comply with Council parking policy. This must be addressed in detail on the proposed layout drawing in accordance with car parking policy and revised accordingly.

Further comments, following receipt of drawings showing a subterranean parking area to serve the cabins and confirmation that the estate roads will be private:

We appreciate that the revised 'Travel Plan' has not been submitted as part of the current applications and on this basis, the Highway Authority would expect a condition to be imposed for a revised Travel Plan to be submitted prior to the buildings within the application site being occupied.

Regarding the detailed submission for the main access junction and highway realignment at Matlock Spa Road/Snitterton Road, it is worth noting that there is a Section 278 Highway agreement being processed at this time with the County Council for the highway access arrangements and the principle of the junction design is virtually agreed subject to sorting out the issue relating to surface water drainage. The overall design is still subject to 'technical approval'.

It is understood from the applicant/agent that the internal roads/footways etc. are to remain private/unadopted.

In summary, there are no objections to the applications from a traffic and highway point of view subject to conditions.

5.4 Peak District National Park Authority

Section 62 of the Environment Act 1995 requires local authorities to have regard to the purposes of a national park 'in exercising or performing any functions in relation to, or so as to affect, land in a National Park'. The purposes of a national park include the conservation and enhancement of natural beauty, wildlife and cultural heritage. The National Planning Policy Framework at paragraph 176 requires development in the setting of a national park to be sensitively located and designed to avoid or minimise adverse impacts'.

Although planning permission has already been granted for the site via outline permission ref 14/00541 and reserved matters ref 20/00308 for the approval of 196 dwellings, a cafe/restaurant and 4 Commercial Units, we note that this current application proposes additional development around the site. It is considered that the fringe landscape of the national park should be taken into account, particularly on the eastern side of the site, where some of the development is proposed.

PDNPA Core Strategy Policy L1: Landscape character and valued characteristics states that:

Development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.

The Peak District National Park Landscape Strategy describes this area of the White Peak as 'Limestone hills and slopes'. This area is characterised by high undulating, and in some places steeply sloping topography with wide, iconic open views to distant skylines. In places, notably on the steeper slopes and higher summits, large tracts of rough grazing land have survived. This landscape has also been heavily influenced in places by quarrying.

We would therefore recommend that a Landscape Visual Impact Assessment is undertaken, and the setting of the national park taken into account as per S62 of the Environment Act. We would then appreciate the opportunity to discuss the results of this, and any required landscaping.

5.5 Derbyshire Wildlife Trust:

We have reviewed the Updated Ecological Appraisal (Morph Ecological Consultants, February 2023) and Biodiversity Net Gain Calculations report (Morph Ecological Consultants, July 2023).

Habitats and Biodiversity Net Gain

It appears that proposals will result in the loss of woodland, scrub, calcareous grassland and open habitats. These should be fully compensated for as part of proposals, in accordance with both the NPPF 2021 and Local Plan Policy PD3. However, there is an added layer of complexity to this application due to it overlapping with the proposals for the main quarry area.

All four areas were originally outside the initial main quarry application and were proposed to comprise habitat retained around the edges of the development. In particular, Area 4 was proposed as a key area to offset impacts of the main development through creation of calcareous grassland and open mosaic habitats and retention and enhancement of calcareous grassland. Area 2 was also proposed for woodland management, including glade creation to interface with calcareous grassland.

Consequently, the development of these areas would impact the previously agreed mitigation for the main quarry development and vastly reduce the scope to offset the impacts of this already permitted application.

A Biodiversity Net Gain assessment has been provided for this current application for the development of the four areas, however it includes habitat creation already proposed and agreed to as part of mitigation for the main quarry development. This does not comply with the principle of additionality set out in BNG guidance:

“Achieve nature conservation outcomes that demonstrably exceed existing obligations (i.e. do not deliver something that would occur anyway)”.

Whilst the report states that a covenant will be placed on all hedgerows as part of the application, we are still wary of including these as part of BNG proposals due to the risk of future removal of those used to create curtilage boundaries.

We also note that the four GCN mitigation ponds are counted in the net gain figures, despite guidance stating that habitat creation for species mitigation should be considered separately i.e. it fails the additionality principle if the ponds would have been created separately as a licensing requirement for GCN.

Two other points are that the habitat surveys were undertaken during winter, so confidence in the condition assessments is low (we do note that the report states a precautionary approach has been adopted when attributing condition for this reason). Also, the metric has

not been submitted so we cannot fully review the calculations and we cannot see if the trading rules have been met, which are a fundamental part of the metric.

Species

Presence of GCN in the main quarry area was confirmed as part of the separate outline application and a licence obtained from Natural England. The existing GCN pond is still present within the main quarry area and whilst amphibian fencing has been installed under licence to separate the quarry from the new GCN mitigation ponds in the north-west, it has not been maintained. As such, there is potential for GCN movement across the site, including within the four areas that are the subject of this application. It will likely be necessary to undertake another period of trapping and translocation of GCN prior to any works in either these four areas or the main site. The fencing should be repaired at the earliest opportunity. We do not consider it necessary to request a further survey at this stage, prior to determination.

We advise that further clarity is provided with respect to roosting bats using the cliff faces. Roosts have previously been identified and the PEA makes general recommendations for further survey if lighting or stabilisation works are required. However, there is no map showing the faces with known roosts or suitable features, in relation to the current proposals. The likelihood of impacts is therefore not clear and greater confidence should be provided at this stage. We advise that these should be mapped and confirmation sought from the developer regarding likely stabilisation works and lighting requirements. Survey data is very old and if there is any doubt as to likely impacts to cliff faces, update survey should be undertaken.

Badgers are known to be present in the locality based on previous surveys and existing sett records, however no setts have been recorded in any of the four areas and no evidence no badgers was recorded during the 2023 survey visit. Best practice measures will be necessary to safeguard badgers during works.

Other best practice / precautionary measures can also be secured to safeguard nesting birds, reptiles and common amphibians. A Construction Environmental Method Statement could include all such measures and be secured via condition.

In conclusion, we currently have serious misgivings regarding this application, its impacts to biodiversity and the implications on the main quarry development delivering adequate mitigation. We advise that sufficient information is not available at this time to support an approval and further assessment and discussions should be undertaken with all parties prior to a decision being made.

Following receipt of the above comments the applicant met DWT and submitted the following documents:

- *Habitat Creation and Enhancement Summary - Revision 2,*
- *Biodiversity Net Gain Calculation report - Revision 4 and accompanying metric,*
- *Landscape Strategy (12.09.23), and*
- *Green Infrastructure Plan (13.09.23).*

DWT commented on this information as follows:

We previously highlighted concerns regarding the development of these four areas, especially Area 2 and Area 4. Clarification was provided in the meeting around the habitat proposals in these areas and updated plans provided, which are welcomed.

Whilst slightly atypical, the approach to BNG assessment is clearly explained and some elements have been removed from calculations, such as the GCN mitigation ponds.

Currently the metric predicts a net loss of -2.50 habitat units and trading rules are not met. The BNG report makes the case for the large addition of onsite hedgerows to offset the loss of habitat units, however metric guidance states that habitat, hedgerow and river units should all be considered separately and a gain achieved in each with trading rules satisfied (See most up to date metric User Guide, Section 3, <https://publications.naturalengland.org.uk/publication/6049804846366720>).

To comply with local and national policy, a net gain should be demonstrated in line with current BNG guidance. This could be addressed by either revision of the scheme landscaping or through a contribution based on the units lost.

Given that our main concern at this site (considering the quarry development as a whole) is the loss of high distinctiveness calcareous grassland and open mosaic habitats, we advise that the focus should be on creating/retaining these habitats within the scheme, even at the expense of the trading rules. Alternatively, a contribution based on the unit loss could be made to the LPA, to be spent on management or enhancement of a site that currently supports calcareous grassland / OMH in the local area.

Habitat creation, enhancement and management prescriptions in the Habitat Creation and Enhancement Summary - Revision 2 are largely acceptable and should be expanded upon in a detailed Landscape and Biodiversity Ecological Management Plan (LBEMP), secured via condition. We note that the Summary still refers to two small ornamental ponds in the east, which are no longer proposed. The proposed wildlife enhancements, including bat and bird boxes, shall be expanded upon in the LBEMP and shall ensure compliance with BS 42021:2022.

The comments on protected species from our previous letter are still relevant and we have suggested conditions to address these. The applicant is aware that further conversation will be required with Natural England to agree an approach to GCN mitigation, in light of the previous licence and translocation works.

To address DWT the applicant presented a revised metric and landscape / Green Infrastructure plans which provide additional calcareous grassland areas at the western end of the site. DWT have commented on this as follows:

We welcome the additional areas of calcareous in the two western corridors of green space. We note that this amendment achieves a net gain overall of +0.31 habitat units (+1.54%). The trading rules are not met, largely due to the loss of woodland. However, on balance, we would prefer to see this increase in calcareous grassland even at the expense of some previously proposed wooded areas in the scheme. This habitat is of higher distinctiveness and is less common in the district.

Full details of whether these new areas will comprise retained grassland, receive translocated turves or whether they will need to be created/sown, can be provided in the revised LEMP, which we have agreed is required at a later date. They should not receive topsoil and be established on thin, calcareous soils/substrate. We would recommend minimal tree planting in these areas and future management should include scrub control.

5.6 Development Control Archaeologist (DCC):

We were previously consulted on application 10/00039 for the same site and recommended that a condition be attached to secure archaeological recording of historic shafts and

mineworkings within the proposal area. However we were not subsequently consulted on 14/00541/OUT and no archaeological conditions were attached to this consent.

The proposed development, while of major scale, is wholly contained within the former Halldale limestone quarry. Any archaeological potential retained at the former ground surface across the site has therefore been removed in the quarrying process.

The quarry is however in a lead mining area, as defined in the Peak District National Park Authority date on historic lead mining in the White Peak, and it is therefore worth considering whether any evidence for historic mining, in the form of shafts, levels and soughs, might survive within the site. Review of the PDNPA data suggests that there were only minor lead-bearing deposits within the site, with no major rakes present. The First Edition Ordnance Survey map of c1880 shows a significant concentration of mining to the east of the site, along Seven Rakes, with scattered shafts extending south of the site beyond Salters Lane. Two former shafts are shown in the extreme south-western corner of what is now Halldale Quarry, with a third shown on the western boundary to the south of Masson Farm. These shafts are perhaps however outside the red-line boundary of the current application. The Ordnance Survey map of c1895 shows these shafts but adds another in the centre of the site within the red line boundary at SK 2887 6014.

The Geo-Environmental Report submitted in 2010 includes the results of a search for historic mineshafts on the Derbyshire County Council database on disused mineshafts. The database shows twelve shafts within the proposal area, mostly clustered within the south-western part of the site. It is also possible that further unmapped shafts exist within the site.

It is not known at present whether these shafts penetrated beneath the level of the present quarry floor. It is certainly possible, however, that a significant number of historic mine shafts and other workings do survive beneath the quarry floor. Capping and grouting of workings will detrimentally impact upon the historic lead mining evidence within the beneath the site.

There is consequently a requirement under the provisions of NPPF para 205 for a conditioned programme of archaeological work to mitigate any such archaeological impact. This will require archaeological involvement within the mitigation works for shafts and other mine workings, to allow archaeological recording of these features before they are grouted and capped, and this will need to include assessment and recording of underground workings where grouting of these is proposed. A condition to secure a written scheme of investigation is recommended.

5.7 Environment Agency:

Do not wish to comment.

5.8 Trees and Landscape Officer (DDDC):

1. Potential impact to existing trees

No detailed information appears to have been submitted to date relating to the potential impact of the proposals on existing trees. I recommend that the applicant should submit for approval pre-determination an Arboricultural Impact Assessment prepared according to the guidelines of BS 5837:2012, to include:

- a Tree Schedule,
- a Tree Constraints Plan (on a plan of the site as existing),
- a Tree Removal and Retentions Plan (on a plan of the site as proposed),
- a Tree Protection Plan (to include specification of temporary tree
- protection fencing and/or temporary ground protection systems),
- and

- a Tree Shading Plan (on a plan of the site as proposed).

If any development (including demolition, surface level change, surfacing, excavation, construction, services installations, etc) or site activity (including temporary access routes, parking, storage or lay down areas, site offices, etc..) is proposed within the canopy spread or root protection areas of any retained trees then I recommend that a detailed site specific Arboricultural Method Statement be required to be submitted for approval. This could be required to discharge a condition to a grant of planning consent.

2. Proposed landscaping

A detailed proposed landscaping scheme appears not to have been submitted to date. I recommend that this will be required to be submitted for approval, though could be in order to discharge a condition to a grant of planning consent.

3. Potential visual impact in the landscape

A major development such as the proposed has the potential to result in unacceptable harm to the character and appearance of the landscape. I recommend that the Council appoints a Landscape Architect to assess this and make appropriate recommendations. A Landscape Visual Impact Assessment may be required.

5.9 Force Designing Out Crime Officer:

Whilst this is one application, on examining the detail I see that it is in effect 7 parcels of land peripheral to the main quarry development, one of which substitutes a previously approved block of housing.

The land parcels from A through to G are noted as :-

A – A single C1 commercial unit

B – A single residential unit, The Manor House.

C – Four HT101 houses

D – A single HT106 dwelling

E – Commercial development, The Cabins

F – Eleven mixed detached dwellings

G – Three HT107 stepped houses, block Y consisting of three town houses, a single HT04 house.

As relatively small and peripheral additions to the overall development there would be no reason to object to any of these parcels of development in principle.

There are no layout issues within context.

I note that the Y block of town houses has no side treatment, so no facility to supervise the parking allocation to each side of the block but noting that allocated parking for these three units lies to the front. It's not made clear as to who these side of block parking bays are intended for.

I also don't see any floor plans online for these houses, excepting a roof plan. There is no detail of boundary treatment/enclosure for any of the seven land parcels. I'd expect that this will in all likelihood be formed by landscaping for the bespoke housing units with more complex levels, those being parcels C, D and G, but would expect that there would be some form of domestic scale boundary for the Manor House and housing parcel F, and consideration of securing land around parcel A outside of trading hours.

I expect that enclosure could be a condition of approval to be fleshed out in due course.

Comments on the additional information provided:

The additional information does not impact on our prior comments.

5.10 Right of Way Team (DCC):

I can confirm that Matlock Public Footpath No. 90 runs adjacent to the development site, as shown on the attached plan.

The creation of footpaths within the site is welcomed and, should the application be successful, the applicant is invited to dedicate these as public rights of way, in order to safeguard them for future generations.

It appears from the proposed layout plan that there is no way in or out of this large site, other than the primary access route that connects to the highway. Considering that there is a network of public footpaths in the vicinity, it is vital that the site links to these routes via a number of connections around the site, to give residents access to the surrounding countryside. If this can be achieved, it would also provide safer and quicker walking routes to Matlock town centre, and would significantly improve the PRow network in the area. The

Rights of Way Section therefore objects to the layout plan as it stands, but would welcome the opportunity to liaise with the applicant to achieve the improvements mentioned.

I should be grateful if you would advise the applicant as follows: -

- Footpath 90 must remain open, unobstructed and on its legal alignment.
- There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the path during the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development.
- There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way Section.

5.11 Derbyshire Dales Group of the Ramblers:

Ramblers Derbyshire Dales Group submits a holding objection until the following receive more information:

i) In the D&AS under 2.2.6 a Travel Plan is referred to for sustainable modal forms. We await this Travel Plan

ii) The plan on 2.2 shows only one exit for the development. This may lead to a car orientated development. Matlock FP 106 is west and just enters and ends within the development to the west at SK 2866 5986. This Right of Way should a) be preferably extended b) a route created linking the RoW FP with the internal site highway network

ii) Matlock FP 91 is curtailed at 92.2m to the east outside of the site at SK 2934 6015. Extending this FP and linking it to the site highway would be very beneficial. This would provide a reasonably direct and safe walking route to the town centre. Can both this and ii) above be included in the Travel Plan?

iii) Matlock FP 90 runs west adjacent to the site boundary. The FP should remain unaffected at all times, including the path surface, both during and after any development

ii) Consideration should be given to the safety of members of the public using the Right of Way during the proposed works.

iii) Any encroachment of FPs 90 and 106 would need consultation and permission with/from the DCC Rights of Way Team

Comments on the footpaths markup plan received:

Ramblers Derbyshire Dales Group continues with its holding objection: NB This is the same relevant submission as for 20/00308/REM 196 dwellings

- i) It is welcome that provision is made for a path link in the NW corner of the development to Matlock FP 90 in the Footpaths Mark Up Plan.
- ii) It is also welcome that provision is made for a path on the north boundary, potentially linking to Snitterton Road
- iii) However, there is no mention of Matlock FP 106 which ends just inside the SW boundary of the development. FP 106 continues westwards from FP 90. A path should be created to link with this Right of Way FP and on to the wider RoW network. There is potential safety issues of walkers arriving at the western end of FP 106 and then trying to continue. It is Ramblers' policy to oppose any RoW extinguishments.
- iv) Likewise, there is no mention of a path to the western edge of the boundary, where there is the great potential to link up with the present truncated Matlock FP 91. This is the most important potential link for safe and sustainable travel by foot out of the development. The eastern end of Snitterton Road leads directly to into Matlock Bridge and the town centre. The highway is blocked to vehicles from its junction with Salters Lane.
- v) Access out of the development for vehicles, walkers and wheelers is only via Snitterton Road. This highway is poor in terms of safety for walkers and wheelers
- vi) This situation with the present plans creates a 'bag' development with only one way out and further creates a car-dependency environment for residents and visitors. Residents may be discouraged from walking and/or wheeling the very short distance to the town and instead drive the less than one kilometre distance
- vii) Consultation should be made on all the above with the DCC Rights of Way Team.

5.12 Peak and Northern Footpaths Society:

I assume that the public footpath which runs to the west of the application site, Matlock FP90, would not be affected by this development, although I hope that consideration would be given to the improvement of this path as necessary to accommodate the greatly increased use of the path by the residents of the development. The full width of the path must be unobstructed at all times. I welcome the proposed new paths passing through the landscaped areas of the site and request that these be dedicated as public rights of way.

In separate representations made Peak and Northern Footpaths Society refer officers to comments made in respect of application 22/00308/REM.

5.13 Derbyshire Fire and Rescue:

The Fire and Rescue Authority strongly recommend the Installation of a Domestic Sprinkler System in the proposed dwellings, however should you choose not to install a Domestic Sprinkler System at this stage, the Fire and Rescue Authority would like to recommend that you provide a minimum 32mm water supply capable of delivering the required volumes which would allow an installation to be carried out easier and at less cost should this be proposed in the future.

5.14 Director of Housing

I appreciate there will be viability issues on this site but I would have hoped that a major development of this size could make some contribution to affordable housing provision.

5.15 Natural England

No objection subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would:

- damage or destroy the interest features for which Cawdor Quarry and Masson Hill, Sites of Special Scientific Interest have been notified.
<https://designatedsites.naturalengland.org.uk/>

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- An appropriate construction environmental management plan (CEMP) should be established prior to the commencements of any permitted work on site.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England have also provided advice on designated sites/landscapes and other natural environment issues, which is reflected in the officers appraisal section of this report.

5.16 Sport England

Has no comment to make on the application.

5.17 Cllr Burfoot (in their capacity as County Councillor):

I need to point out that I am a member of the planning committee at DDDC and as such these are my preliminary views only. At the planning committee I will look at the application afresh.

I welcome this development on a brownfield site in Matlock in a fairly sustainable location with rail and bus links quite close and a reasonable walking distance into the town with its facilities.

It has been pointed out by the DDDC Tree and Landscape officer that a Landscape Visual Impact Assessment needs to be submitted as the development proposed will be visible and prominent from many parts of the town.

I am aware that the Local Plan allows for contemporary development of a high standard and I welcome this on this part of the town.

I am very opposed to any amount of red brick in this development as mistakes have been made in developments in Matlock in my opinion and I do not wish to see more.

Accordingly, any brickwork needs to be of a colour to blend harmoniously with stone.

Included in the application is an area for commercial use. I personally would like to see a supermarket such as Lidl or Aldi acquiring this site to further contribute to choice for residents and visitors alike. Looking at the Design and Access statement I suspect that the amount of parking spaces would not be sufficient for most commercial uses. I will forward any relevant comments received at a later date for your consideration.

Further comments received:

I welcome the development will be based on the quarry floor. Certainly the surface water and sewer systems need to be carefully considered, given the fact that the drains may have to be excavated in bed rock.

Capacity of sewers is of major importance in the town. I would also hope to see a range of footpath links to Snitterton Road and Matlock Spa Road to encourage access to the town on foot.

5.18 Planning Policy (DCC):

Extant Permissions

Derbyshire County Council, in its role as Mineral Planning Authority, has previously advised your authority on its preferred approach to dealing with the extant mineral planning permissions which covered both Halldale and Cawdor Quarries. Most recently these comments were made in respect of planning application 10/00039/OUT which was later granted planning consent 4 January 2011. To recap, it was advised that your Authority should consider seeking to dispose of the old planning permissions by:

- revocation
- modification on part of the site; and
- a commitment by planning obligation that the mineral planning permissions would not be used.

We have no records that this advice was taken in respect of planning permission 10/00039/OUT and would be grateful for clarification on this point. If it is the case that some or all of the mineral planning permissions remain extant we would again wish to advise the same approach i.e. that the opportunity should be explored to dispose of the old permissions by revocation, modification on part of it, or an obligation that the permission would not be used. We would also welcome further dialogue with your Authority in order to determine the most appropriate way forward to address this issue.

S106 Contributions

School Places

The proposed development falls within and directly relates to the normal area of St Giles Church of England Primary School. The proposed development of 24 dwellings would generate the need to provide for an additional 2 infant and junior pupils.

St Giles Church of England Primary School has a net capacity for 140 pupils, with 80 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 66.

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 5 infant and 2 junior pupils arising from the proposed development.

The proposed development falls within and directly relates to the normal area of Highfields School. The proposed development of 24 dwellings would generate the need to provide for an additional 7 secondary including pot 16 pupils.

Highfields School has a net capacity for 1394 pupils with 1244 pupils currently on roll. The number of pupils on roll is projected to decrease to 1155 during the next five years.

An evaluation of recently approved major residential developments within the normal area of Highfields School shows new development totalling 74 dwellings, amounting to an additional 21 secondary including post16 pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the 7 secondary including post 16 pupils arising from the proposed development.

The above analysis indicates that there would be no need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests no financial contributions.

An advisory footnote in relation to NGA broadband provision is recommended and advice on waste, the design of the dwellings in relation to public health and employment and skills is provided.

5.19 Lead Local Flood Authority:

Initial comments:

We have reviewed this planning application and have no objection subject to conditions. In order to condition this planning application, the following information need to be submitted to LLFA;

- Topographic Survey of the site
- Total site area and total areas upstream of the ponds
- The originating RSK Flood Risk Assessment Report 880018-R2 (02) in Appendix B of FRA (this document is missing in Appendix B of FRA)
- Detailed Engineering Drawing in Appendix C of the FRA (this drawing is missing in Appendix C of FRA).

Comments on the additional information received on 04/05/2023:

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 04/05/2023. The LLFA requires the following information.

- Applicant is proposing to discharge into existing Hall dale Quarry at a rate of 2.38l/s/ha as agreed with LLFA (see page 19 FRA) through existing land drainage asset within the Hall dale Quarry, can the applicant provide more information regarding the outfall, its condition and wider connectivity, evidence to be provided with photos.
- Applicant has not provided allowance for urban creep, this need to be included in the Flood Risk Assessment (refer to section J of Advisory/Informative Notes of this document). A revised FRA to be submitted.

Comments on the additional information received on 14/07/2023:

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 14/07/2023. The LLFA has no objection subject to conditions and advisory footnotes.

5.20 Derby and Derbyshire Integrated Care Board:

24 dwellings is currently under our threshold for consultation.

5.21 Chesterfield Royal Hospital

Request a financial contribution amounting to £20,359 based on additional demands on services.

5.22 Cllr Martin Burfoot:

I am generally relaxed about this latest application, which seems to combine traditional and contemporary design, between a mixture of residential and commercial buildings, with a welcome use of natural stone, presumably limestone, with a more traditional village centre.

This application is a welcome acknowledgement by the applicant that building work should be based on the present former quarry floor, thereby avoiding extensive re-grading, although there are already huge variations in levels, some incorporating stepped designs. These are acceptable on the lower quarry floor, but should not be sited in view of the upper parts of Matlock Bank. Specifically, I am more concerned about the proposed three storey apartments. Also, the surface water and sewer systems across a quarry floor and their outfall to Snitterton and Matlock Spa Roads must be considered, together with the capacity of the main sewers etc on those roads to accommodate further connections.

Given that this is obviously a 'brownfield' site, I am more relaxed about the proportion of modern designed commercial buildings, and doubt if there is a demand locally for what appear to be office type uses, as opposed to light industrial.

I am concerned about several other aspects of the proposals, specifically my previous request (in a historic application for the site) that there must be a range of footpath links to Snitterton Road and Matlock Spa Road, in order to encourage walking.

Also, I am always sceptical about the relative lack of landscaping of large, mainly residential developments, with locally indigenous tree and shrub planting, as well as appropriately located areas of wild flora conservation and seeding, in order to enhance the existing biodiversity, which is typical of limestone quarry floors with minimal soil cover. The external works or hard landscaping, mainly roads and footways within the development, also needs close attention to materials and overall design.

Finally, I have severe doubts about how appropriate and acceptable in landscape and visual impact terms the upper tier and later phase of residential properties will be, given the removal of so much of the naturally regenerated tree growth. Therefore, I think the phasing proposed needs to be made absolutely clear prior to any approval.

6. REPRESENTATIONS RECEIVED

6.1 A total of six representations have been received from local residents, 2 objecting to the application and 3 commenting and one in support. The comments can be summarised as follows:

Objections

- Concern raised regarding increased number of vehicles that will use Salters Lane to avoid Matlock and Matlock Bath.
- Concerns raised about the additional traffic the development will cause both on Matlock Spa Road and Snitterton Road. Since the development of Limestone Croft there has been a marked increase in the traffic on Snitterton Road and we now have the new development under construction at Cawdor which will add significantly to the Matlock Spa Road traffic.
- Representations which repeated the comments made by South Darley Parish Council.

General Comments

- Permission should be conditional upon a Community Liaison Group being created to monitor the construction works and to provide a mechanism to keep the public informed and to allow feedback to the developer.
- The combined effects of the two major development schemes at Cawdor Quarry and Hall Dale Quarry will inevitably risk generating a substantial increase in traffic volume using the road network through the rural settlements of Snitterton and Oker. The 'country lane' system through these parts is over 1 mile long and is typically narrow, single lane in sections, without footpaths and with several tight blind bends.
- From the design details provided to date for the Hall Dale Quarry development, particularly in relation to the vehicular access solution to the site, I am not entirely convinced that adequate attention has been given to formulating measures that will deter traffic movement along the country lanes of Snitterton Road and Oker Road and instead, to encourage use of Matlock Spa Road for access and egress. I therefore recommend that the applicant should be requested to review the design for the proposed site entrance and to produce a road junction layout that will seriously deter the use of Snitterton Road by traffic approaching or departing the proposed development. Further mitigation measures should also be employed to control traffic flow on Snitterton Road and Oker Road, as well as to allow safe movement by road users and pedestrians. These might include traffic calming, improved speed and safety signage, visibility improvements at blind bends and where practicable, the provision of footways.
- Site C (plot 140 especially) has been placed within an area of established trees and visibly far too obvious from Matlock town.
- Plot 140 also seems to sit too close and within Gordon Lodge's clear visibility, (especially noting the elevation of the proposed property) which will affect the Gordon Lodge existing properties Residential Amenity.
- Site D (plot 149) will be very visible from Matlock town, whereas the previous plan iteration had a pleasant green space for the developments communal amenity.
- The other element that requires clarification is the public footpath situation, as there are a number of paths that have been used by the general public for a number of decades and the management of foot traffic. Specifically foot traffic's impact on the application properties current neighbours in terms of nuisance noise and potential trespass (via trying to find shortcuts to town) onto neighbours properties.
- We also request that the construction activities are suitably restricted for noise (not before 8am or after 5pm) and be good neighbours during their works.
- We have no real issue with the development of this site predominantly for housing as outlined in the proposal, provided it is approached in sympathy with its semi rural surroundings.
- We live at Gordon Lodge Barn and so our property is in very close proximity to the North/North East boundary of the site. We are therefore concerned with the revised plan which clearly shows the new site C is now encroaching the existing woodland/scrub between our property boundary and the new site.
- Over the years since quarry working ceased, this area along with many others around the sites borders has acquired a high natural value for wildlife and wildflowers.
- The upper parts of the proposed development, which includes site C are likely to be highly visible from the main part of Matlock, and will be intrusive in a currently green and unspoiled view. This will be particularly true of the light pollution which will inevitably accompany the development.
- It would be good to encourage both cycling and walking into town from this new development. As Snitterton Road presents the most direct route, to achieve this safely would require a 20 mph or 30 mph speed limit on Snitterton Road between the junction of Matlock Spa Road and the junction of Salters Lane. In addition the speed limit on Matlock Spa Road up to and preferably beyond the entrance to the new development should be no more than 30 mph with no parking allowed on the roadside.

- The access to the site needs careful design. The development of Cawdor Quarry has revealed various issues:
 - A) Excessive on road parking on site due to inadequate plot parking.
 - B) On road parking on Matlock Spa Road is detrimental to safe passage for vehicles.
 - C) Footway and Cyleway provision up Matlock Spa Road should be given priority before heavy site vehicles are allowed access to the site.
- Salters Lane has seen increased usage and deterioration especially due to the continued closure of the road through Snitterton and Oker. Development of Halldale will make this worse.
- Footpath and/or footway access from Halldale to Salters Lane should be properly restored and / or established.
- The opportunity should be taken to ensure full advantage is taken of the opportunity to install solar panels on every suitable roof.

Support:

- In general I support the development of this brownfield site.

6.2 The following representations have been received from Matlock Civic Association:

Initial Comments:

MCA are grateful for the opportunity to add to, and confirm, our comments in its letter dated 31st March 2023.

Pedestrian links and jitties

There is scope in the layout to add-in jitties (separate pedestrian ways) and cycle links, and the provision of these links between plots 191-192, 195-196, and 206-207 is commendable.

However, the extent of provision elsewhere is limited, particularly:

- a. North from the vicinity of plots 206-207 to gain access to the main access point to Snitterton Road and the nearby proposed commercial area.
- b. From the central play area and village centre to development proposed to its east, south and west. and
- c. The provision of a short - cut from plot 12 westwards to the main access point would be a worthwhile addition.

This is a fundamental sustainable Master Plan requirement which is likely to endure for centuries if implemented. The presence of jitties through and to Megdale and Morledge are examples which should be followed, even if it means revision to the remainder of the Layout Plan.

Conditions of any permission should ensure that footways are implemented at reasonable time periods so that they benefit the first occupants of Halldale and are not delayed until later phases of development.

Design and materials

We omitted to mention in earlier representations that we particularly welcome the use of local stone and toning brick and the emphasis on simple gabled roof designs where this approach has been deployed. This approach is marred to some extent by the use of neo-classical features including for the designs of porches on a large number of proposed dwellings.

MCA are becoming increasingly concerned about the proposed scale and design of proposed block X and the 3 proposed blocks Z, which are providing 47 x 2 bed flats in total. The buildings with 4 floors will be of a substantially greater scale than their proposed surroundings. They are proposed at a crucial location close to a central water feature and the well-designed proposed waterside café/restaurant / social centre. These buildings should enhance their surroundings, but their roof detailing bears no relation to traditional design in the locality and would relate poorly to the designs selected for the majority of dwellings proposed in their vicinity. It is suggested that the height is reduced, traditional pitched roofs are used to cover a reduced depth of footprint, and the detailing on the elevations takes more account of local building styles. Revised plans should also clearly indicate car parking provision for these flats; it looks as though there is insufficient surrounding land to accommodate adequate parking provision.

The area in the vicinity of the main site entrance includes 3 large and overtly contemporary dwellings on plots 218-220 and a 4-storey mansard -roofed block Y, at plots 22-24. In order to achieve a reasonable level of cohesion these house types should be replaced by the more traditional designs proposed for plots 1-9 and 25-33.

Similarly, the 2 ultra contemporary blocks of 4 flats type (W) proposed for plots 14-21 would also be completely out of character with the more traditional designs proposed for plots 10-13 and 78-82 in close vicinity.

A similarly contemporary house type 101 proposed on plots 136-140 would also stray from the cohesive traditional approach for dwellings across the road and further south. Types 101 at plots 166-169 are also proposed to be sandwiched between more traditional designs, and the same criticism can also be levelled at types 102 and 103 on plots 192-197.

The location for the proposed contemporary buildings (types V, 148 and 149) is more acceptable since they can satisfactorily occupy a separate and well-landscaped area. It is important though that the large areas of flat roof are not seen from the higher locations on the other side of the Derwent Valley. Timber cladding appears to be proposed to a considerable extent on proposed commercial building. It has a tendency to deteriorate and is not a feature of Matlock, even on modern buildings. These commercial buildings will be in prominent locations and the materials used should reflect local practice and should match the stone and toning brick proposed everywhere else in the development. Any timber cladding should be a clearly subordinate element.

Social housing

MCA find it very difficult to accept that the strict application of social housing policy to the whole development encompassing the outline permission and proposed full application will only generate 7 social dwellings, when an application of Local Plan policy would release 66 such dwellings. It is understood that this arises from the terms of the outline planning permission in 2017, but the council are urged to seek to negotiate as many social dwellings as possible. This should not result in reduced compliance with all other relevant policies.

Conclusion

I repeat that it is recognised that the current proposals include many commendable features, but this letter indicates MCA's overriding view that substantial amendments are still required to these proposals.

Follow up comments:

It is noted that the submitted Design and Access statement (DAS) is expressly covering the recent Full Application (22/01371/FUL) and the reserved matters application

(20/00308/REM), which has been held in abeyance for 3 years. These representations, therefore, relate to both applications.

Matlock Civic Association welcome the judicious use of brownfield sites for mixed development, which reduces the need for greenfield additions to the town, and it is noted that the broad principle of the proposal has been established by outline permission. The applications have been considered in that context.

Improvements and positive elements

We note changes have been made to meet our primary objections in 2020 as follows:

- a. The council appear to be considering the proposed development as a whole rather than in piecemeal fashion.
- b. The mix of uses and concept of the village centre, including significant areas enabling increases in employment, are welcomed.
- c. The proposed commercial area close to the site entrance is substantially smaller and lower with a good design in our opinion. It is a big improvement. However, we share the concerns of the highway authority about adequacy of associated parking /turning space. Overspill commercial parking at the entrance to the main access route would be particularly unfortunate in this key location.
- d. The inclusion of a substantial proportion of contemporary dwellings, but with traditional materials and pitched roofs, is commendable.
- e. The plans indicate the additional extent of development, compared to outline stage, within the area enclosed by the quarry walls, and woodland.
- f. The additional areas for development are acceptable in our view. It enables landscaping conditions to apply to the periphery of the development area.

Reservations

We hope that the proposals can be remedied accordingly to take account of the following comments. If not, they should be considered as objections to the proposal.

Social Housing

The DAS refers to the requirements of the Local Plan for affordable housing in accordance with Local Plan policy. but it does not specify the number of social housing units or its location. The Head of Housing at DDDC, Mr. Cogings, considers that a major development of this size should make a contribution to Social Housing. We would normally go further than that. The full provision of social housing, as defined in Local Plan policy, should normally be provided. However, we note that the outline permission and section 106 agreement (20/00308) did not set out a social housing requirement.

Consequently, the extra 24 units the subject of the Full Permission, and outside the site of the outline application, should be subject, at least to the 30% social housing requirement to come forward in a timely manner.

Design and Landscape

The proposals indicate that a total of 33 dwellings are of a large cuboid design with flat roofs and large areas of glass. Their stepped design reflects the designer's intention to incorporate the existing landscape, rock faces and evidence of the former quarry. This contemporary approach is considered to be acceptable at the eastern part of the site where the proposed block of 7 flats (V) and dwellings on plots 148 and 149 can be sited where there will be ample opportunity for intervening landscaping.

Elsewhere, and including blocks W and plots 136-140 at the north of the site, plots 218-220 near the main access, and plots 192-197 on higher land, the proposed use of this form of design will be close to, and conflict with, the more traditional form of development proposed and will be contrary to the character of the Halldale site and its surroundings.

The mansard form of development, also including some high flat roofing, at blocks X, Y and Z will be prominent and completely out of character with the traditional form of architecture in the locality.

It is important that existing woodland at the site margins remain intact, particularly at the northern part of the site, where it would be vulnerable to the impact of development.

Materials

The overall extent of each type of facing material is not stated on the elevations of house types. The extent and type of all facing materials to be used needs to be clarified, with opportunity for further public comment, before any permission is granted.

Visual cohesion should be achieved by grey slate for pitched roofs throughout, and a far greater proposed use of stone for elevations and walls. The remainder of facing materials for buildings and walls should be brick, which tones well with stone, or plain white render. Red brick or other non-toning colours should not be used except to a limited extent for detailing, for example at cills and window heads on a small proportion of dwellings.

Since the site is close to the divide between limestone (extracted from this quarry) and gritstone (prominent in Matlock) maybe a mix of both would be appropriate as at nearby Wensley and Winster (e.g. gritstone quoins, and door and window frames, but limestone infill). Jackson's Leys at Middleton by Wirksworth is a good example of how it could be done in a modern development.

We are concerned about the proposed use of timber panelling, since it is more vulnerable to natural deterioration, and can become unsightly.

Pedestrian Links

The Master Plan appears to include commendable scope for jitties to enable pedestrian links between and within the proposed layout, but they are only shown to a very limited extent on the proposed site plan. This is a major omission. The layout should be amended so that there are clear and direct pedestrian routes between the main point of access off Snitterton Road, residential, retail, recreational and social uses.

The provision of jitties linking the various parts of the site and linking to the roads and paths around the site should be clearly designed - in from the start and protected by condition.

Flooding

The development will result in substantial ground disturbance and extensive additional hard surfaces. The site is also likely to overlie old lead mine workings, with a risk of engineering work causing surface water percolation. These factors will substantially increase the extent of risk of flooding. It is noted that the proposals include flood attenuation ponds, but it is essential that adequate site investigation and ameliorative measures are incorporated so as not to add to Matlock's flooding problems.

Conclusion

We would be grateful if you can consider the points in this letter, particularly our concerns in section 3 of this letter. I would also welcome your confirmation that make application reference 20/00308/REM will be made available for public consultation when all necessary changes to that application have been made by the applicant.

Comments made on 31st July 2023:

Following our previous representations, the applicants extended an invitation to meet them on site, and we also corresponded on their proposals. This has led to a further narrowing down of the issues between us and further acceptable amendments. However, I regret that there are still significant objections to the proposal(s).

Design

MCA recognise that the applicants have amended their more traditional house-types so that the detailing better reflects the well-established local building styles.

However, we are still very concerned about the non-traditional roof designs including for plot 92 and proposed blocks W, X, Y and Z This is a major sticking point for us. Flat-roofed designs and hipped and crown roofed designs with large flat roofed dormer windows, should be replaced by traditional pitched roofs with less dominant dormers, preferably with gable ends rather than hipped roofs. Where a deep plan form would create an excessively dominant roof, it is necessary to either reduce the depth of the building or create double pitched roofs in keeping with the local vernacular.

These proposals are even more unacceptable because they will be relatively dominant and unsympathetic to the more traditional areas of proposed development in close proximity. For example, the proposals for blocks X and Z will adversely affect the otherwise well-designed approach for the social hub/restaurant and nearby dwellings in the vicinity of the proposed central water feature.

The proposed ultra contemporary designs are also unacceptable where they will be close to, and would clash with, more traditional development proposals nearby. This applies to plots 136-140 ,166-169, and 218-220.

The cuboid design on the latter 3 plots would be These proposals are contrary to planning policy PD1 of the 2017 Local Plan which requires:

“all development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes”.

The roof plans produced are not entirely consistent with how they are depicted on the proposed Site Plan.

Materials

The applicants have indicated that there will be a consistent use of stone for the facing material. This is welcomed but this is not apparent from many of the drawings which indicate a wider range of facing materials.

The local area has a tradition of limestone facing with a darker gritstone for detailing such as quoins, plinths, and window and door surrounds. This approach should be followed on this site, and conditions applied accordingly.

The timber cladding proposed on the upper section of commercial buildings is not traditional and is a potential maintenance problem. We suggest the option of replacing the timber-

cladding with good quality, dark grey profiled steel sheeting to blend with the dark-grey roofing materials which are being proposed on pitched roofs.

An alternative colour for the upper profiled steel sheeting, which tones with the stonework proposed, might also be acceptable.

Pedestrian Links

The County Council Rights of Way officer has requested links to the local public footpath network and the proposed link on the “Footpaths Markup” is welcomed. However, this and the provision for future footpath to the north are not added to the proposed site plan.

A stepped footpath link in the vicinity of plots 208, 217, 218, 25 and 26 is required to ensure a direct link between the main access and a large number of dwellings in the southern and western sectors. Matlock has many examples of long-term maintenance of steeply stepped paths and I am sure it is possible to design a robust and practical scheme, including safety railings, to ensure this additional and much needed pedestrian link.

Conclusion

MCA hope that the objections referred to above can be overcome by satisfactory amendments, since the development will provide housing without encroaching into open countryside. However, this is a large and important site and if the amendments requested above are not forthcoming, we consider that the proposals should be refused.

6.3 The following representations have been received from Derbyshire Swift Conservation Project:

As enhancement for breeding birds the Updated Ecological Appraisal (Morph Ecological Consultants, Feb 2023) states “It is recommended that bird boxes are installed within the retained woodland areas as well as installing integrated boxes into the new buildings” despite best-practice guidance stating that ecological enhancement for declining urban bird species should take the form of Swift bricks integrated into the façade.

Integrated nest bricks are preferable to external nest boxes as they become a permanent feature of the building, require zero maintenance, are aesthetically integrated with the design of the building, are less vulnerable to vandalism and have better thermal regulation with future climate change in mind.

Additionally, such bricks are considered a universal nest brick for urban bird species, including red-listed species such as Common Swift, House Sparrow, House Martin, and Starling.

Best-practice guidance has recently been made available with the publication of British Standard BS 42021:2022 “Integral Nest Boxes – selection & installation for new developments”:

The integration of universal nest bricks is also supported by the National House Building Council Foundation, the standard-setting body for new homes: Section 8.1 Nest sites for birds.

Additionally, section 174(b) of the revised National Planning Policy Framework (NPPF, 2019), states:

“To promote and enhance biodiversity and geodiversity, plans should: ...identify and pursue opportunities for securing measurable net gains for biodiversity...” and is explained further

by the accompanying guidance notes (NPPF, Natural Environment Guidance, paragraph 023): "...relatively small features can often achieve important benefits for wildlife, such as incorporating 'swift bricks' and bat boxes in developments..."

It is appropriate, therefore, that this development is built incorporating a reasonable number of Swift bricks (otherwise known as "universal bricks") so providing nest sites suitable for all these rapidly declining urban bird species. The density we propose is supported by the recently published British Standard (see above).

We request that a condition is imposed to ensure this development is built with up to 24 internal nest bricks (i.e. 1 brick per dwelling) designed for Swifts as a universal biodiversity enhancement for urban bird species and that photographic evidence of installation is made available upon completion.

6.4 The following representations have also been received from Tracey Queenan on behalf of Chesterfield Royal Hospital:

Section 106 impact on health to be considered. Initial modelling suggests that the impact of this development is up to £21k.

7 OFFICER APPRAISAL

Policy Context

- 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 (2023) is an important material consideration in respect of this application.
- 7.2 The site and wider quarry is allocated within the Adopted Derbyshire Dales Local Plan (2017) for mixed use development (Policy HC2(v) and Policy EC2(e)) comprising approximately 220 dwellings and 2 hectares of employment land. The site falls within this strategic land allocation and has been submitted in parallel with approval of reserved matters application code ref. 20/00308/REM for the erection of 196 no. dwellings, a cafe/restaurant (A3 Use) and 4no. Commercial Units (B1 Use) (outline planning application 14/00541/OUT). Together the development achieves the local plan allocation, delivering a total of 220 dwellings and commercial development covering 2ha. This application includes development that sits outside of the scope / site area of the outline permission and associated approval of reserved matters application which is pending consideration.
- 7.3 The settlement framework boundary for the town extends out to the west and includes the strategic land allocation. Matlock is a tier 1 settlement in the Adopted Derbyshire Dales Local Plan (2017). Tier 1 settlements are the largest settlements in the plan area. These accommodate the majority of the District's population, services and facilities. The spatial strategy seeks to focus to future growth in these settlements and to strengthen their role as service centres. It is recognised that they will provide significant levels of jobs and homes, together with supporting community facilities and infrastructure.
- 7.4 Such is the importance of the site in terms of the spatial strategy, it is specifically included in the plans strategic allocations. Policy DS5 deals specifically with the land at Halldale quarry and allocates 27 hectares of land allocated for mixed use development (Policy HC2(v) and Policy EC2(e)) comprising approximately 220 dwellings and 2 hectares of employment land. The strategic policy advises that development will be subject to compliance with adopted Local Plan policies and:

- Preparation of a comprehensive layout and site masterplan for the development incorporating community facilities proportionate to serve the needs of future residents of the site.
- Preparation of a detailed phasing programme covering the entire site, such a programme to ensure the provision of the employment development and residential development concurrently or as otherwise agreed with the District Council. Preparation of a Transport Assessment and Travel Plan, including full highways design, specific consideration of public transport routes, improvements to existing and development of new pedestrian/cycle routes and implementation of measures to deter traffic diverting through Oker and Snitterton.
- Provision of crossing facilities across Matlock Spa Road and the provision of footways up to and into the site.
- Provision of the required proportion of affordable housing and provision of an appropriate mix of housing types to meet the needs of the community.
- Provision of a comprehensive landscaping plan, including the retention of key landscape features.
- Preparation of a scheme to address the impact of development on visual amenity including potential light pollution.
- Provision of open space and green infrastructure on site with links established to the wider countryside.
- The submission of an air quality assessment and hydrological and hydrogeological assessment which identifies any potential effects, and any mitigation measures necessary to avoid adverse effects on the integrity of the Peak District Dales SAC either as a standalone development or in combination with other plans or projects.
- The submission of an assessment of the potential effects from recreation by future residents of the development on Peak District Dales SAC and any mitigation measures necessary to avoid adverse effects on the integrity of the Peak District Dales SAC either as a standalone development or in combination with other plans or projects.
- A site-specific Flood Risk Assessment in accordance with the findings of the Derbyshire Dales Strategic Flood Risk Assessment.
- Development shall have regard to the need to ensure sufficient capacity in the local sewage network and receiving sewage treatment works.
- Developer contributions towards the provision of infrastructure, educational services and other community services including open space as required.
- Ecological Assessment (i.e. desk and field based assessments, habitats/species assessments/mitigation proposals).
- Contamination and ground condition survey, and in the event that remedial works are required the extent of any mitigation measures to enable the site to be brought forward for development.
- Development shall have regard to the impact on the existing mineral resource, and
- Provision of a comprehensive landscape and biodiversity mitigation plan, including the retention of key landscape and ecological features.

7.5 The Council is unable at this time to demonstrate a 5 year housing land supply. Paragraph 11 d) of the National Planning Policy Framework is therefore engaged. Paragraph 11 d) advises that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [7] ; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In respect of footnote 7 the policies referred to are those in the framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68 in chapter 16); and areas at risk of flooding or coastal change.

- 7.6 Notwithstanding that the site is already allocated for housing development in the Adopted Derbyshire Dales Local Plan (2017) and is located within the settlement framework boundary, the tilted balance in favour of the development is deemed to be engaged and it is a policy requirement to weigh the benefits of the development against any adverse impacts.
- 7.7 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 in respect of this application for full planning permission are:
- The appropriateness of the layout, scale and appearance of the development and associated landscaping;
 - The impact on the local landscape and setting of the Peak District National Park Authority;
 - Highway safety and traffic impacts and connectivity to the town / services and facilities;
 - Viability, affordable housing provision, housing mix and developer contributions;
 - The impact of the development on the residential amenity of the occupants of existing dwellings and future residents;
 - Open space and recreation provision;
 - Impact on protected sites, wildlife and ecology;
 - Surface water drainage, and;
 - Climate change.

The potential for below ground archaeology to be impacted is understood and a condition can be secured to ensure appropriate monitoring and recording of works within the vicinity of historic lead mining shafts to satisfy the relevant provisions of the development plan and national policy. This does not pose a constraint to development. The measures to design out crime can be secured / considered through planning conditions.

The appropriateness of the layout, scale and appearance of the development and associated landscaping

- 7.8 Paragraph 126 of Chapter 12 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.
- 7.9 Paragraph 134 of the National Planning Policy Framework advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Footnote 52 refers to guidance contained in the National Design Guide (NDG) and National Model Design Code. As the District Council has not yet adopted any Design Codes the NDG and Model Design Code are of relevance.

7.10 In terms of local design policies, Policy PD1 of the Adopted Derbyshire Local Plan 2017 deals with design and place making and requires:

- development to be high quality design that respects the character, identity and context of the Derbyshire Dales townscapes,
- all new development is based on a thorough site appraisal and that 'design quality' is reflected in the development through a clear understanding of site context including reference to any Design Statements, Neighbourhood Plans, and is sensitive to its context as well as contributing to sustainable living and contribute positively to an areas layout and relationship to adjacent buildings and landscape features.
- development on the edge of settlements enhances and/or restores landscape character, particularly in relation to the setting and character of the Peak District National Park 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.
- public and private spaces are well-designed, safe, attractive, complement the built form and provide for the retention of significant landscape features such as mature trees.
- developments are easy to move through and around, incorporating well integrated car parking, pedestrian routes and, where appropriate, cycle routes and facilities.
- developments are designed to minimise opportunities for anti-social or criminal behaviour and promote safe living environments.
- the inclusive design of development, including buildings and the surrounding spaces, to ensure development can be accessed and used by everyone, including disabled people development takes account of national design guidance and Supplementary Planning Documents.

7.11 Some of these provisions are included in Policy S7 of the Adopted Derbyshire Dales Local Plan, with an emphasis on maintaining the identity of the settlements that make up the central area, including Matlock.

7.12 The National Design Guide (NDG) sets out the characteristics of well-designed places and demonstrates what good design means in practice. It includes 10 characteristics that are key to good design. Its use helps to assess the quality of planning applications.

7.13 This application specifically concerns land and development around the periphery of the quarry. It includes development in a wooded area at the entrance to the quarry, housing development at the western end of the site and on the south eastern and northern fringes.

7.14 To achieve the quantum of development allocated and which is a viable proposition to the applicant there has been a need to include additional land, which sat outside of the application boundary in respect of outline permission 14/00541/OUT.

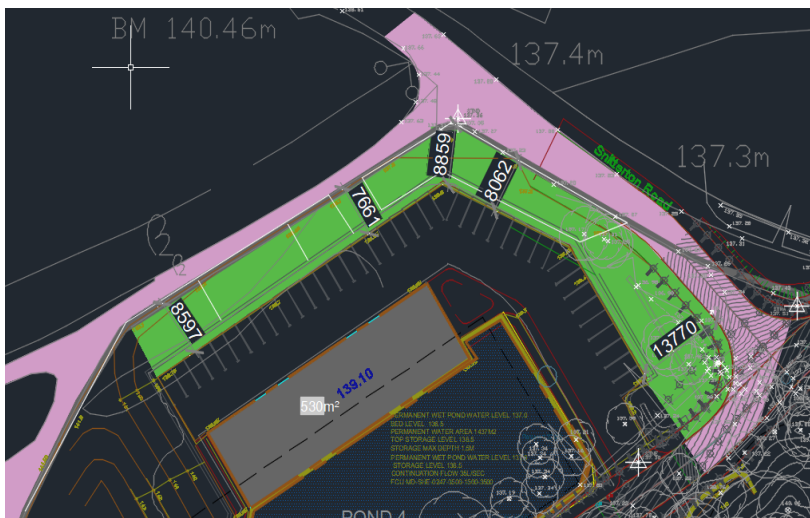
7.15 An architect led scheme has been prepared that seeks to positively respond to the features of the site. They have engaged Matlock Civic Association and made revisions to the roof design of building block Y to better respond to the architecture prevalent in the area and to reflect local built forms, whilst creating a strong identity / sense of place.

7.16 At the site entrance a traditional workshop style building is proposed, adjacent to a body of water. Beyond this is a series of three storey town houses with accommodation in the roof, which forms a focal building and continuation of the traditional properties that will line the road towards the development centre. In the background are a series of split level contemporary dwellings, which deal with the varying levels of the quarry. This is illustrated in the below 3d image:



7.17 Although there is variety in the architecture at the site entrance, the use and siting of contemporary split-level dwellings are used on the edges of the site, where there are significant variations in site levels over a small area are a common and consistent feature of the development. The focal town houses will form a strong entrance into and continuation of the traditional architecture that will lead into the development centre, where there is a higher concentration of dwellings, a café / restaurant and commercial buildings. Key to the success of the design and layout will be the use of materials. The contemporary dwelling is indicated to have three bands of materials. The rhythm of openings at ground floor would tie in with the traditional property and the use of stone at ground level could tie in with the limestone faces of the quarry and boundary walls, with the first floor being faced in gritstone so that there is an affinity with the workshop style building and traditional properties on the approach to the development centre, which provide a strong entrance into the development. Matlock Civic Association have raised concerns with the roof design of the town houses (block Y) and the design has been amended. The hipped ends are considered to be more reflective of traditional roof forms and would be perceived as such from public vantage points.

7.18 The site entrance is currently well screened by trees. Although there will be development within the wooded area and parking around the entrance commercial building, a significant buffer will remain to ensure an appropriate landscaped setting and to not open up significant views into the development when approaching the site from the east. The below plan shows the margin that will remain, enabling existing trees and woodland to be retained. A condition would be required to ensure an acceptable level and protection of landscaping in this area.



- 7.19 The development to the west will comprise a continuation of the housing forming part of the approval of reserved matters application 20/00308/REM. Their layout and design is considered to be acceptable. Development would be contained within the quarry and views filtered by existing landscaping. The development has been carefully designed to meet National Design Guide Criteria to ensure successful place making. The dwellings within the development transition from properties of a traditional form, with contemporary detailing to dwellings of overtly contemporary design and form that will be split level, responding to the level changes across the site. The housing development to west, south east and north follow this theme and will result in a unique development that will respect the identity of the quarry and be of a high quality that respects the context and identity of this part of the town in terms of its expansion.
- 7.20 The development also includes the cabins commercial buildings, which are architect designed and will sit close to a quarry face at the south eastern end of the site. Their design would complement the traditional and contemporary architecture of the other buildings and will create interest and an attractive environment for E(g) use.
- 7.21 Officers consider that the development is successful in terms of responding to context and creating identity to ensure successful place. The mix of housing and commercial development will also assist in creating a sustainable community. The development mixes built form with nature, including the retention of woodland planting around the site and the creation of new habitats, green corridors including trees lined streets and surface water attenuation features which will permeate through the site creating an attractive place to work and live. The green infrastructure and landscape strategy will ensure that the woodland areas and natural feel of the site will remain. Careful consideration will need to be given to the landscaping at the entrance of the site to ensure that this is sufficiently robust.
- 7.22 The harmonisation of materials and the execution of the architecture and, in particular, the various design elements will be key to the success of the development. In order to achieve this, conditions to secure samples of all materials (which shall include natural stone and buff brick), their distribution across the site, details of window and door designs (pattern, material and colour), porches, dormers, stonework (verge copings, kneelers, cornices, quoins, string courses, head and cills, window surrounds), chimney stacks and pots, boundary treatments, finished site levels and hardsurfacing will be required. Subject to careful consideration of such details, the development would satisfy the relevant provisions of the development plan in terms of the layout, scale and appearance of the development and associated landscaping and will deliver high quality development that would respect the site context and character and identity of the wider area.

The impact on the local landscape and setting of the Peak District National Park Authority

- 7.23 The development includes development on the fringes of the quarry and at the site entrance, which will be visible from the main access road into the site and from across the valley (Matlock Bank and Hackney).
- 7.24 Policy S1 advises that all developments should seek to make a positive contribution towards the achievement of sustainable development by improving the economic, environmental and social conditions of the area wherever possible. This will be achieved by conserving and, where possible, enhancing the distinct Peak District character, the natural and historic environment, including the setting of settlements both within the Plan area and its surrounding areas including the Peak District National Park amongst other considerations.
- 7.25 Policy PD5 deals specifically with landscape character and states that the District Council will seek to protect, enhance and restore the landscape character of the plan area

recognising its intrinsic beauty and its contribution to the economic, environmental and social well-being of the Plan area. This will be achieved by:

- Requiring that development has particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, such as trees and woodlands, hedgerows, walls, streams, ponds, rivers or other topographical features.
- Requiring that development proposals are informed by and are sympathetic to the distinctive landscape character areas as identified in 'The Landscape Character of Derbyshire' and 'Landscape Character of the Derbyshire Dales' assessments and also take into account other evidence of historic landscape characterisation, landscape sensitivity, landscape impact and the setting of the Peak District National Park and where appropriate incorporate landscape mitigation measures.
- Requiring that development proposals recognise the intrinsic character, appearance and local distinctiveness of the landscape and landscape setting of the Peak District National Park and can be accommodated without unacceptable impact.
- Resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement.

Development will also only be permitted if all the following criteria are met:

- a) The location, materials, scale and use are sympathetic and complement the landscape character.
- b) Natural features including trees, hedgerows and water features that contribute to the landscape character and setting of the development should be both retained and managed appropriately in the future.
- c) Opportunities for appropriate landscaping will be sought alongside all new development, such that landscape type key characteristics are strengthened.

7.26 Halldale Quarry provides a dramatic and familiar backdrop to views across the valley, especially from Matlock Bank and Hackney. The development on higher ground to the south and east will be visible. When read as an extension of the town in this direction with the Cawdor Quarry development and having regard to the scale and design of the dwellings, it is not considered that the development would not be harmful to the local landscape. The position of the site relative to the Peak District National Park, some 700m away and surrounding topography is such that there would be no views that would result in harm to its setting.

7.27 There will be some further intrusion at night when the lighting associated with the development would be apparent in views from Matlock Bank and Hackney. To minimise any adverse effects an external lighting scheme is recommended. The development seeks to utilise and supplement existing tree planting to maintain the natural setting of the site and its contribution to the landscape.

7.28 Taking the above into consideration the development is considered to be acceptable in terms of its landscape impacts and effect on the Peak District National Park.

Highway safety and traffic impacts and connectivity to the town / services and facilities;

7.29 Policies S1, S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) require development proposals to demonstrate that they can be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan.

7.30 The Local Highway Authority has assessed the ability of the road network to accommodate the amount of development (full application and parallel approval of reserved matters

submission) when considering the outline application and developer contributions have been secured towards highway improvements. The applicant is also at an advanced stage with agreeing the priority junction design to serve the development with the Local Highway Authority under s278 of the Highway Act, which includes increasing the extend of the 30mph zone along Snitterton Road. Although the roads are to remain private, the Local Highway Authority have advised that the road layout and parking provision is acceptable from a highway safety and traffic perspective and subject to conditions have raised no objections.

- 7.31 The Local Highway Authority have advised that a revised Travel Plan can be submitted prior to the occupation of any building on site. This will need to be conditioned as part of this and the parallel full application and linked to the terms of the legal agreement in respect of the outline permission, which secures funding for future monitoring.
- 7.32 The various rights of way groups have raised concerns with regard to the lack of walking and cycling connections to the town and wider countryside. These concerns are also raised in some of the representations received. There are no public footpaths that cross through the site, although there is a network of routes within the vicinity.
- 7.33 Due to existing topography, the previous quarrying activity and land ownership, there only is one point of primary access which is possible. In an earlier amendment to the reserved matters application the applicant explored the removal of the large hill at the front of the site, which could have led a much wider access area into the site, however this would open up views of the site and resulted in the removal of vegetation that would have a significant adverse impact on the landscape.
- 7.34 The applicant has had regard to the comments submitted by the County Council Rights of Way officer on the 24th of April, 2023, together with comments made from other consultees and contributors. The applicant has investigated how they could improve connectivity both within the site and to the wider area, given the existing topography, which in part consists of sheer quarry faces along much of the boundary of the site, which makes connectivity at those locations challenging. The masterplan was revised to incorporate a direct linkage onto footpath 90 from the site, which in turn links to footpath 106 and the wider network.
- 7.35 The revised site layout plan also includes the provision of a footpath link directly between the application site and Snitterton Road, on the land that lies within the applicant's ownership to the north. However, there is a strip of land within third party ownership that the applicant does not own or control that would be required to make this full connection. The current plan does make provision for a future link in this location. The site layout plan also includes increased footpath/pedestrian links throughout the site to encourage walking on foot. These linkage areas were marked on a revised plan which was submitted on 14th July 2023.
- 7.36 The applicant has commented on the County Council Rights of Way Officer's suggestion of a footpath being formed to the south of the site to Salters Lane to link to footpath no. 76. They advise that they have examined this opportunity and it has been discounted given that it is impossible to gain access at this point due to the major quarry faces located very close to it.
- 7.37 It is considered, having regard to the site constraints that appropriate provision has been made to connect to existing infrastructure to encourage walking and cycling where opportunities allow. The site is located approximately 1500m by foot from Matlock town centre. Matlock Spa Road and Snitterton Road rise on a considerable gradient to reach the site. Sainsbury's supermarket, some 600-700m from the site and is well served by buses. The railway station is located approximately 800m from the site via Snitterton Road/Matlock Spa Road. The station provides a direct service at an hourly frequency to Derby and Nottingham.

7.38 Having regard to the above development is considered to be acceptable in respect of the requirements of Policies S1, S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017). Conditions to secure the phasing of development and delivery of associated infrastructure will be necessary to ensure compliance with the above policies.

Viability, affordable housing provision, housing mix and developer contributions

7.39 In order to address the significant need for affordable housing across the Local Plan area, policy HC4 requires that all residential developments of 11 dwellings or more or with a combined floor space of more than 1000 square metres provide 30% of the net dwellings as affordable housing.

7.40 Policy HC11 of the Adopted Derbyshire Dales Local Plan (2017) prescribes a housing mix to meet the Council's housing needs and to create a sustainable, balanced and inclusive communities. The application proposes 17 no. three bedroomed dwellings and 7 no. four bedroomed dwellings.

7.41 Policy S10 states that suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary when considering new development, including providing for health and social care facilities, in particular supporting the proposals that help to deliver the Derbyshire Health and Wellbeing Strategy and other improvements to support local Clinical Commissioning Groups (CCG) and facilitating enhancements to the capacity of education, training and learning establishments throughout the Plan Area.

7.42 When considered with the parallel approval of reserved matters application the development falls within the quantum of development approved at outline, where it was found following scrutiny by the District Valuers Office that the development was not viable with any contribution towards affordable housing or developer contributions. There are significant abnormal costs associated with development in a quarry and although the permission granted at outline is a material consideration, the applicant has presented an addendum which sets the scene with regard to the current viability position. The applicant has advised that the abnormal costs and need to have substantial infrastructure to be in place at the start of the development is unchanged therefore this is still a challenging site in terms of cash flow and financial viability.

7.43 Whilst it is acknowledged that the sales values will have increased since the original valuations were agreed this will be outweighed by the increase in development costs (labour and materials) and therefore this would not materially impact on the level of Section 106 contributions that have been agreed. The applicant advises that if anything there are likely to be greater financial challenges which will reduce the amount of available Section 106 contributions.

7.44 Taking the above into consideration, it remains that the development cannot support affordable housing provision or any new developer contributions. With regard to developer contributions necessary to support the development, the education authority have advised that there is sufficient capacity in the local schools to accommodate the needs arising from the development. The ICB advise that the development falls below their threshold for assessment and consideration of the any health contribution required. Whilst Chesterfield Royal Hospital have made a request for funding, this is not against a costed capital project and is not be CIL regulations compliant. The contribution appears to be related to service delivery, which should be funded through general taxation as the population grows.

7.45 Policy HC11 states that all new residential developments (both market and affordable and whether general needs or specialised) will be required to contribute towards the creation of sustainable, balanced and inclusive communities by meeting identified local and District

housing needs in terms of housing mix, size and tenure. Generally, the larger the scale of development, the more opportunity exists for a wider range of dwelling types and sizes.

7.46 The policy advises that the Council will seek to secure the following mix of housing as part of all residential developments of 11 dwellings or more although recognises that the 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.

	1-bed	2-bed	3-bed	4+ bed
Market	5%	40%	50%	5%
Affordable	40%	35%	20%	5%
All Dwellings	15%	40%	40%	5%

7.47 In allowing outline permission the Local Planning Authority accepted a housing mix that was skewed towards larger house types, based on the viability of the project. The housing mix which fed into the District Valuers assessment indicated, 51 no. two bed roomed dwellings, 79 no. three bed roomed dwellings, 80 no. four bed roomed dwellings and 10 no. five bed roomed dwellings. This mix of housing indicated that the development could not support any level of affordable housing or s106 contributions. Although the number of four bed roomed dwellings, has increased slightly, so have the number of two bed roomed dwellings. Notwithstanding the development that has come forward as part of the parallel full application, the proposed mix housing mix is considered to be acceptable and would not be at significant variance with / undermine the findings of the viability assessment that was undertaken in 2016.

7.48 The development as a whole (this application and the parallel full application) would deliver the following mix:

No. of bedrooms	No. of dwellings
2	69
3	43
4	97
5	11

7.49 Although there is a greater number of 4 and five bed roomed properties, there is a greater number of 2 bed roomed dwellings to compensate for this. The overall housing mix is considered to be acceptable in terms of meeting the long term housing needs of both young people and families.

7.50 Given that the development relates and links to the outline and parallel approval of reserved matters applications, it will be necessary to tie the development to the terms of the s106 agreement secured in respect of the outline permission. This secured provisions in relation to the delivery of commercial floorspace / development and contributions towards highway improvements (£75,000 to be spent in the Matlock Area to mitigate the impact of the development), a traffic regulation order (£7,500 in respect of relocating the 30mph on Matlock Spa Road / Snitterton Road and travel plan (£12,500 to monitor the Travel Plan prepared by PTB Transport Planning Ltd dated 24 June 2014.

7.51 Subject to the application being tied to the obligations secured in respect of the linked outline permission the development would make commensurate contributions and proposes a housing mix that would be acceptable.

The impact of the development on the residential amenity of the occupants of existing dwellings and future residents;

- 7.52 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.53 Representations have been received from occupants of dwellings forming part of the Gordon Lodge community of 5 properties to the north of the site. The proximity of these dwellings to plot 140 and the potential for overlooking has been raised. The applicant has presented sections through the site and finished floor levels on detailed engineering drawings to indicate that the dwelling will not be prominent. Although the land rises at the northern end of the Quarry towards the Gordon Lodge community, there will be a substantial woodland buffer between these properties and the development. The dwelling on plot 140 will also be a split level dwelling cut into the site, 3m below the level to the north. The distances between the properties and intervening woodland is such that there would not be any loss of privacy or overbearing / overshadowing effects.
- 7.54 In the representations received reference is made to the need for a community liaison group to be formed to ensure that the local community is kept up to date on the build programme and significant construction works to keep any disturbance to a minimum. This is considered to be a reasonable request and can be secured by condition to satisfy the requirement of policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

Open space and recreation provision

- 7.55 Policy HC14 requires new residential developments of 11 dwellings or more to provide or contribute towards public open space and sports facilities. The Adopted Supplementary Planning Document (SPD) on Developer Contributions dated February 2020 supersedes the table in policy HC14 as it is based on the updated study from January 2018.
- 7.56 The SPD sets out the provision per dwelling that is required to meet the identified deficiencies. This is set out in the table below:

Type	Area Requirement Square Metres per dwelling
Parks and Gardens	9.74
Provision for children and young people	1.62
Allotments	3.94

- 7.57 The application seeks permission for 24 dwellings and links to an approval of reserved matters applications, which makes sufficient provision for informal open space and a central park / play area. The limited number of dwellings proposed as part of this application is such that it would be impractical to deliver a modest allotment area, notwithstanding that the quantum of development would fall within the scope of the original outline permission.
- 7.58 There is no requirement to deliver sports facilities on the site, based on the existing outline permission and amount of development and Sport England have not commented in this respect.
- 7.59 The housing mix proposed is therefore considered to be acceptable in accordance with requirements of condition 20 of the outline permission and Policy HC11 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on protected sites, wildlife and ecology

- 7.60 With regard to protected species and biodiversity impacts Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) seeks to protect, manage, and where possible enhance the biodiversity and resources of the plan area and its surroundings by ensuring that development proposals will not result in harm to biodiversity. The policy advises that this will be achieved by encouraging development to include measures to contribute positively to the overall biodiversity of the plan area to ensure there is a net overall gain to biodiversity. These provisions are supported by the NPPF, paragraph 174 of which advises that planning decisions should provide net gains for biodiversity.
- 7.61 As can be seen in the consultation comments received from Derbyshire Wildlife Trust the development, when assessed on its merits, would enable the deliver a biodiversity net gain and would be acceptable in terms of habitat creation and wildlife protection subject to conditions.
- 7.62 The development site lies approximately 600m north-west of the Peak District Dales Special Area of Conservation (Matlock Woods), 200m north of Masson Hill SSSI and is adjacent to the south of Cawdor Quarry SSSI. The development was screened in terms of the likely effects under the Habitat Regulations in respect of the outline permission and a Construction Environment Management Plan (CEMP) was secured by condition. Natural England have raised no objections subject to the inclusion of such a condition and have advised that the development will not have likely significant effects on the Peak District Dales Special Area of Conservation and that likely significant effects can be ruled out.
- 7.63 An appropriate assessment is not required in respect of the development. It is not hydrologically connected to the SAC and is physically separated from the SAC by the intervening topography. The features of this unit of the SAC are also immobile, and thus unlikely to be impacted by the proposals.
- 7.64 The proposed development has the potential to impact on the SSSI sites during construction via dust mobilisation, hence the need for a CEMP.
- 7.65 The quarry faces represent the boundary of a regionally important geological site. The development plan seeks to ensure that the development would not harm the geodiversity of such sites. Conditions are recommended to safeguard the faces in this respect.
- 7.66 Taking the above into consideration officers are satisfied that with conditions the development would not adversely impact on protected sites or result in harm to wildlife or biodiversity and would therefore satisfy the relevant provisions of Policy PD3 and national planning policy.

Surface water drainage

- 7.67 Policies S1 and PD8 of the Adopted Derbyshire Dales Local Plan (2017) state that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere. Development will be supported where it is demonstrated that there is no deterioration in ecological status either through pollution of surface or groundwater or indirectly through pollution of surface or groundwater or indirectly through overloading of the sewerage system and wastewater treatment works. New development shall incorporate Sustainable Drainage Measures (SuDS) in accordance with national standards.
- 7.68 The application is accompanied by a flood risk assessment, which has been updated to take account of urban creep which includes a land drainage strategy. The site is not vulnerable

to flooding, being sited high up on a hillside in flood zone 1. Ground testing rule out infiltration.

7.69 Land drainage pipes exist at the quarry entrance and route a short distance along the top of Cawdor Quarry before discharging across an existing cliff face and into a pond to the north of the site. This replicates the existing run off route from the quarry. In terms of meeting drainage hierarchy requirements, the options that are available include:

- Conversion and improvement of the existing highway drainage along Matlock Spa Road using Section 102:1991 Water industries Act. We have an agreement in principle with DCC Highways to this effect and a commentary of requirements from Severn Trent Water to progress this option is required. The outfall is at the Sainsbury's traffic lights where a 450mm diameter pipe discharges to the Derwent.
- A Connection to the existing combined sewer network in Matlock. We again have a correspondence chain with Keith Baker at STW regarding this option. We understand that a capital scheme is in preparation from STW to uprate its sewer overflows to the Derwent to prevent spill frequency so capacity can be made available.
- The option to requisition a surface water sewer under Section 98-101:1991 Water Industries Act. The most likely scenario would be a discharge to the sewer in Cawdor Quarry with improvements to their controls.

7.70 Discharge rates will be controlled by a sequence of 4 attenuation ponds in a cascade down the reinstated quarry slope. Full design calculations for the sizing of the ponds have been provided up to the 1 in 100 year event plus a 40% allowance for climate change. This is considered to be acceptable by the LLFA and conditions have been recommended accordingly.

7.71 Taking the above into consideration officers are satisfied that the development can be appropriately drainage, is not vulnerable to flooding or would result in flooding elsewhere and is therefore acceptable in respect of the requirements of Policies S1 and PD8 of the Adopted Derbyshire Dales Local Plan and national policy.

Climate change

7.72 Policies S1 and PD7 of the Adopted Derbyshire Dales Local Plan (2017) state that the Council will promote a development strategy that seeks to mitigate the impacts of climate change and respects our environmental limits by: requiring new development to be designed to contribute to achieving national targets to reduce greenhouse emissions by using land-form, layout, building orientation, planting, massing and landscaping to reduce energy consumption; supporting generation of energy from renewable or low-carbon sources; promoting sustainable design and construction techniques, securing energy efficiency through building design; supporting a sustainable pattern of development; water efficiency and sustainable waste management. Paragraph 126 of Chapter 12 of the National Planning Policy Framework also states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

7.73 The application is accompanied by a Sustainability Statement which considers the provisions of Policy PD7. It states that the development will adopt the following sustainable features:

- the residential part of the development will follow best practice guidance and aim to reduce the total carbon emissions by 19% over Building Regulations using SAP 10.2 carbon dioxide emission factors;

- The non-domestic part of the development will as a minimum meet carbon emissions reductions demanded by the BREEAM “Very Good” Standard
- Reduce energy consumption by targeting improved U-values and airtightness. Low energy lighting will be specified.
- Implement a site waste management plan and stringent resource efficiency benchmarks.
- Follow best practice policies in terms of air, water and ground pollution and appoint a contractor who will register for the Considerate Constructors Scheme.
- Achieve a water consumption target of 110 litres/person/day for all new homes, through the implementation of water efficiency measures;
- Utilise sustainable transport, including access to public transport and inclusion of cycle storage facilities;
- Minimise embodied carbon through efficient design, procurement of materials from a local source, or with a high-recycled content, where possible.
- Be of high build quality, surpassing the minimum Building Regulations.
- Ensure all materials are responsibly sourced and of low environmental impact where feasible.
- Consider health and wellbeing through design and operational procedures, including daylight, optimum indoor air quality and thermal comfort.
- Protect and enhance the ecological value of the site.

7.74 The above measures would make a contribution towards mitigating the effects of and adapting to climate change. There is no mention of electric charging points or microgeneration. The Local Highway Authority have, however, recommended that an electric vehicle infrastructure strategy and implementation plan, that includes details of the number and location of all electric charging points across the site be secured by condition. With such a condition to encourage and secure electric charging points, the proposals are considered to comply with the requirements of development plan Policy PD7, particularly having regard to the viability of the development. A sustainable urban drainage (SUDs) system will also be delivered which will help attenuate surface water during extreme rainfall events.

Planning balance and conclusion

7.75 The Council is unable at this time to demonstrate a 5 year housing land supply. Paragraph 11 d) of the National Planning Policy Framework and the tilted balance in favour of the development is therefore engaged.

7.76 The site is sustainably located and already allocated for housing and commercial development in the Adopted Derbyshire Dales Local Plan (2017).

7.77 The development would make a positive contribution towards housing delivery, and in conjunction with the parallel approval of reserved matters application 20/00308/REM and conditions (restricting the commercial building to use class E(g) only) will deliver the strategic site allocation.

7.78 The development would deliver high quality and well-designed development within a former quarry, will not adversely impact on the local landscape, adversely prejudice the wildlife interests of the site and subject to implementation of the green infrastructure and landscaping strategy result in a biodiversity net gain. Although the development would not deliver any affordable dwellings, which is a negative, this can be justified based on the viability of the quantum of development approved and abnormal costs associated with developing a site of this nature. The development would however deliver a mix of housing that would be available to young people and families and help meet the long term housing needs of the district.

- 7.79 In addition to the commercial development, it will provide additional economic and social benefits during construction and occupation, however these benefits are not exceptional and to a large degree would be commensurate with any residential and commercial development.
- 7.80 The development incorporates a sustainable urban drainage system and will include measures to help mitigate the effects of and adapt to climate change.
- 7.81 With conditions, which repeat some the environmental controls in relation the outline permission and conditions to secure high design quality and landscaping and a linking agreement to tie the development to the terms of the planning obligations and requirements in respect of outline permission 14/00541/OUT and biodiversity net gain, the development would deliver the policy aspirations of the Adopted Derbyshire Dales Local Plan (2017). As the development can only be carried out in conjunction with the associated outline and approval of reserved matters application it will be necessary to tie the commencement of the permission to this consent.
- 7.82 When all material considerations are weighted, the balance lies in favour of the development (with or without the tilted balance in favour) and a recommendation of approval is put forward on this basis.

8 RECOMMENDATION:

That authority be delegated to officers to grant planning permission, following the completion of a linking agreement or deed of variation to tie the development to the terms of the s106 agreement secured in respect of outline permission 14/00541/OUT and to secure the long term delivery of biodiversity net gain and subject to the following conditions:

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

Reason:

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

2. The development hereby permitted shall not be carried out except in complete accordance with the following amended plans and documents:

Block Y - GA Elevations - 21-009_L(00)_3751 Rev C
 Block Y - GA Elevations - 21-009_L(00)_3752 Rev C
 C1 Commercial Unit 01 - GA Elevations - 21-009_L(00)_3911
 The Cabins - GA Elevations - HAL-ARC-B1-XX-DE-A-3706
 Unit Type 03_B - GA Elevations - HAL-ARC-B1-XX-DE-A-3757
 Unit Type 04 - GA Elevations 21-009_L(00)_304
 Unit Type 05_B - GA Elevations - HAL-ARC-B1-XX-DE-A-3759
 Unit Type 16_B - GA Elevations - HAL-ARC-B1-XX-DE-A-3766
 Unit Type 17_B - GA Elevations -HAL-ARC-B1-XX-DE-A-3767
 Unit Type 101 - GA Elevations - 21-009_L(00)_3201
 Unit Type 106 - GA Elevations - 21-009_L(00)_3251A
 Unit Type 106 - GA Elevations - 21-009_L(00)_3252A
 Unit Type 107 - GA Elevations - Option 1 HAL-ARC-B1-XX-DE-A-3754
 Unit Type 107 - GA Elevations - Option 2 HAL-ARC-B1-XX-DE-A-3755
 Unit Type 108 - GA Elevations - 21-009_L(00)_3271
 Unit Type 108 - GA Elevations - 21-009_L(00)_3272
 All associated building type floor plans;

Site Location Plan - 21-009_PL_001
 Proposed Site Plot Plan -21-009_PL_003 Rev B
 Footpaths Markup
 Tree Fencing Markup
 Design and Access Statement - DAS_REVF
 Engineering Layout Plan Sheet 1 of 4 - E788-10 Rev D
 Engineering Layout Plan Sheet 2 of 4 - E788-11 Rev D
 Engineering Layout Plan Sheet 3 of 4 - E788-12 Rev D
 Engineering Layout Plan Sheet 4 of 4 - E788-13 Rev D
 Road and Sewer Long Sections Sheet 1 of 4 - E788-20-01 C
 Road and Sewer Long Sections Sheet 2 of 4 - E788-20-02 C
 Road and Sewer Long Sections Sheet 3 of 4 - E788-20-03 D
 Road and Sewer Long Sections Sheet 4 of 4 - E788-20-04 D
 Vehicle Tracking-1 of 2E788-15-01B
 Vehicle Tracking-2 of 2E788-15-02B
 Site Cross Sections Location Plan e788-08a
 Site Cross Sections Sheet 1 of 8 -E788-22-01 B
 Site Cross Sections Sheet 2 of 8 - E788-22-02 B
 Site Cross Sections Sheet 3 of 8 - E788-22-03 B
 Site Cross Sections Sheet 4 of 8 - E788-22-04 B
 Site Cross Sections Sheet 5 of 8 - E788-22-05 B
 Site Cross Sections Sheet 6 of 8 - E788-22-06 B
 Site Cross Sections Sheet 7 of 8 - E788-22-07 B
 Site Cross Sections Sheet 8 of 8 -E788-22-08 B
 Technical Note 2, Traffic Generation T21505 TN2 rev A
 Green Infrastructure Plan 23.1745.002 Rev B (26.09.23)
 Landscape Strategy 23.1745.001 Rev B (26.09.23)
 Biodiversity Metric 4.0 Calculation Tool September 2023 Rev 5
 Waste Management Strategy 21-009_PL_050
 Waste Management Strategy 21-009_PL_051
 Waste Management Strategy 21-009_PL_052
 Crime Prevention Statement 21-009 - Crime Prevention Statement
 Sustainability Statement
 Flood Risk Assessment V3 Halldale FRA 11-08-23
 BNG Report 1310.SR.22 Revision 1 - BNG Calculations at Halldale Quarry (Four Areas) - Report
 S106 / viability note

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

3. An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of any commercial building hereby permitted. The plan shall contain details of the number, specification and location of all electric vehicle charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Derbyshire Highway Design Guide. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.

Reason:

To promote sustainable travel and healthy communities in accordance with the requirements of Policies S1, PD7 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

4. No part of the development hereby approved shall be occupied until the applicant has submitted a revised Travel Plan in writing to the Local Planning Authority that promotes sustainable forms of travel to the development site and this has been approved in writing by the Local Planning Authority. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details.

Reason:

To reduce vehicle movements and promote sustainable access in accordance with the requirements of Policy HC20 of the Adopted Derbyshire Dales Local Plan (2017).

5. The development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason:

To reduce vehicle movements and promote sustainable access in accordance with the requirements of Policy HC20 of the Adopted Derbyshire Dales Local Plan (2017).

6. Prior to works commencing on the construction of any building or associated with the removal or transfer of material to or from the site a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason:

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development in accordance with the aims of Policy HC19 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

7. a) No development shall take place within 10m of the lead mining shafts which appear on the Ordnance Survey map of c1895 until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority.

The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording

2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for 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 the aims of Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

8. No building within 50m of a quarry face shall be occupied / brought into use until a competent person has assessed the integrity of the faces and verified in a report that they are safe. The report and details of any stabilisation works required and timetable for completion of works shall be submitted to and approved by the Local Planning Authority before the first occupation of any building within the 20m buffer zone.

Reason:

To ensure the stability of the quarry faces and a safe environment in accordance with the requirements of Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017)

9. Details of all external lighting (street lighting and lighting to private property) shall be submitted to and approved in writing by the Local Planning Authority prior to erection / installation.

Reason:

To minimise the impact of the development on the local landscape in accordance with the aims of Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017).

10. Prior to the construction of any building details of the phasing of the development and construction timetable and delivery of landscaping (hard and soft) in respect of each development phase 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.

Reason:

To ensure a satisfactory appearance of the development in accordance with the aims of Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

11. Prior to works commencing on the superstructure of any building hereby approved the following construction details shall be submitted to an approved in writing by the Local Planning Authority:
- Details, including samples of all materials, which shall include natural stone and a complementary buff brick in the case of the walling materials to be used and their distributions across the development phase;
 - 2 sq. m sample panel of the stone and brick;
 - Construction details of any porches and dormers;
 - Window and door recess;
 - Window and door details, including design, pattern, material and colour;
 - Stonework details, including verge copings, kneelers, cornices, quoins, string courses, heads and cills, window surrounds;
 - Chimney stacks and pots;

Each building shall thereafter be fully constructed in accordance with the approved details prior to first use.

Reason:

To ensure a satisfactory appearance of the development and to ensure the provision of measures to design out crime in accordance with the aims of Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

12. In conjunction with the requirements of condition 10, details of surface treatment materials to all roads and areas of hardstanding across the site 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.

Reason:

To ensure a satisfactory appearance of the development in accordance with the aims of Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

13. The finished levels for each building shall not exceed those set out in Engineering Layout Plan drawings numbered E788-10 Rev D, E788-11 Rev D, E788-12 Rev D and E788-13 Rev D.

Reason:

To ensure that the development has a minimal impact on the local landscape to satisfy the requirements of Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017).

14. Notwithstanding the submitted details a detailed tree retention and protection plan, which follows the parameters of the approved Green Infrastructure Plan and Landscaping Strategy and details of construction methods and new tree planting, in terms of tree species, sizes and numbers shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the construction of any building hereby approved.

Reason:

For the avoidance of doubt and to ensure a satisfactory standard of landscaping in accordance with the aims of Policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

15. Prior to first occupation of any building details of the legal and funding mechanism for maintenance and management of all roads and public open space, including surface water attenuation features shall be submitted to and approved in writing by the Local Planning Authority. The public open space and roads shall thereafter be maintained and managed in accordance with the approved details.

Reason:

To ensure a satisfactory standard of landscaping and maintenance of roads and public open space in accordance with the aims of Policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

16. Prior to works commencing on the construction of any building or associated with the regrading of land or removal or transfer of material to or from the site details setting out how the local community will be kept up to date and informed about the build programme and any significant construction works and a mechanism to report and resolve any issues shall be submitted to any approved in writing by the Local Planning Authority. The construction / development shall thereafter be undertaken and managed in accordance with the approved details.

Reason:

In the interest of minimising disturbance to the local residents in accordance with the aims of Policies PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

17. Prior to the commencement of development (including vegetation clearance, site preparation works and the introduction of machinery and materials), a Great Crested Newt Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall confirm any requirement for a new mitigation licence and detail any precautionary working measures that are required during site clearance or ongoing construction works. The agreed Strategy shall be implemented in full.

Reason:

To safeguard wildlife and the biodiversity on site in accordance with the requirements of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

18. Prior to any works to the eastern quarry faces or construction in adjacent areas, the faces shall be assessed by a suitably qualified ecologist to update the existing information with regards to roosting bats. If any potential roost features are identified, the appropriate level of survey effort shall be undertaken to inform any necessary mitigation or licensing, based on the most up to date best practice guidance. A report shall be submitted to the Local Planning Authority detailing the results of the assessment and any survey work, and setting out a mitigation strategy which shall consider direct impacts, such as stabilisation works, and indirect impacts, such as lightspill. The mitigation strategy shall thereafter be implemented in full.

Reason:

To safeguard wildlife and the biodiversity on site in accordance with the requirements of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

19. Prior to any works to the existing onsite block-built building (Target Note 1 in the ecological report by Morph Ecological Consultants), an updated building assessment and any subsequent nocturnal bat surveys shall be undertaken, in accordance with best practice guidance. The results shall inform a detailed mitigation strategy and timetable and identify

any requirement for licensing. These details shall be submitted to the Local Planning Authority for approval and implemented in full.

Reason:

To safeguard wildlife and the biodiversity on site in accordance with the requirements of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

20. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

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

Reason:

To ensure no adverse impact on protected sites and to safeguard wildlife and the biodiversity on site in accordance with the requirements of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

21. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the submitted Biodiversity Metric 4.0 (Halldale Quarry September 2023 Rev 5). The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following: -
- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
 - b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
 - c) Appropriate management methods and practices to achieve aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
 - f) Details of the body or organization responsible for implementation of the plan.
 - g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 10, 15, 20, 25 and 30 years.
 - h) Monitoring reports to be sent to the Council at each of the intervals above

- i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- k) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
- l) Detailed specifications for open water habitats to provide biodiversity benefits.
- m) 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 safeguard wildlife and the biodiversity on site in accordance with the requirements of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

- 22. No development associated with the construction of any building 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. Flood Risk Assessment and Drainage Strategy Revision V3 Dated 11/08/2023 prepared by STEPHEN DAYKIN CONSULTING Ltd "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.

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 advance of full planning consent being granted to comply with the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

- 23. Prior to any excavation works taking place or development associated with the construction of any building, 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 Local Planning Authority, 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 to comply with the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

- 24. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This

must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason:

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

25. An integral swift nest box plan for the selection, siting, positioning and installation of integral swift nest boxes, such as swift bricks incorporated within the external walls of the dwellings hereby approved, should be submitted to, and approved in writing by, the local planning authority.

The integral swift nest box plan should be prepared in accordance with the requirements of BS 42021 or equivalent best practice guidance and should identify, as a minimum:

- a) the type and number of integral nest boxes to be installed;
- b) the specific buildings on the development into which boxes are to be installed, shown on appropriate scale drawings;
- c) the location on each building where boxes are to be installed, shown on appropriate building plans and elevations.

A statement of good practice including photographs shall be submitted to the Local Planning Authority prior to first occupation of the dwellings, demonstrating that the boxes have been selected and installed in accordance with BS42021.

The integral nest box plan should be implemented in accordance with the approved details and all boxes shall be retained in that manner thereafter.

Reason:

To safeguard wildlife and the biodiversity on site in accordance with the requirements of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

26. No site clearance work shall take place between 1st March and 31 August inclusive, unless a competent ecologist has undertaken a careful detailed check of the site for active birds' nests immediately before 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.

Reason:

To safeguard wildlife and the biodiversity on site in accordance with the requirements of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

27. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987 (as amended), (or any Order revoking or re-enacting that Order with or without modifications), the commercial buildings hereby approved shall be used for E(g) use only and for no other purpose, including any other activity within the same E commercial use class of the schedule to that Order.

Reason:

To ensure the delivery of employment development to meet the districts employment needs and to satisfy the requirements of Policy DS5 of the Adopted Derbyshire Dales Local Plan (2017).

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwellings on plots 218-220 or 149 without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To preserve the appearance of the development given the prominent siting of the plots in accordance with the aims of policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

29. Prior to the occupation of any building a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A preliminary risk assessment which has identified:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site

ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site

iii) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

30. No works of construction shall take place on the site outside of the following hours:

Monday to Friday	07.30 to 20.00
Saturday	08.00 to 13.00
Sunday/Bank Holidays	No construction.

Reason:

To align with the controls in respect of the associated outline permission and to safeguard the residential amenity of the occupants of nearby dwellings in accordance with the aims of Policy PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

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

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

No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition 'retained tree' means an individual existing tree, or identified tree protection zone, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

Reason:

To ensure a satisfactory standard of landscaping in accordance with the aims of Policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To ensure a satisfactory standard of landscaping in accordance with the aims of Policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

- 33 The carriageways and footways shall be constructed up to and including binder course surfacing to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing public highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety in accordance with the aims of Policies S3 and HC19 of the of the Adopted Derbyshire Dales Local Plan (2017).

- 34 No dwelling shall be occupied until space has been provided within the site curtilage/plot for the parking and manoeuvring of residents and visitors' vehicles associated with that dwelling, together with secure cycle parking, all to be laid out, constructed and approved in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use.

Reason:

In the interests of highway safety and to ensure appropriate parking provision in accordance with the aims of Policies S3, HC19 and HC21 of the of the Adopted Derbyshire Dales Local Plan (2017).

35. Within 28 days of the permanent access being constructed, or other such period of time as may be agreed with the Local Planning Authority, all other means of access to Matlock Spa Road/Snitterton Road (existing or temporary) shall be permanently closed and the existing vehicle crossover(s) reinstated with full height kerbs and appropriate footway/verge construction in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety in accordance with the aims of Policies S3 and HC19 of the of the Adopted Derbyshire Dales Local Plan (2017).

36. Prior to the first occupation of any building of the 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 highway safety in accordance with the aims of Policies S3 and HC19 of the of the Adopted Derbyshire Dales Local Plan (2017).

37. The access associated modification works to Matlock Spa Road/Snitterton Road shall be laid out, constructed, drained and lit in accordance with the approved details prior to occupation of any dwelling it serves. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.

Reason:

In the interests of highway safety in accordance with the aims of Policies S3 and HC19 of the of the Adopted Derbyshire Dales Local Plan (2017).

INFORMATIVES

The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals

which overcame initial problems with the application relating to the layout, scale and appearance of the development.

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

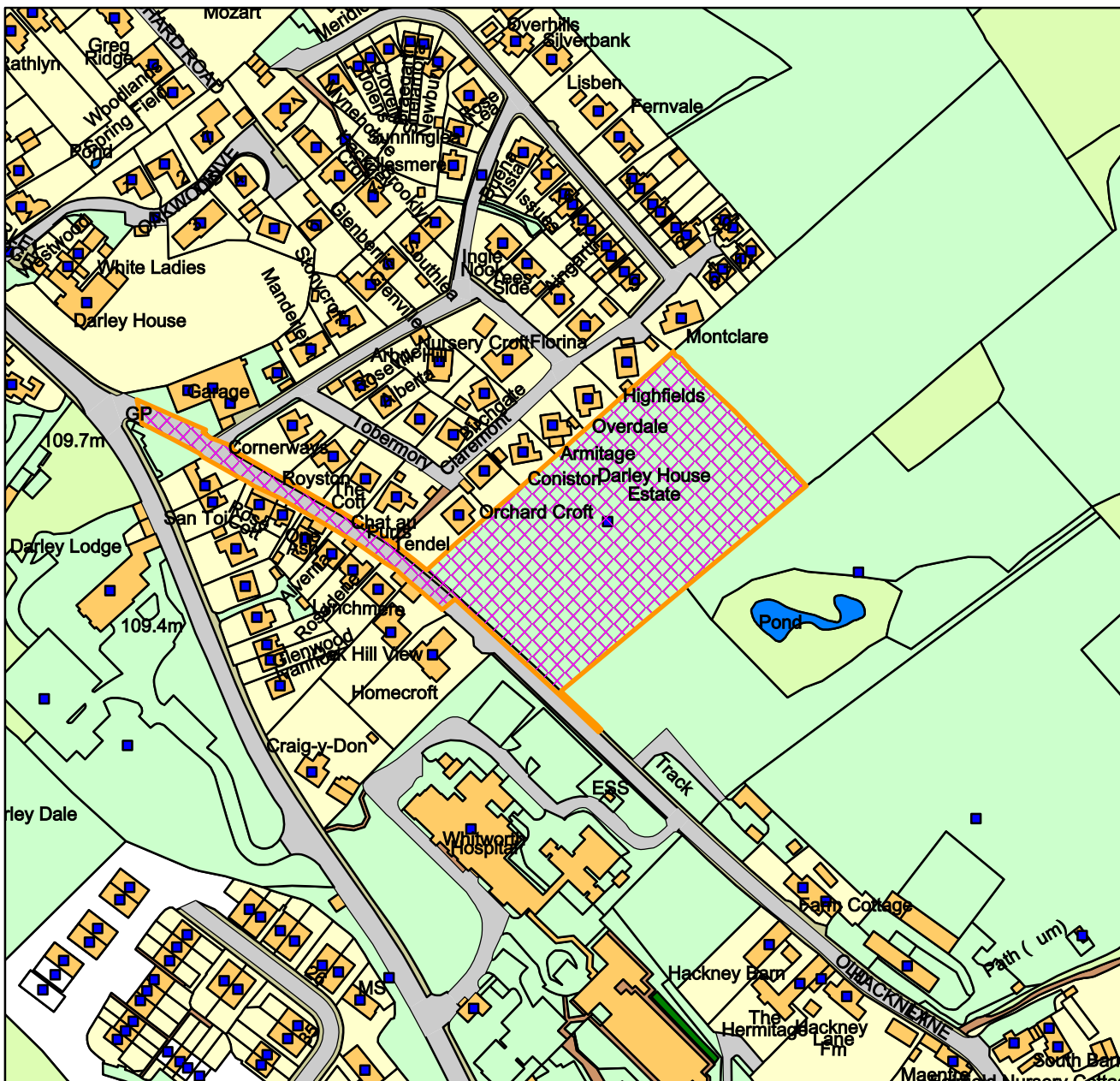
The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the 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.

The applications attention is drawn to the Lead Local Flood Authority's advisory notes in respect of conditions 22 - 24.

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23/00535/FUL

Land North of Old Hackney Lane, Hackney



Derbyshire Dales DC

1:2,500

Date: 27/09/2023

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		23/00535/FUL	
SITE ADDRESS:		Land North of Old Hackney Lane Hackney Matlock	
DESCRIPTION OF DEVELOPMENT		Erection of 27 no. affordable dwellinghouses, open space, landscaping, highway improvements and associated works	
CASE OFFICER	Sarah Arbon	APPLICANT	Bowsall Developments Ltd and EMH Group
PARISH/TOWN	Darley Dale	AGENT	Mrs Beverley Moss - Hourigan Planning
WARD MEMBER(S)	Cllr M Franks Cllr D Burton Cllr R Shelley	DETERMINATION TARGET	22 nd August 2023 (EOT agreed for 10 th October 2023)
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> Principle of development Impact on residential amenity Impact on trees and ecology Character and appearance Flood risk and drainage Highway safety Developer contributions

RECOMMENDATION
<p>That the application be refused for the reasons set out in section 8.0 of the report.</p>

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site is a 0.89 hectare field immediately adjoining development at Darley House Estate, Hackney on the north eastern side of Old Hackney Lane. The existing dwellings adjacent to the north western boundary are predominantly bungalows with rooms in the roofspace set at an angle adjacent to the field and stepping up as the land level rises. The existing housing estate extends beyond the north east boundary of this site. A stone wall marks the boundary with the lane and the Whitworth Hospital is adjacent to the south. The site slopes gradually with the land level in the centre of the north eastern boundary being 11.2m higher than the land immediately adjacent to Old Hackney Lane. There are two mature Ash trees on the south eastern and north eastern field boundaries together with sections of hedgerows. Land levels continue to rise gradually to the north east with houses in a linear form along Hackney Road. The land to the south east is open grazing land for horses with a cluster of wooden stables adjacent to the road.



2.0 DETAILS OF THE APPLICATION

- 2.1 The site sits within the defined Settlement Framework boundary for Matlock and in conjunction with the adjacent field to the south east is allocated for residential development under Policy HC2 (i) for 57 dwellings. The allocated site area is for 1.68 hectares and encompasses two parcels of land under two separate land ownerships.
- 2.2 Permission is sought for 27 affordable dwellings on 0.89 hectares, with a net developable area of 0.72 ha. The proposed scheme would result in a density of 37.5 dwellings per hectare (dph) (based on the net developable area) and 34 dph (based on the gross area). The submitted layout indicates an access adjacent to the south eastern boundary with an estate road that dissects the site in a north easterly direction terminating in a turning head with a private drive in the north eastern corner. Informal open space is proposed along the Old Hackney Lane frontage and in the north eastern corner with a Local Area of Play (LAP) on the north eastern side of the access set between plots 24 and 25 and where there is an existing Ash tree on the boundary. The proposed scheme includes a total of circa 1,626 sqm of open space including a LAP of 415 sqm (minimum requirement is 100 sqm). A landscaping buffer is proposed along the north eastern boundary with the open land rising up to Hackney Lane.
- 2.3 The mix of proposed properties are as follows:
- 8 x 1 bedroomed apartments.
 - 12 x 2 bedroomed dwellings which includes 2 no. bungalows.
 - 5 x 3 bedroomed dwellings.
 - 2 x 4 bedroomed dwellings.

- 2.4 All of the units would meet 85% of the Government's Technical Nationally Design Space Standards (NDSS) threshold which is expected for affordable units in order to qualify for Homes England grant funding. Two of the proposed bungalows would be would be M(4) 2 (Building Regulations) compliant. The proposed tenure split is 11 shared ownership dwellings and 16 affordable / social rent flats and dwellings and in a 100% affordable scheme this is required due to viability. The submitted Affordable Housing Statement states that "in the past 6 years the output has been just 22 homes, representing just 17% of total supply".
- 2.5 The dwellings are modern gabled roof properties with gable features, pitched canopies over front doors, gable and flat bay windows and some corbelled eaves. Facing materials are a mix of stone and buff multi brickwork with Russels Grampian concrete interlocking tiles in slate grey and reconstituted stone cills. The housetype 1a / 1b are flats and the building is proposed as a mix of stone and buff brick on the front elevation with two different gable features of different widths and flat roof white and grey porches. The frontage properties would have stone front elevations with brick sides and rear with plots behind these as solely brick.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017

- S1: Sustainable Development Principles
- S2: Settlement Hierarchy
- S3: Development within Defined Settlement Boundaries
- PD1: Design and Place Making
- PD3: Biodiversity and the Natural Environment
- PD5: Landscape Character
- PD6: Trees, Hedgerows and Woodlands
- PD7: Climate Change
- PD8: Flood Risk Management and Water Quality
- HC1: Location of Housing Development
- HC2: Housing Land Allocations
- HC11: Housing Mix and Type
- HC14: Open Space and Outdoor Recreation Facilities
- HC19: Accessibility and Transport

Darley Dale Neighbourhood Plan 2019

- NP1: Protecting the Landscape Character of Darley Dale
- NP8: Protecting the Landscape Character of Upper Hackney
- NP11: Design Principles for C3 Residential Development
- NP10: Protecting the Setting of the Peak District National Park
- NP18: Design Principles for Residential Development in Upper Hackney

3.2. Other:

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

4.0 RELEVANT PLANNING HISTORY:

20/00942/FUL - Erection of 18no. dwellings with associated access and landscaping, Refused 13th July 2021 for the following reasons:-

1. *The proposal constitutes piecemeal development of an allocated housing site that would prevent the efficient use of land and delivers sub-optimal outcomes in terms of matters such as layout, landscaping, open space and sustainable drainage which need designing*

on a comprehensive basis across the site, contrary to Policy S1 of the Adopted Derbyshire Dales Local Plan (2017).

- 2. The proposed layout poorly addresses Old Hackney Lane, would be dominated by the estate road and fails to reflect the character of the surrounding area due to the largest dwellings being proposed adjacent to the open land without any significant landscaping buffer for mitigation in an area identified as having a high landscape sensitivity, contrary to Policies S3, PD1, PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1, NP8 and NP11 of the Darley Dale Neighbourhood Plan Jan 2020.*
- 3. The proposed piecemeal development of a larger housing allocation precludes the proper consideration of affordable housing to meet a mix of needs across the site and over time, contrary to the aims of Policy HC4 of the Adopted Derbyshire Dales Local Plan (2017).*
- 4. Insufficient information has been supplied in order to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage to accord with the SUDS hierarchy contrary to Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).*
- 5. Insufficient information has been supplied in terms of whether the proposal has been designed to reduce greenhouse gas emissions, reduce energy consumption and resilience to increased temperatures, contrary to Policy PD7 of the Derbyshire Dales Local Plan (2017).*

5.0 CONSULTATION RESPONSES

Darley Dale Town Council

- 5.1 Councillors acknowledged the time spent by the applicants in engaging with the Town Council and local residents on this development. Whilst both the Town Council and local residents had reservations regarding the development at the start of the process, Hourigan Planning have spent months liaising with resident organisations such as speedwatch, residents, District and County Council together with the Town Council to answer questions and amend plans in order to mitigate/address concerns of local stakeholders. Whilst Councillors still have reservations regarding the development councillors now consider this process to be the standard we hope to expect from all future developers regardless of whether this application is approved or not.

It was resolved to submit the recommendation of no objection with the following conditions:

- i. The applicant implements new traffic calming measures (with agreement of DCC Highways) on Old Hackney Lane at their own expense as promised to TC and local residents.
- ii. The applicant increases the width of the public path (with agreement of DCC Highways) on Old Hackney Lane at their own expense in order to improve pedestrian safety.
- iii. Suitable risk mitigation be in place to ensure attenuation tanks are able to cope with excess surface water run-off.

Although Cllr Farmer had been an integral part of the Town Council's consultation process with Hourigan Planning regarding the development of 27 dwellings off Old Hackney Lane, as we discussed both 23/00535/FUL and 23/00363/FUL applications together, before making separate decisions, Cllr Farmer played no part in the discussions due to his declaration of interests in the 23/00363/FUL development.

Highways Authority

- 5.2 A review of the Highways Officer's comment at the time of the SHLAA for site – SHLAA295 was that it is "Possible to consider developing in conjunction with adjoining SHLAA site (SHLAA172)". This view translates as one means of access is not considered essential as the spacing in terms of the main accesses to both sites is considered safe. What is expressed is that it is possible to develop both sites cooperatively with one main access but not critical and this remains the case.

In terms of traffic impact, the proposal will have a negligible effect on the capacity of the surrounding highway network during busy development periods. Such traffic movements are likely to be minimal and it is considered the proposal is not anticipated to adversely affect the operation of the surrounding highway network subject to several conditions that must be adhered to.

The highway improvements including provision of the access will form part of a Section 278 agreement with the County Council as Highway Authority. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority for the off-site highway works. To conclude there are no objections to the proposal subject to a condition regarding the access details.

Local Lead Flood Authority

- 5.3 Further information is sought in respect of the following:
1. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (as per National Planning Policy Framework 169). A range of sustainable drainage techniques must be considered prior to or in conjunction with the planning layout. Underground attenuation tanks are not considered to be SuDS and do not provide any benefits beyond attenuation. The LLFA would want to see a more rigorous assessment of the use of SuDS on the site including a description of how a sustainable drainage system would integrate with the open space and what multifunctional benefits they will provide as per paragraph 59 of planning practice guidance (Aug 2022).
 2. Additional information is needed to confirm if STW would agree to the proposed surface water discharge.
 3. Basic calculations should be provided for greenfield runoff rates and storage estimate also to demonstrate that the proposed surface water drainage system would function as proposed.
 4. Drawing DR-C-0100 Drainage Strategy shows a filter drain along the entire length of the northern site boundary, please indicate how much area drains to this point and how this system will connect to the proposed surface water drainage system.

Environment Agency

- 5.4 No 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.

NHS Derby and Derbyshire Integrated Care Board

- 5.5 The development falls under our threshold for requesting a S106 contribution.

Natural England

- 5.6 Natural England has no objection as it considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Trees and Landscaping Officer (DDDC)

- 5.7 The submitted arboricultural Impact Assessment identified 7 individual trees / small tree groups which are located around the perimeter boundary of the site, with no trees further into the site. It was noted that the T5 horse chestnut off-site to the SW corner of the site has been much reduced. All of the existing trees are indicated for retention, though some with pruning works to address safety concerns. It is considered that the proposals would not result in significant tree removals.

The site layout design has positioned public open spaces / large gardens in the vicinity of the retained trees thereby minimizing the potential harm to them resulting from development. The undeveloped areas around the retained trees appear generally to be large enough to wholly contain the canopy spreads and root protection areas of the trees. The exception to this is that there appears to be a play area proposed within part of the root protection area of T1. It is recommended that the design be modified to re-position any surfacing or installations outside of the root protection area and no excavations, construction, ground works or surface level changes should be undertaken within the root protection area. The submitted Arboricultural Method Statement provides details of appropriate tree protection measures and it is recommended that all guidance within this document and the accompanying Tree Protection Plan should be required to be followed completely and exactly as a condition to any grant of planning consent.

Director of Housing (DDDC)

- 5.8 The proposal of 100% affordable scheme is welcomed as it shows that EMH want to invest in the District. The tenure split between shared ownership and affordable rent is considered acceptable and whilst it doesn't meet the 80% affordable rent and 20% shared ownership required by Policy HC4 as the scheme is 100% to be delivered by the Housing Association EHM, it is the provider that carries the risk. In addition recent experience has shown that shared ownership sales have proved very popular on nearby sites. It is noted that the proposal meets the 85% threshold of Nationally Described Standards expected by Homes England to qualify for grant funding and this is considered acceptable. In general terms the dwellings would be a reasonable size and would benefit from solar panels, thermal insulation and energy efficient appliances and lighting which is an improvement to what is on the market currently. The mix of provision and tenure split is considered acceptable.

Archaeology (DDC)

- 5.9 Previously, they recommended an archaeological geophysical survey to be undertaken on the site as part of the previous application. This work was requested because of the development site's location on the edge of the alluvial floodplain of the River Derwent. The proposed application area lies up-slope, to the north, of a site (EDR5011) which previously identified credible traces of potentially Iron Age activity in a valley side context. It was noted in these investigations that an horizon of colluvium or slopewash was also present on this site. Given the site formation processes in operation downslope, it is likely/possible

that parts of the application area also contain colluvium or slopewash deposits and these may seal buried archaeology not detectable by geophysical survey, though it is noted that features identified and interpreted as palaeo-channels were identified.

On the basis of the results of the geophysical survey it is recommended that further archaeological works will be required, however these could be conditioned into any planning permission in line with para 205 of NPPF. This should be a phased scheme comprising evaluation trenching to confirm the veracity of the geophysical survey followed by targeted area excavation if there are areas of preservation of remains. A written scheme of investigation should be secured by condition.

Leisure (DDDC)

- 5.10 In response to this application, they are proposing to provide a LAP play area within the development.

In terms of contribution, I understand this to be:

- Parks and Gardens = £3944.70
- Children's Play = £4592.70
- Allotments = £1595.70

If they are providing the play equipment within the site, more detail on equipment, surfacing etc is required.

Education (DCC)

- 5.11 The proposed development falls within and directly relates to the normal area of Darley Dale Primary School. The proposed development of 27 (discounting 8 one bed) dwellings would generate the need to provide for an additional 2 infant and 3 junior pupils. Darley Dale Primary School has a net capacity for 210 pupils, with 202 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 172.

An evaluation of recently approved major residential developments within the normal area of Darley Dale Primary School shows new development totalling 23 dwellings, amounting to an additional 2 infant and 3 junior 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 2 infant and 3 junior pupils arising from the proposed development.

The proposed development falls within and directly relates to the normal area of Highfields School. The proposed development of 27 (discounting 8 one bed) dwellings would generate the need to provide for an additional 6 secondary including post16 pupils. Highfields School has a net capacity for 1392 pupils with 1303 pupils currently on roll. The number of pupils on roll is projected to increase to 1396 during the next five years. An evaluation of recently approved major residential developments within the normal area of Highfields School shows new development totalling 172 dwellings, amounting to an additional 48 secondary including post16 pupils. Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate the 6 secondary including post 16 pupils arising from the proposed development.

The above analysis indicates that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms.

The County Council therefore requests financial contributions as follows:

£182,656.74 towards the provision of 6 secondary including post 16 places at Highfields School + education facilities.

Derbyshire Wildlife Trust

5.12 The Trust have reviewed the Ecological Appraisal (Rachel Hacking Ecology, March 2023). Whilst the survey work was carried out early in the year, they consider that the assessment is likely accurate and that an update survey visit would be unlikely to alter the classification of the grassland from 'other neutral grassland'. The report recommends eDNA survey of the adjacent pond for great crested newts. This can only be undertaken between 15th March and 30th June. If this has not be done, it would typically delay the application until next year as presence / absence of protected species and likely impacts must be ascertained prior to determination. However, correspondence with the ecologists indicates that permission was not granted to access the offsite pond. A separate planning application is ongoing for the adjacent land, including the pond, and further survey was also recommended to the neighbouring applicant. The LPA may wish to follow this up as the results will be pertinent to both applications. Paragraph 99 of Circular 06/2005 states, "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances".

They have several comments on the biodiversity metric, which should be addressed, as follows:

- The existing onsite scrub does not appear to be included within the habitat baseline.
- Whilst this was not clarified in Metric 3.1, Metric 4.0 confirms that gardens should be inputted as vegetated garden and only trees in public open space should be counted separately. They advise that this approach should be taken.
- When calculating the area using the tree helper tool, post-development trees should be categorised based on their projected diameter at 30 years after planting. See Section 7.11 of the Metric 3.1 User Guide. Table 7.2 lists the diameters. It is highly unlikely that any trees will reach >90 cm (large) after only 30 years. Again, Metric 4.0 clarifies that proposed trees should be categorized as small unless justification is provided.
- Currently, whilst an overall gain is predicted, the trading rules of the metric are not met. This is due to a net loss of medium distinctiveness habitat (other neutral grassland). The trading rules are fundamental to the function of the metric and to ensure real gain is achieved. The BNG Best Practice Guidelines (CIRIA C776a, 2019) state that, "A BNG design should improve the extent or condition of biodiversity affected by a project. It should not result in lost or damaged features being replaced by features of lower biodiversity value. This is regardless of whether a metric shows an increased amount of biodiversity after a project compared with the baseline".

Once amendments have been made to the metric and further clarification has been provided regarding great crested newts, they would be happy to provide further comments.

Derbyshire Swift Conservation Project

5.13 The Ecological Appraisal submitted by Rachel Hacking recommends as enhancement: "Install bird nesting bricks into a wall on five properties (two sparrow boxes, two swift boxes and one starling box" despite best-practice guidance stating that ecological enhancement for declining urban bird species should take the form of Swift bricks integrated into the façade. Integrated nest bricks are preferable to external nest boxes as they become a permanent feature of the building, require zero maintenance, are

aesthetically integrated with the design of the building, are less vulnerable to vandalism and have better thermal regulation with future climate change in mind. Additionally, such bricks are considered a universal nest brick for urban bird species, including red-listed species such as Common Swift, House Sparrow, House Martin, and Starling. A condition is recommended to this affect.

6.0 REPRESENTATIONS RECEIVED

6.1 Eleven letters of representation have been received which the concerns summarised below:-

- a) Old Hackney Lane is narrow, dangerous and unsuitable road for the existing traffic that use it with narrow footpaths.
- b) It is requested that the local plan is reviewed and this green field be taken out of future development as there are very few green fields situated in lower Hackney.
- c) When the A6 is congested because of roadworks, (almost every day for the past three years), Old Hackney Lane takes the brunt of the traffic overflow, with vehicles of all sizes, including articulated lorries, using the route as a cut through.
- d) Significant flood water cascading down the lane has occurred and such a development will only lead to making matters worse.
- e) The planning application 20/00942/FUL was refused, and one reason given was due to the piecemeal development of an allocated housing site.
- f) There is no mention of the community speed watch work, and how much speeding occurs along this road and the fact that the traffic has doubled in a six year period.
- g) The Old Hackney Lane footpath is single sided for most of the length which leads to Matlock and is not a safe walking route due to its reduced width.
- h) There is not a safe pedestrian route to the nearest bus stop as there is no pedestrian crossing on the A6.
- i) The proposals from Stancliffe and Hourigan, would result in 68 new dwellings on Old Hackney Lane amounting to unacceptable over-development.
- j) The application constitutes piecemeal development of an allocated housing site.
- k) On 13 July 2021 the District Council Planning Committee refused planning application 20/00942/FUL and expressed the need for a comprehensive approach to site HC2(i) with this application failing to meet that requirement.
- l) The application includes building on a large area of open farmland which forms an essential separation between the communities of Darley Dale and Hackney recognised in both the Local Plan and the Neighbourhood Plan.
- m) The two application propose separate access and would be in close proximity to one another on an already very busy and narrow Lane and opposite the rear entrance to the Whitworth Hospital are an unacceptable traffic danger.
- n) The Planning Committee discussion regarding application number 20/00942/FUL in July 2021 made clear that Councillors recognise that the Local Plan has allocated too many houses on site HC2(i).
- o) There is an agreement with MP Sarah Dines writing in the Matlock Mercury on 16 March that this year development on brown field sites should be prioritised and the District Council should look again at the Local Plan.
- p) There has been no proper hydrological survey as this hillside has many springs and underground streams, these together with the extra surface water run off from a housing development will pose a serious flooding risk.
- q) The development would erode the already limited green space between Lower and Upper Hackney and would be very intrusive as it progresses up the hill.
- r) Michael Gove housing Minister Quoted in The Guardian newspaper recently:
“ Councils in England have been told they no longer need to deliver a precise target of new buildings laid down in Whitehall irrespective of sound planning or local opinion.”

- s) Travelling out of Matlock towards Darley Dale it's becoming one long corridor, on the right hand side there is one green field left in Darley Dale at the bottom of Greenaway Lane.
- t) We strongly oppose the building on this Green Field Site on a Country lane, the only green field area left in Lower Hackney. This land should be left for future generations to appreciate for themselves, rather than as stories from parents/grandparents.
- u) The division between Matlock and Darley Dale should be kept.
- v) Loss of privacy from being overlooked by the 2 storey properties proposed alongside the Bungalows in Darley House Estate.
- w) Outside this entrance to properties on Hackney Grange, Old Hackney Lane the road is continually sinking with Seven Trent Water have closing the road numerous times to try to address this problem.
- x) There is the issue with the aging and inefficient sewerage system in the Darley Dale Matlock area.
- y) There is a lack of capacity in local schools, GPs, hospitals and dentists for more houses in the area.
- z) The dust, dirt and noise pollution the local residents will have to endure.
- aa) The light pollution this development will cause with street lighting will create disturbance to this extremely quiet and dark sky area for both the local residents and wildlife
- bb) A sustainable development should include design features such as PV panels on every roof, rainwater collection systems, maximum insulation, conservatories to make use of passive solar, no pvc doors or window frames.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact on residential amenity
- Impact on trees and ecology
- Character and appearance
- Flood risk and drainage
- Highway safety
- Development contributions

Principle of development

- 7.1 The site is located with the settlement boundary of Matlock and forms part of the housing allocation in Policy HC2 (i). The site selection and assessment process as part of allocating land for inclusion in the Derbyshire Dales Local Plan concluded that the two sites off Old Hackney Lane should be developed on a comprehensive basis as one site. Policy S1 seeks to achieve sustainable development by “ensuring that development proposals do not prejudice the development potential of an adjacent site or larger area in a comprehensive manner”.
- 7.2 Policy S7 seeks to promote the sustainable growth of Darley Dale by providing for the housing needs of the community and supporting the development of new housing on sustainable sites, whilst also seeking to maintain the distinct identity of its settlements, and protecting and where possible, enhancing biodiversity.
- 7.3 The main considerations with regard the principle of this development are as follows:-
 - whether or not the proposed development makes efficient use of land;
 - whether or not the proposed development prejudices the proper planning of the area by not forming part of a comprehensive scheme for the whole of the development area
 - 5 year supply

- 7.4 The land to the south east of the application site is part of the housing allocation with a total site area of 1.68 Ha for 57 dwellings. The proposal includes the north western field and proposes a new access to the north west of the existing field gate. The adjacent field has an existing vehicle access in the centre of the road frontage and hardstanding with stable buildings to the south east. The proposed access would be 23m from the south eastern field boundary and would provide a single estate road that dissects through the centre of the site to terminate in a turning head in the centre of the north eastern boundary. In the layout of the previously refused application there was an arrow to indicate the potential for access to the remaining allocated land and at the end of the turning area there was annotation stating 'proposed access to retained land'. This layout has an area of open space with a LAP between two dwellings with a pedestrian footpath along its northern boundary but this does not link to anything within the layout for the adjacent site pending determination 23/00363/FUL, it would be opposite a gable end of a dwelling on Plot 3. No agreement between the two developers have been made in terms of sharing an access or making adjustments to their layouts to take into account the others' layout. The layouts are separate with no linkages.
- 7.6 It is considered that the application site and the adjoining allocated land should be developed in a comprehensive manner due to the size of the allocated site to avoid incompatible development. The proposed development would comprise piecemeal development of a much larger site and would not deliver the efficient use of land. Piecemeal development delivers sub-optimal outcomes in terms of matters such as layout, landscaping and open space which need designing on a comprehensive basis across the site. It is opined that the proposed layout is dominated by the road layout, the two storey frontage dwellings would dominate and appear out of character with the streetscene with the ridge heights between 8.6 to 9m and finished floor levels 1.1 to 2m higher than the road level. Dwellings adjacent to the open land to the north east would have ridge heights of between 8.9m and 9.1m with finished floor levels 8.2m higher than the road level. Furthermore, the proposal does not incorporate exposed more natural surface water drainage features which prejudices the proper planning of the area in this prominent location with land levels rising steeply to the north east.
- 7.7 Policy PD5 – “The District Council will seek to protect, enhance and restore the landscape character of the Plan area recognising its intrinsic beauty and its contribution to the economic, environmental and social well-being of the Plan area... Development will only be permitted if all the following criteria are met: a) The location, materials, scale and use are sympathetic and complement the landscape character. b) Natural features including trees, hedgerows and water features that contribute to the landscape character and setting of the development should be both retained and managed appropriately in the future. c) Opportunities for appropriate landscaping will be sought alongside all new development, such that landscape type key characteristics are strengthened.”
- 7.8 Whilst the landscape strategy has been improved since the refusal of the previous application by the incorporation of a 5.6m landscaping strip adjacent to the road frontage, a gap of POS on the south eastern boundary and a 7.9-5.7m landscape buffer and 17m wide POS area adjacent to the open land to the north east it is not considered to overcome the landscape harm of such an urban development on rising land. It is also acknowledged that existing landscape features are retained, however, both the topography and landscape impacts were identified in the allocation assessment (SHLAA) as constraints to development stating that there was a “significant impact upon landscape character” with the site having “high landscape sensitivity”.
- 7.9 The development has an urban form dominated by the road layout of a 5.5m carriageway with 2m wide footpaths and fails to respond to the character of the area of linear buildings along the road. Properties on the frontage do face the road with a set back of 13 -10m, however, plot 27 would appear prominently with its mainly blank elevation facing south east

and a retaining wall adjacent. The dwellings would have similar land levels as the existing with the dwellings nearest the existing road frontage proposed between 1.1m – 2m higher than the road levels and across the dwellings would be between 1.5 – 4.4m metres higher than the frontage dwellings. The finished floor level of Plot 19 would be 125.1 which would be 8.2m higher than the road level at the proposed access with a ridge height of 8.9m. It is acknowledged that single storey properties are proposed on the highest part of the site in the northern corner, however, two storey properties with the highest ridge heights of the development are proposed in the north eastern corner adjacent to open land.

7.10 Policy HC14 has a requirement for new residential development of 11 dwellings or more to provide or contribute towards public open space facilities as set out in table 6 of this policy. This requirement is to improve the quantity, quality and value of play, sports and other amenity greenspace provision in line with the standards identified in the Derbyshire Dales Built Sports Facilities and Open Space Strategy (January 2018). The Council's Supplementary Planning Document (SPD) on Developer Contributions seeks a requirement of open space for 27 dwellings that would equate to 262.98m² (Parks and Gardens), 43.74m² (Play space) and 106.38m² (Allotments). The proposal would provide 936 sqm informal POS adjacent to the north eastern boundary, 275 sqm informal POS on the site's frontage and 415 sqm in the form of a LAP with a total of 1,626 sqm. This complies the SPD requirements apart from the allotments requirement. It is clear that in terms of the creation of a community that would improve social cohesion, larger areas of public open space that create a focal point for the development and provide meaningful areas of provision are significantly preferable than smaller areas of provision that appear as left over areas unable to be developed.

7.11 In terms of open space provision, the layout proposed includes a LAP and informal open space adjacent to the road boundary and south east and north east boundaries. Having reviewed the existing provision of the three types of public open space required in the vicinity of the site using the information on existing facilities in the Council Open Space Strategy document dated 2018, it appears that the Oddford Lane allotments are the only existing facility within 15 minutes' walk of the application site (1200m). Whilst the on-site provision is met the areas of POS are not fully incorporated into the development in terms of being centrally located and framed by dwellings to create a sense of place and not an add-on to the perimeter. The lack of integrated open space provision within the site highlights that this piecemeal development of only part of the allocation provides sub-optimal outcomes. If the allocation was considered as a whole the benefits to the future residents and wider area would be significantly increased as the layout would have been conceived from an holistic approach incorporating the requirements of public open space centrally.

7.12 It is acknowledged that the Council cannot demonstrate a five year of housing land supply. At the 1st April 2022, the District Council did not have a five year supply, with provision of only 3.96 years. Paragraph 11 d) in the National Planning Policy Framework (2019) advises that where policies which are most important for determining the application are out-of-date, including, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer), planning permission should be granted unless;

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.13 Whilst, it is acknowledged that the whole of the site is allocated for housing development representing 51% of the total allocation where there is a presumption in favour, it does not

represent sustainable development principles as it would prejudice the development of the whole allocation in a comprehensive manner. The housing allocation as a whole was considered to be acceptable due to its sustainable location within a suitable walking distance of existing services and facilities with the constraint identified as harm to landscape character. If the allocation does not come forward as a whole within the Local Plan period then the allocation would be re-assessed as part of the forthcoming review. It is considered that the land would be better utilised and may result in a higher level of housing if designed comprehensively and the public benefits in terms of numbers of dwellings, open space provision, landscaping would be greater together with achieving a development that reflects its context.

- 7.14 Therefore, whilst in principle, residential development is acceptable on this site with substantial weight afforded to increasing the supply of housing, this has to be weighed against the detailed assessment against other policies in the local plan together with the National Design Guide criteria.

Impact on residential amenity

- 7.15 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts.
- 7.16 There are six dormer bungalows adjacent to the north western boundary of the site that are at an angle with the boundary and finished floor levels rise with the slope to the north east. Finished floor levels have been provided for the proposed dwellings and the individual sections submitted illustrate the relationships with existing properties in terms of distances and relative heights. Having assessed these relationships, the proposed dwellings are not considered to adversely affect the residential amenity of neighbouring properties to an extent that a refusal on these grounds would be sustained at appeal. On the basis that the proposed properties are at a distance and angle to reduce impacts of overlooking and overshadowing impact to be within an acceptable tolerance, these relationships are considered in accordance with Policy PD1.

Impact on trees and ecology

- 7.17 Policy PD6 states that trees, hedgerows, orchards or woodlands of value should be retained and integrated within development wherever possible. The submitted Tree Survey is considered adequate in terms of its identification of trees to be removed and retained and their relative health and retention categories. All of the existing trees are indicated for retention and therefore it is considered that the proposals would not result in significant tree removals. There is a concern regarding the existing Ash tree in proximity to the play area and any works proposed within its RPA. A condition to ensure works are as per the submitted Arboricultural Method Statement and Tree Protection Plan is recommended. On this basis, the trees to be retained are integrated on the boundaries of the development, the proposal accords with Policy PD6.
- 7.18 Policy PD3 seeks to protect, manage and where possible enhance the biodiversity by ensuring development proposals do not result in harm to biodiversity. The Trust concur with the classification of the grassland from 'other neutral grassland'. The report recommends eDNA survey of the adjacent pond for great crested newts which can only be undertaken between 15th March and 30th June. Paragraph 99 of Circular 06/2005 states, "*it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances*". The applicant has not

been given access to survey the pond on the adjacent site and is addressing the matter through the District Level Licencing (DLL) route with Natural England and this has been submitted. The applicant's Ecologist has stated in a letter dated the 11th September 2023 that this means that the need for eDNA or other field survey work is no longer necessary.

- 7.19 The Trust considers that the biodiversity metric is not sufficient and whilst an overall gain is predicted, the trading rules of the metric are not met. The applicant's Ecologist letter (referred to above) has clarified the classification of grassland and has confirmed the net gain to be 8.2% stating that this is compliant with the NPPF (2021), requiring a measurable, rather than a 10% net gain. Derbyshire Wildlife Trust have yet to comment on the additional information submitted and thus comments will be reported either in late representations or at committee.

Character and appearance

- 7.20 Policy PD1 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. Policy S3 sets out that within defined Settlement Development Boundaries planning permission will be granted where the proposed development is of scale, density, layout and design that is compatible with the character, appearance and amenity of that part of the settlement in which it would be located and that the access would be safe and the highway network can satisfactorily accommodate the traffic generated by the development or can be improved as part of the development.
- 7.21 The Darley Dale Neighbourhood Plan was 'made' by the District Council on 19th February 2020 and as such it forms of the development plan for the area. The Plan sets out a number of policies that principally seek to ensure that the design and layout of proposals are in keeping with the local distinctiveness of the characteristics of key areas and that any development does not have any adverse impacts upon the local landscapes. The Plan sets out in 'Policy NP1: Protecting the landscape of Darley Dale' the development will be supported for proposals that demonstrate a high quality design that protects and contributes to the distinctive landscape character of the Parish; and a scale that reflects the settlement to which it adjoins and the rural nature of the Parish and that a sense of openness has been maintained between settlements and that the location is on the least visually sensitive parts of the valley.
- 7.22 Policy NP8 'Protecting the landscape character of Upper Hackney' sets out that planning permission will be supported for development in Upper Hackney where the proposal can demonstrate a layout that maintains far views across the valley to the Peak District National Park that is reflective of the local landscape and topography with frontage development on Greenway Lane, Hackney Road and Ameycroft Lane to reinforce the linear settlement pattern.
- 7.23 'Policy NP 11: Design Principles for C3 Residential Development' sets out that planning permission will be supported for residential development within the Plan area where the proposal demonstrates a high design quality that will contribute to the character of the parish; and a layout that maximises opportunities, where possible, to integrate development into the existing settlements through creating new connections and improving existing ones and which allows for easy, direct movement for people of all ages particularly to access local amenities; and the use of materials, scale and massing that reinforces the existing character; and regard for the content of the Darley Dale Place Analysis. The Policy sets out that well-designed buildings should be appropriate to their location and

context - this may include innovative and contemporary design solutions provided these add to the overall quality of the area, enhance character and local distinctiveness. The Policy states that for major development the use of national design guidance (BFL12 or equivalent) should be used in developing design concepts, testing the final designs for quality and demonstrating how local distinctiveness has been reinforced.

- 7.24 Policy NP 17: Design Principles for C3 Residential Development in Upper Hackney sets out that planning permission will be supported for residential development in Upper Hackney where the proposal is of a high design quality that will positively contribute to the character of its setting and may demonstrate: inspiration taken from local materials (mostly local stone, with some render and slate roof tiles) to ensure a narrow range of colours reflecting the hues of local materials; simple design detailing like banding and stone window headers to reinforce local distinctiveness; a scale and mass that does not obstruct views to the wider landscape; and the use of boundary treatments (low stone walls or hedging) that are hard against the footpath to help enclose the street with greenery in front plots.
- 7.25 The site proposed was suggested for housing development in the most recent SHELAA update review in April 2022. The site was assessed by Derbyshire County Council landscape Officer who advised that *'the development of the site will have a major impact upon landscape sensitivity. Visually prominent land owing to sloping nature of the land visible from Hackney Lane, Hackney Road, and nearby residential areas. Potential adverse impact on key landscape characteristics including the coalescence of existing settlement areas along the Derwent Valley'*. Furthermore, consultants commissioned on behalf of the District Council also concluded that *'the potential for visual impacts of any development on distant views are lessened by the site only occupying the lower field and the site being behind existing adjacent development and tree cover for views from the west. Development would potentially have a significant adverse effect on visual amenity for local residents and users of Old Hackney Lane. There would be some erosion of the green space that provides separation between existing settlements which would become significant in conjunction with potential development of other nearby sites under consideration as allocations'*.
- 7.26 It is opined that the dwellings would dominate the streetscene due to their scale, design and higher land level than the road frontage with the road dominating the south eastern corner. The land is grassed land sloping to the north east enclosed by low level stone walling on the Old Hackney Lane frontage and along the north western boundary. The existing hipped roof dormer bungalows are visible from the road frontage stepping up gradually with the existing land levels. The majority of the site would be dwellings and gardens with perimeter landscaping along the road frontage and on the north eastern boundary. The area of landscaping adjacent to the road appears to be dictated by the drainage solution of an engineered attenuation tank which means dwellings are set back from the road. Comprehensive development has the potential to allow for drainage to be incorporated within areas of open space. The introduction of seven two storey properties with two dual aspect dwellings are proposed along the Old Hackney Lane frontage. The finished floor levels would be approximately 1.1m - 2m higher than the road level which would sit above the stone boundary wall. A section of the south eastern part of the wall would be removed in order to provide the required visibility splay and to the north west it would be realigned to facilitate the visibility splay.
- 7.27 The density is higher than the Darley House estate to the north west with the layout very much dictated by the road with an urban form which would not have been the case if the whole allocation was being considered. The two storey dwellings are all proposed adjacent to the open land forming part of the allocation and the pending application for this land proposes a layout that conflicts with this one. These dwellings would dominate the surrounding open landscape without any meaningful open space to assimilate it which could be secured if developed with the adjoining land.

- 7.28 The dwellings would be a mix of
 8 x 1 bed roomed apartments.
 12 x 2 bed roomed dwellings which includes 2 no. bungalows.
 5 x 3 bed roomed dwellings.
 2 x 4 bed roomed dwellings.

7.29 Policy HC11: Housing Mix and Type requires all new residential development to contribute towards the creation of sustainable, balanced and inclusive communities by meeting identified local and District housing needs in terms of housing mix, size and tenure. The final mix 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. The required mix of Policy HC11 and the mix applied to the proposed development is presented in the table below:

	1 bed	Proposal	2 bed	Proposal	3 bed	Proposal	4 + bed	Proposal
Market	5%	0	40%	0%	50%	0%	5%	0%
Affordable	40%	30%	35%	44%	20%	18.5%	5%	7.5%
All Dwellings	15%	30%	40%	44%	40%	18.5%	5%	7.5%

7.30

Policy HC11 sets out that where proposals do not meet the prescribed housing mix, the applicant will be required to demonstrate how the development contributes to meeting the long-term housing needs of the district particularly in regard to the housing needs of young people, families and the elderly. The Derbyshire Dales Housing Needs Assessment (September 2021) produced by Icenl on behalf of the District Council, takes into account current housing stock and expected demographic trends, including the expectation that some older households will downsize if the right properties are available. The report points towards a need for different sizes of homes in the market and affordable sectors and demonstrates that generally a mix of smaller dwellings are still needed within the District. The submitted Affordable Housing Statement is considered to be sufficient evidence to demonstrate the proposal meets the housing needs in accordance with Policy HC11.

- 7.31 It is considered that this proposal does not overcome the fundamental flaws in the proposal due to the constraint of the way the site is proposed to be developed in a piecemeal manner. This could only be achieved by the development of the allocation as a whole and as such the proposal is contrary to Policies S1, PD1 and the criteria outlined in

Flood Risk and Drainage

- 7.32 Policy PD8: Flood Risk Management & Water Quality sets out that new development shall incorporate Sustainable Drainage Measures (SuDs) in accordance with National Standards for Sustainable Drainage Systems. This should be informed by specific catchment and ground characteristics and will require the early consideration of a wide range of issues relating to the management, long term adoption and maintenance of SuDs.
- 7.33 The Lead Local Flood Authority (LLFA) require further information on whether sustainable drainage techniques have been considered as required by national guidance. Underground attenuation tanks are not considered to be SuDS and do not provide any benefits beyond attenuation. Confirmation is required of the calculations of surface water discharge and that STW would agree to the discharge.
- 7.34 The proposal as submitted includes a drainage scheme with a large attenuation tank adjacent to the road frontage with the layout failing to incorporate natural drainage features such as swales. There is a requirement to indicate that a range of SUDS features have been explored and ruled out prior to proposing such an engineered structure and this has been requested by the LLFA. The agents have submitted a letter from their Drainage

Engineer. Any further response from the LLFA will be provided at the meeting. As submitted the proposal fails to accord with Policy PD8, National Planning Policy Framework 169 and paragraph 59 of Planning Policy Guidance.

Highway Safety

- 7.35 Policy S3 requires development to have appropriate access and parking provision and Policy HC19 seeks to ensure that development can be safely accessed in a sustainable manner and adequate parking is provided. The site location is within reasonable walking distance to local services and facilities.

The Highways Authority have reviewed the comments made in the SHLAA assessment and consider that whilst one access for the allocated land was preferred it is not essential as the spacing in terms of the main accesses to both application site's are considered safe. They consider that terms of traffic impact, the proposal would have a negligible effect on the capacity of the surrounding highway network during busy development periods. Such traffic movements are likely to be minimal and it is considered the proposal is not anticipated to adversely affect the operation of the surrounding highway network subject to several conditions that must be adhered to. On this basis, there are no highway objections to the scheme and it is considered to accord with Policies S3 and HC19.

Developer Contributions

- 7.36 Policy S10: Local Infrastructure Provision and Developer Contributions sets out that the release of land for development will be informed by capacity in the existing local infrastructure to meet the additional requirements arising from new development. New development should only be permitted where the infrastructure necessary to serve it is either available, or where suitable arrangements are in place to provide it within an agreed timeframe.
- 7.37 The Education Authority have identified a requirement for £182,656.74 towards additional education facilities at Highfields School for 6 secondary phase (with post 16) pupils. The applicant's have questioned the rise in this figure since pre-application was undertaken and have submitted an Education Infrastructure Assessment to Derbyshire County Council and the Council on the 10th August 2023 in response to this request and the comments of the Education Authority are awaited and shall be reported either within late representations or at committee.
- 7.38 Policy HC4: affordable housing requires all residential developments of 11 dwellings or more or with a combined floorspace of more than 1000 m² should provide at least 30% of net dwellings proposed as affordable housing. This scheme would provide 27 affordable homes equating to 100% and as such exceeds the policy requirement of 30%. Policy HC4 sets out that affordable housing provision should be in the form of 80:20 split between rented and intermediate accommodation. The applicant proposes a 60:40 split on site of affordable rented and intermediate homes and acknowledges that whilst this does not meet the requirements of Policy HC4, *'The mix of homes responds to the nature of the site as well as to the profile of need and to the viability of the development as a whole'* as set out in the accompanying affordable housing statement. The applicant states that *'Rented Homes require more grant to deliver rented homes and the provision of an 80:20 scheme may require so much grant that it ceases to represent sufficiently good value for money to include it in the programme. In that sense, the delivery of a higher proportion of intermediate homes may be necessary to ensure that the scheme happens at all'*.
- 7.39 The District Council commissioned Icenl to provide an updated Housing Needs Assessment, published September 2021. The affordable housing need summary in (page. 98) sets out

that recent ‘evidence points to a total affordable housing need of 191 affordable homes per annum of which 40% is for rented affordable housing and 60% for affordable home ownership products including shared ownership/discounted market sale housing’. In addition Table 11.1 of the Icen study shows that the need up to 2040 for affordable and social rented dwellings in the Matlock & Wirksworth sub area is 21 dwellings per annum and affordable home ownership in the sub area is 44 dwellings per annum. Of the total affordable need this represents the following:

Table 1: Total Affordable Housing Need – District Total Net Need (p.a.)

	Net Need (pa)
Social and Affordable Rented	77
% of Total	40%
Affordable Home Ownership	115
% of Total	60%
Total Affordable Housing	191

(Table 11.1 of Icen Study, September 2021)

- 7.40 This current evidence of housing need shows that there is a reduced need for affordable rented accommodation and a higher need for affordable home ownership in the District. Whilst it is acknowledged that there is a requirement for First Homes, based on the scheme would provide 100% affordable homes provision and the justification of housing need provided it is not considered appropriate to seek to secure First Homes as part of this scheme.
- 7.41 The Council’s Head of Housing welcomes a 100% affordable scheme in the District by a Housing Association that wants to invest in the Derbyshire Dales. The quality of the homes proposed is high and the type of housing and tenure split between shared ownership and affordable rent is considered appropriate in accordance with Policy HC4.
- 7.42 Energy efficiency should be secured through building design in accordance with Policy PD7: Climate Change. The Council consider that this should be central to the design of dwellings and has an SPD on Climate Change with a matrix to assess application submissions. The submitted Energy and Sustainable Statement confirms that the following measures would be incorporated into the provision of housing:- local sourcing of construction materials; improved thermal insulation; low air permeability; photovoltaics, tree planting; green spaces; restore and new hedgerows; reducing carbon emissions through design, code of sustainable homes level 4; solar gain through orientation and window positioning; solar lighting; traffic calming measures; electric vehicle charge points. panels, thermal insulation. This complies with Policy PD7.
- 7.43 In terms of the allocated part of the site it is considered that the proposal fails to make effective and efficient use of land which prejudices the proper planning of the area by not forming part of a comprehensive scheme for the whole of the allocation. Whilst it is acknowledged that the whole of the site is allocated for housing development representing 51% of the total allocation where there is a presumption in favour, it does not represent sustainable development principles as it would prejudice the development of the whole allocation in a comprehensive manner.
- 7.54 It is clear from the consideration of the main issues that the development should be refused as, there are significant adverse impacts and technical reasons that would significantly and demonstrably outweigh the benefits arising from the provision of 27 affordable houses.
- 7.55 The proposal amounts to piecemeal development of an allocation which fails to provide a suitable layout that is in character with the area which is dominated by the road layout in an area of high landscape sensitivity. Insufficient information submitted on drainage and ecology. It is on this basis that notwithstanding the current shortfall in the 5 year housing

land supply and the tilted balance that has to be applied the adverse impacts of the proposals identified are considered to significantly and demonstrably outweigh the benefits of the provision of 27 dwellings within the District.

8.0 RECOMMENDATION

That planning permission be refused for the following reasons:

1. The proposal constitutes piecemeal development of an allocated housing site that would prevent the efficient use of land and delivers sub-optimal outcomes in terms of matters such as layout, design, landscaping, open space and sustainable drainage which need designing on a comprehensive basis across the site, contrary to Policy S1 of the Adopted Derbyshire Dales Local Plan (2017).
2. The proposed scale and appearance and land level of the dwellings would dominate the streetscene of Old Hackney Road and the layout is dominated by the estate road, both of which fail to reflect the character of the surrounding area identified as having a high landscape sensitivity, contrary to Policies S3, PD1, PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1, NP8 and NP11 of the Darley Dale Neighbourhood Plan Jan 2020.
3. Insufficient information has been supplied in order to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage to accord with the SUDS hierarchy contrary to Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).
4. Insufficient information has been provided to assess the impact on protected species with further survey work required together with a complete biodiversity metric, contrary to Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

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

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

This decision relates solely to the application

Plan no's 2202-P-01D, 02M, 03F, 04B, 05, 06A, 07A, 27 and 28

Housetype plan no's 2202-P-10B, 11A, 12A, 13A, 14A, 15A, 16A, 17A, 18A, 19A, 20A, 21A, 22A, 23A, 24A, 25A and 26A

Plan No's 23012-DR-0100 P3, 0600 P5 and 0601 P5

Tree Constraints Plan 01

Access Plan no's P23010-001 and 002

Landscape plan no's PP01.00 P1, 01 P1 and 02 P1.

Topographical Plan 38518NGLS-01

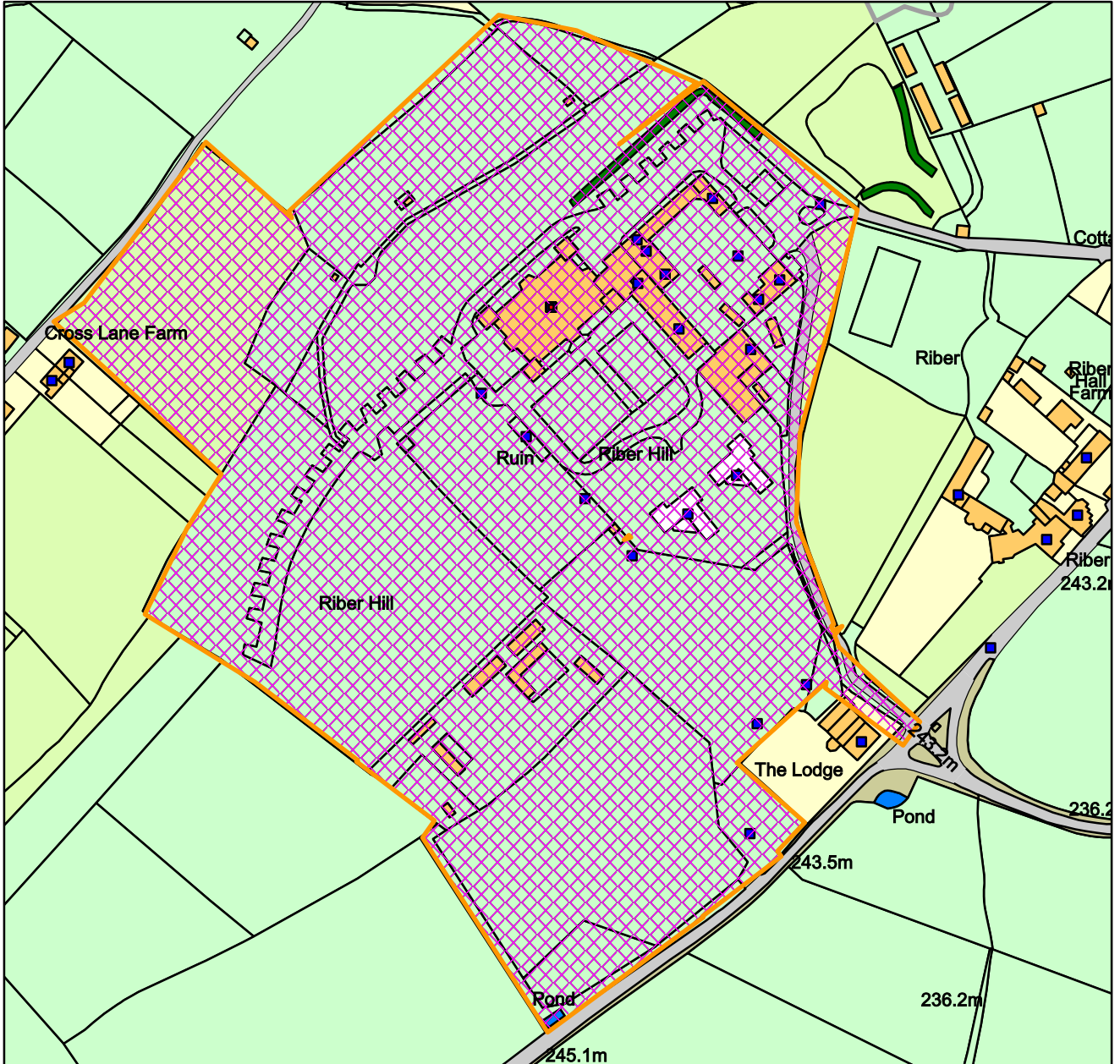
Design and Access Statement

Planning Statement

Affordable Housing Statement by Bailey Venning Associates dated March 2023
Phase 1 Geoenvironmental Site Assessment
Phase II Site Appraisal
Landscape and Visual Appraisal
Ecological Appraisal and letter dated 11th September 2023
Old Hackney Lane BNG Calculations
Energy and Sustainable Statement
Transport Statement
Archaeological Desk Based Assessment
Statement of Community Involvement
Drainage Strategy and Percolation Testing Report
Education Infrastructure Assessment
Agents emails dated 6th July, 4th September from STW, 18th September and 19th September 2023
Technical Note to address LLFA comments dated 30th June 2023

22/00855/FUL

Riber Castle, Riber Road, Riber, Matlock, Derbyshire



Derbyshire Dales DC

1:2,500

Date: 30/05/2023

100019785

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

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APPLICATION NUMBER		22/00855/FUL	
SITE ADDRESS:		Riber Castle, Riber Road, Riber, Matlock	
DESCRIPTION OF DEVELOPMENT		Erection 11no. dwellings within castle grounds, conversion of existing outbuildings and gatehouse to form 7no. dwellings, reconstruction of gatehouse to form 2no. dwellings, erection of orangery and covered parking area.	
CASE OFFICER	Adam Maxwell	APPLICANT	Mr Alan Wright
PARISH/TOWN	Matlock Town	AGENT	Mr Craig Barnsdale
WARD MEMBER(S)	Cllr Steve Flitter Cllr David Hughes Cllr Joanne Linthwaite	DETERMINATION TARGET	13.10.2023
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Whether development is acceptable in principle • Impact on cultural heritage • Landscape impact and impact upon the character and appearance of the area • Transport and Impact on highway safety • Impact upon the amenity of neighbouring properties • Sustainable building and climate change • Flood risk and drainage • Impact on trees and biodiversity • Affordable housing, housing mix and developer contributions

RECOMMENDATION
<p>That authority be delegated to the Development Manager or Principal Planning Officer to grant outline planning permission upon completion of a S.106 planning obligation to secure:</p> <ul style="list-style-type: none"> • approval and implementation of a management plan for the site; • provision of transport facilities; • provision and maintenance of footpath for use by the public and public access; • approval and implementation of construction access strategy; and • approval and implementation of road management scheme. <p>And subject to planning conditions set out in section 8.0 of the report.</p>

1.0 THE SITE AND SURROUNDINGS

- 1.1 Ribber Castle (built in 1868) is a grade II listed building located in a prominent location within the Ribber Conservation Area. The site is also within the Buffer Zone of the Derwent Valley Mills World Heritage Site.
- 1.2 During the mid-20th century the castle and its outworks fell into disrepair and its roof was removed. The site was then occupied as a zoo until the 1990s by which time the castle was a shell. The castle is currently being converted to residential apartments following the grant of planning permission by the Secretary of State and associated listed building consent.
- 1.3 Access to the site is via Ribber Road and there is a public footpath running along part of the northern boundary of the site. The nearest neighbouring properties are within Ribber to the south and west. The Lodge is located adjacent to the access to the site.

2.0 DETAILS OF THE APPLICATION

- 2.1 Full permission is sought for the erection of 11 dwellings within the castle grounds, the conversion of existing outbuildings and gate house to form 7 dwellings and reconstruction of the gate house to 2 dwellings. Erection of orangery to the castle and link between castle and outbuildings. Erection of detached garage building. The application originally proposed the erection of a helipad on land west of the castle, however this element has been omitted from the application.
- 2.2 The plans show a total of 20 dwellings within the grounds of the castle. These would be a mixture of new build dwellings and conversion / reconstruction of outbuildings associated with the castle. The number of dwellings proposed within the grounds and broad locations are the same as previously approved by the Secretary of State.
- 2.3 The application proposes alterations to the detailed design and location of the dwellings and additional built development within the outbuildings to facilitate the use of the bath house as pool for residents. The proposed link would connect the castle to the outbuildings to the east. The orangery extension would be to the west of the castle.
- 2.4 The proposed garage would be located to the west of the castle and north of the garden wall. The garage would be partially underground with access around the front of the castle and provide 36 parking spaces, bin and plant store and lift access to the orangery.







3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan 2017

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S4 Development within the Countryside
- S5 Strategic Housing Development
- S9 Rural Parishes Development 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
 PD7 Climate Change
 PD8 Flood Risk Management and Water Quality
 PD9 Pollution Control and Unstable Land
 HC1 Location of Housing Development
 HC4 Affordable Housing Provision
 HC11 Housing Mix and Type
 HC14 Open Space, Sports and Recreation Facilities
 HC15 Community Facilities and Services
 HC18 Provision of Public Transport Facilities
 HC19 Accessibility and Transport
 HC20 Managing Travel Demand
 HC21 Car Parking Standards

3.2 Other:

The National Planning Policy Framework (NPPF) (2021)
 National Planning Practice Guidance
 Climate Change Supplementary Planning Document (SPD) (2021)
 Developer Contributions SPD (2020)
 Landscape Character and Design SPD (2018)
 Historic England Advice Note 2 - Making Changes to Heritage Assets (2016)
 Historic England Advice Note 4 - Enabling Development and Heritage Assets (2020)

4.0 RELEVANT PLANNING HISTORY:

07/01033/FUL	Engineering operations to facilitate formation of 3 no. ponds and swale	PERC	08/02/2008
08/00673/FUL	Formation of bin store and underground basement to accommodate plant equipment and meter rooms	PERC	03/12/2008
08/00674/LBALT	Alterations to listed building - Formation of bin store and underground basement to accommodate plant equipment and meter rooms	PERC	03/12/2008
08/00742/FUL	Engineering operations comprising redistribution of spoil from site excavations	PERC	21/05/2009
04/07/0609/AMD	Non-material Amendment - Internal floor layout alterations	PER	16/06/2022
22/00739/LBALT	Proposed alterations to internal floor layout	PER	25/08/2022
04/08/0766	Alterations to listed building - Works to bailey walls	PERC	13/07/2005
04/07/0609	Refurbishment and conversion of castle and outbuildings to form 35 dwellings, erection of 11 new dwellings to include a rebuilt gatehouse and associated access	CI	16/03/2006

03/09/0729	Alterations to listed building - Conversion of gatehouse to form 4 no. flats	NOOBJ	15/07/2004
03/08/0655	Change of use and conversion of gatehouse to form 4 no. flat units	NONDET	15/07/2004
02/03/0199	Refurbishment and conversion of castle and outbuilding to form 35 dwellings and erection of 11 new dwellings to include a rebuilt gatehouse	W	21/04/2004
02/03/0198	Alterations to Listed Building - Works to include partial rebuild and refurbishment associated with residential conversion of castle and outbuildings	A	07/05/2004
05/00022/HEAR	Change of use and conversion of gatehouse to form 4 no. flat units	DISMIS	15/07/2004
05/00054/CI	Refurbishment and conversion of castle and outbuildings to form 35 dwellings, erection of 11 new dwellings to include a rebuilt gatehouse and associated access	ALLOW	16/03/2006

5.0 CONSULTATION RESPONSES

5.1 Town Council: Object

“Firstly, this is a significant number of new dwellings in a very small community. The residents of Riber ran a very active campaign to keep Riber rural for some time, earlier in the millennium, and these proposals will significantly impact on the community as a whole.

In addition, there are some grave concerns about traffic in this part of Matlock. There are no facilities in Riber or Starkholmes and all of the residents of the site will be travelling down to Matlock for them. This is likely to bring 40 cars onto the very small roads in this village, significantly increasing the traffic either through Tansley or down Riber road, which is wholly unsuited to the levels of traffic which it already gets, never mind increasing it. The DCC Highways is not very helpful, giving no information on the impacts to the wider road network as they see it. I would like to see a traffic management plan for the site, including the implications for both Starkholmes and Tansley.

In association with this, the proposal for a helipad is not in keeping with our carbon reduction requirements. Requesting the helipad suggests that the site is unlikely to be used by people wishing to become part of our community. In addition, there will obviously be no affordable homes in the development, against our policies and the needs of our community.

There is no mention of the helipad in the submission, regarding its use. How many flights into the site are proposed? In order to support the proposal, I would need to see significantly more information about the number and frequency of flights proposed into the site, any restrictions on timing, refuelling requirements, emergency proposals (flightlines into or out of the site will have to pass over the community of Starkholmes).

On a smaller scale, I would like to see the DWT consultation, and more information about the impacts on ecology. I would like to see an appropriate BNG metric for the site, using Metric 3.1 and to see both the onsite and offsite biodiversity mitigation.

There are almost certainly great crested newts on site as they are present in two ponds which adjoin the site. Newt fencing has been in place for some time, but it has not been maintained and would not stop newts from accessing the site. If District licensing is to be used, where are the receptor sites going to be? There will need to be other ponds constructed in the vicinity and they need to be part of the planning submission.”

5.2 Derbyshire Wildlife Trust

“Since our response dated 1st June 2023, final protected species surveys have been completed and a final biodiversity metric submitted. The Ecological Impact Assessment (EclA) has been updated by Ramm Sanderson to reflect this work (July 2023). Our comments are as follows and some sections of our previous response have been repeated below to ensure all matters are addressed in this letter.

Designated Sites

As per Section 1.1.2: The site falls within the IRZ for Matlock Woods SSSI and Masson Hill SSSI, however given that the helipad has been removed from proposals, consultation with Natural England is not required.

Habitats and Species

The highest value habitat appears to be the broadleaved woodland in the north-east and north-west of the site, however this will be retained within proposals. All semi-improved grassland is assessed as species-poor within the site. Some will be retained and enhanced within proposals, some will be lost and some new grassland will be created. Our previous query regarding the northernmost field of grassland has not been addressed and this is discussed in the BNG section below.

A low population of GCN has been confirmed in seven ponds within 500 m of the application area, including one pond within the application area. There will be some risk to GCN during works in terrestrial habitats, however we do not anticipate the removal of any ponds. As such, a licence has been recommended and appropriate mitigation measures will need to be implemented. We advise that sufficient information has been provided to determine the application with regards to GCN. Common toad were also recorded on site.

A precautionary method of works to safeguard reptiles is recommended in the report. This is supported and would also safeguard common amphibians.

Bat surveys have now been completed at the site in line with best practice guidelines. No roosts were recorded in the castle or B2. A suspected brown long-eared bat was recorded emerging from the castle wall, ten common pipistrelle bats were recorded emerging from within B3 (3x roost locations) and three common pipistrelle bats plus an unidentified bat were rerecorded emerging from B5 (3x roost locations). No bats have been recorded emerging from B4 but droppings were noted during the 2023 building inspection. All roosts are consistent with summer day roosts and their loss can be readily compensated for with bat boxes throughout the development, however a summary should be provided of which roosts will be impacted or lost, along with an outline of precautionary working measures. A licence will be required from Natural England prior to any works which could affect the identified roosts.

A variety of tree-mounted and integrated bat boxes are proposed on the Site Enhancement Plan included within the EclA, however it is not clear which of these will be secured via a bat licence and which constitute enhancements. The locations of the integral boxes appear

to include new buildings and walls. The exact details of these should be fine-tuned in the licence application and ensure optimal placement to benefit the local bat population.

No evidence of barn owl was identified in the bat building assessment. However, evidence of nesting swallows was noted. Compensatory nesting opportunities for this species are indicated on the Site Enhancement Plan included within the EclA, however it is not specified that these will be able to be accommodated internally, as required. Swallow nest cups need to be installed internally to open-fronted structures and therefore this should be considered at an early stage to ensure suitable opportunities can be provided within sheds, stables, porches, lean-tos, log stores etc. Furthermore, we advise that proposals are compliant with British Standard BS 42021:2022 and integral nest bricks incorporated in new dwellings at a ratio of 1:1. These details should be addressed within the LBEMP secured via condition. A peregrine falcon was observed perching on B1 during a site visit, however no works to this building are proposed.

No badger setts have been recorded within the application area. The presence of a single latrine indicates that the application area does fall within a badger territory and therefore foraging badgers are likely to access the site. Best practice working measures can be secured via condition.

Biodiversity Net Gain

The submitted metric predicts a net gain of +5.86 habitat units (+15.85%) is predicted and a net gain of +0.11 hedgerow units (+10.18%). The trading rules are satisfied.

However, our previous query regarding the exact type and condition of the northernmost grassland field has not been addressed. Whilst the metric is well-detailed, it states that some areas in the north and south of the site were not accessed and therefore a precautionary assessment of 'modified grassland' in moderate condition rather than poor was assigned.

Our database records the northernmost field as 'lowland dry acid grassland' (Figure provided at end of letter). Given that this would alter the values in the metric (lowland dry acid grassland is of 'very high distinctiveness'), we previously advised that this area should be accessed to confirm the grassland assessment. Whilst the field appears retained, it is currently included in the proposals to enhance to 'other neutral grassland', which would not be appropriate if it is indeed lowland dry acid grassland.

The northernmost field is to be retained and given the size of the application area and the scope for habitat creation and enhancement, it is highly likely that a net gain can be achieved. However, it is important that the calculations are accurate and based on detailed survey information.

No details have been provided as to how the habitats proposed in the metric will be created. These should be provided in the LBEMP, secured via condition. This document should also include full requirements for monitoring over a 30 year period.

We advise that the following conditions are attached to any approval:

Bat Licence and Mitigation

No works shall be undertaken to B3, B4, B5 or the location of the bat roost identified in the castle wall until an appropriate bat licence has been obtained. Upon receipt of a licence from Natural England, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in the Ecological Impact Assessment (Ramm Sanderson, July 2023) and amended as necessary based on

any correspondence with Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence will be submitted to the LPA once granted. A copy of the results of any monitoring works will be submitted to the LPA.

GCN Licence and Mitigation

Prior to the commencement of works on site, other than those located wholly on hardstanding / bare ground / within buildings, a copy of the great crested newt mitigation licence issued by Natural England shall be submitted to the LPA. All works shall be undertaken in strict accordance with the details agreed in the licence. The results of any monitoring surveys shall be reported to the LPA within three months of the surveys being completed.

Lighting

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This shall safeguard bat roosting features and foraging habitat within the development site. It shall provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

CEMP

No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. These shall consider badgers, reptiles and nesting birds, with bats and great crested newt mitigation addressed in separate licences.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

LBEMP

A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with

the proposals set out in the submitted Biodiversity Metric (Ramm Sanderson, July 2023). The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-

- a) Results of a survey of the northernmost grassland field to ensure the metric accurately reflects the habitat type and to inform habitat enhancement works. The metric shall be updated as necessary.
- b) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- c) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- d) Appropriate management methods and practices to achieve aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- g) Details of the body or organization responsible for implementation of the plan.
- h) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 10, 15, 20, 25 and 30 years.
- i) Monitoring reports to be sent to the Council at each of the intervals above
- j) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- k) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- l) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
- m) 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.”

5.3 Derwent Valley Mills WHS

No response to date.

5.4 Education Authority

“The County Council has a statutory duty to make education provision available for each young person and elects where possible to provide a school place for each child at their normal area school. This duty applies across all schools and includes Academies.

The number of places at the normal area school is assessed through a system provided by the Department of Education which produces a net capacity. The number on roll at a school reflects the number of pupils attending the school, and the difference between the net capacity and the number on roll is the number of places available or not available to accommodate future requests for places.

Pupil numbers are calculated looking at the five year projection of numbers on roll based on birth rates. This projection does NOT include the impact of any new housing with planning permission or allocated in local plans. The pupil yield from approved planning applications in the normal area of the school is then added.

The number of pupils that the development is expected to generate is calculated using the formula that for every 100 dwellings there will be 24 primary, 20 secondary and 8 post16 pupils. This formula is based on a statistical assessment of birth rate and housing occupancy data in Derbyshire using information from the 2011 census. In calculating the pupil yields one-person households have been omitted. This reflects the fact that one bedroom dwellings are omitted from the assessments of need contained in consultation responses. The pupil yield employed in the SEND assessment reflects the proportion of Derbyshire pupils being educated within Special Schools as well as Enhanced Resources within mainstream schools.

The requirement for financial contributions towards education provision is therefore based on the normal area school's net capacity, projected pupil numbers on roll over the next five years and the impact of all major residential development with extant planning permissions within the normal area of a school to assess the effect that committed development coming forward will have on school capacity.

The level of contribution required is fair and reasonable in scale and kind and is determined using multipliers provided by the Department for Education based on their analysis of building costs per pupil adjusted to reflect regional variations in costs. These multipliers are revised annually in line with building cost inflation using the Building Cost Information Service All in Tender Price Index. The thresholds and level of contribution required is set out below.

Primary Level

The proposed development falls within and directly relates to the normal area of St Giles Church of England Primary School. The proposed development of 20 dwellings would generate the need to provide for an additional 5 primary pupils.

St Giles Church of England Primary School has a net capacity for 120 pupils, with 101 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 102.

An evaluation of recently approved major residential developments within the normal area of St Giles Church of England Primary School shows new development totalling 542 dwellings, amounting to an additional 130 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 not have sufficient capacity to accommodate the 5 primary pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of Highfields School. The proposed development of 20 dwellings would generate the need to provide for an additional 6 secondary with post16 pupils.

Highfields School has a net capacity for 1392 pupils with 1250 pupils currently on roll. The number of pupils on roll is projected to increase to 1397 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 181 secondary with post16 pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate the 6 secondary with post 16 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 therefore requests financial contributions as follows:

£90,827.75 towards the provision of 5 Primary places at St Giles Church of England Primary School + additional education facilities.

£168,198.42 towards the provision of 6 secondary including post16 places at Highfields School + additional education facilities.

The above is based on current demographics which can change over time and therefore the County Council would wish to be consulted on any amendments to a planning application or further applications for this site.

Should it emerge that there are viability issues associated with the proposals in the above planning application and the District Council is in agreement with the applicant's financial appraisal, there may be some flexibility in the payment triggers. The full contribution, however, would still be required to fully mitigate the impact that the proposed development would have on the normal area primary school and secondary schools. The County Council requests that its officers are also party to any further negotiations on developer contributions.

If there is insufficient capacity to accommodate the increase in pupils forecast to be generated by this proposed development and the development itself cannot enable the necessary provision, the County Council wishes to highlight that the proposed development may not provide for a sustainable form of development."

5.5 Environment Agency: No comment

5.6 Highway Authority

Raise no objection but request further drawings to show highway improvement works approved under the extant planning permission.

5.7 Historic England

“Riber Castle was built in 1868, by John Smedley, a local Victorian entrepreneur who established himself in the hosiery business in a nearby factory in Lea Mills and built a hydro in Matlock. The building was later used as a school but following a period of uncertainty it deteriorated to a ruin. The site was subsequently used for a zoo until it became vacant and was sold. A residential conversion scheme was later granted at appeal with associated enabling development within the grounds.

Due to its prominent elevated siting, the castles silhouette is a dominant feature in the skyline and imposing landmark feature that is visible from a multitude of locations in the surrounding area. The Caste dominates the surrounding countryside and this part of the wider setting of the Derwent Valley Mills World Heritage Site (DVMWHS).

The building is grade II listed as a building of national special architectural and historic interest. It is located within the Riber Conservation Area and Derwent Valley Mills World Heritage Site buffer zone. The Castle and its associated buildings make an important positive contribution to the Riber Conservation Area and contribute to the Outstanding Universal Value of the World Heritage Site.

DVMWHHS is of the outstanding universal value (OUV) as identified by UNESCO and is of international significance. The rural character of the surrounding countryside is an important part of its significance, because it demonstrates the arrested development of the pioneering industrial sites located in the valley bottom. Unlike other industrial locations the mills and settlements in the Derwent Valley did not continue to develop into large urban areas and there is a hard edge between the historic industrial developments and the surrounding countryside which can still be readily seen and appreciated today.

We note that a revised Heritage Statement has now been submitted which has broadly addressed our previous concerns in this regard. Having considered the information provided we concur with your conservation officer’s comments in relation to the potential impacts on the significance of the heritage assets affected by the proposal. We recommend you seek further advice from the County Archaeologist in relation to potential impact on below ground archaeology.

As previously advised your authority will need to consider what the justification for additional units and service buildings in the context of the original decision which identified that the 2004 was the minimum viable necessary. As you are aware the housing market in the local area has led to significantly higher prices for housing than would have been achieved in 2004, indicating that your authority will need to robustly consider the justification for more development.

Our advice is given in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, the Planning Practice Guidance and the Historic Environment Good Practice in Planning Notes 2-3. We refer you to PPG in relation to the assessment of impact in relation to development which could potentially affect the WHS and the recent published guidance from UNESCO and its advisory bodies.

We urge you to consider the above and recommend that the applications should be determined in accordance with national and local policy guidance, and on the basis of your

specialist conservation and archaeological advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.”

5.8 Lead Local Flood Authority

No response to date

5.9 NHS Derby and Derbyshire Integrated Care Board

“I can confirm that this development falls under our threshold for a S106 contribution”

5.10 DDDC Conservation Officer

“Riber Castle (built in 1868) is a grade II listed building (listed 1950) located in a prominent location within the Riber Conservation Area. The site is also within the Buffer Zone of the World Heritage Site.

In the post-WWII years the Castle and its outworks fell into disrepair and its roof was removed. In the 1960s it was taken over as a Wildlife Zoo which continued until the 1990s. By that time the Castle itself was a shell.

An application for Planning Permission was also made in 2004 (04/07/0609) which included works of alteration and conversion of the Castle and for the erection of dwellings within the castle grounds and associated works. This application was ‘called in’ by the Secretary of State (SoS) to determine. The application was allowed by the SoS in March 2006.

This current application for Planning Permission is for the ‘erection 11no. dwellings within castle grounds, conversion of existing outbuildings and gatehouse to form 7no. dwellings, reconstruction of gatehouse to form 2no. dwellings, erection of orangery, covered parking area and helipad’.

This current application, whilst containing all of the proposed development allowed by the SoS also includes some amendments to the allowed development and some new development works. The principal amendments to the allowed development scheme are:

- i. ‘Plot 1’ layout has been altered
- ii. ‘Plot 4’ layout has been altered slightly and the projecting 90 degree kink (on the original layout) has been removed.
- iii. ‘Plots 6 & 7’ have been separated (rather than con-joined).

The new development works are:

- iv. A flat roofed ‘link’ section on the right hand side of the main Castle
- v. An attached ‘orangery’ on the left hand side of the main Castle
- vi. ‘Unit 1’ on the right hand side of the Castles garden
- vii. An underground carpark

The above developments are commented on below:

- i. The 'L' shaped part of the property has been re-located to the side of the existing corner turret and garden wall. This is a two-storey element and its interface with the corner turret will be a glazed 'link' which will allow a light architectural abutment to the turret. It is considered that, subject to constructional details etc. that the proposed amendments to Plot 1 are considered to be acceptable.
- ii. The general plan layout of Plot 4 has been flipped and the leg of the 'L' shaped building has been aligned with the angle of the garden wall. It is considered that, subject to constructional details etc. that the proposed amendments to Plot 4 are considered to be acceptable.
- iii. As originally approved Plots 6 & 7 abutted at a corner. The proposed amendment is to slightly separate the two dwellings to negate the abutment. It is considered that, subject to constructional details etc. that the proposed amendment to Plots 6 & 7 are considered to be acceptable.
- iv. The historical & archaeological assessment of the Castle has shown that on the right hand side of the Castle (between the former coach house and Castle) there was an internal link – most probably the principal entrance to the Castle. The amendment, therefore, includes a flat roofed section over this area to re-introduce this linking element. It is considered that, subject to constructional details etc. that the proposed amendment is acceptable.
- v. Historic photos indicate the presence of a conservatory or orangery on the left hand side of the Castle. This was removed historically. In this regard, the concept of such a building type/structure on this side of the Castle has been historically established. Historic photos depict a square or rectangular structure with a shallow, lean-to roof (possibly glazed). The photos provide insufficient detail for a faithful re-creation of this former conservatory and the proposal is to erect a, smaller, stone clad conservatory (with a parapetted flat roof and roof lanterns and glazed openings to the south-east & south-west). The design and detailing of the new conservatory (orangery) is depicted on the submitted drawings. It is considered that the proposed orangery will be an acceptable extension/addition to this part of the Castle and in its location, form, scale, mass and detailing will not have an adverse or harmful impact on the character and appearance of the Castle.
- vi. Unit 2 follows the general footprint of a linear glass house on this side of the walled garden. This was approved in the original planning approval on the site of the original 'bath houses'. The amendment includes for the provision of a new building (Unit 1) of similar architectural type and detail as Unit 2 and located on the same side of the walled garden. This part of the walled garden, in a plan of 1892 indicates an area for 'refuse & manure'. Whilst no building is indicated in this location it is considered that a continuation of the design and style of Unit 2, in this part of the walled garden would not have an adverse or harmful impact on the setting of the Castle.
- vii. Whilst the Castle served the purposes of a zoo, car parking along the front of the Castle was established. Whilst conversion and building works have been taking place over the last ten years or so this area at the front of the Castle has also been used for car parking. As part of the overall plan for the Castle and its site there has been a

desire to conceal, if possible, the provision of car parking needed to serve the apartments in the Castle. In this regard, the concept of an underground carpark has been formulated. The proposed location and design of the underground car park is depicted on the submitted drawings. The parts of the construction that will be visible 'above' ground are all to be stone clad. It is considered that the proposed location, form and architectural treatment and finish etc. of the proposed underground car park will not constitute adverse impact or harm on the setting of the Castle and will provide concealed car parking in the vicinity and frontage of the Castle.

- viii. On the land to the south-west of the Castle & its walled garden it is proposed to introduce a helipad. This will all be level with the current land level and comprise a tarmacked access track and a circular concrete helipad. In its proposed form and layout etc. it is considered that the helipad and access track would not constitute adverse impact or harm to the setting of the Castle.

It is considered that the proposed amendments to the originally approved scheme would not constitute adverse impacts or harm to the listed buildings and their setting, the Conservation Area or to the setting of the World Heritage Site.”

5.11 DDDC Environmental Health

“With regards this application I have no objections in principal. However, I do have some concern regarding the helipad being constructed and the possibility of disturbance in the local area as a result. Could further information be sought with regards to the likely use of this and any limitations planned to protect residential amenity.”

Officer Note: The helipad has since been omitted from the application.

5.12 DDDC Trees and Landscape Officer

“Considering the scale and potential impact of the proposals upon the visual amenity of the landscape I recommend that a LVIA be required to be submitted for approval pre-determination.

In order to be able to make an informed assessment of the potential impact of the proposals on the existing trees at the site I recommend that an Arboricultural Impact Assessment be submitted for approval pre-determination.

I recommend that if any encroachment into the Root Protection Areas of any retained trees is required for any reason then a site specific detailed Arboricultural Method Statement should also be required to be submitted for approval. This could be required as a condition to a grant of planning consent.”

5.13 DCC Archaeologist

“Thank you for re-consulting on these related applications. I have looked again at this application and I am glad to note the submission of an augmented and enhanced Heritage Statement which is fit for the purposes of Para 194 of NPPF.

I also note the latest consultation responses from Historic England and your own conservation officer. The Heritage Survey proposes there being a slight chance for the preservation of hitherto unknown archaeological deposits/features, which pre-date the castle while noting previous archaeological work which stated (my emphasis).

Although no other known archaeological remains lie within, or close to the study area, the richness of the surrounding landscape would suggest that this could result from a lack of detailed fieldwork and recent agricultural activity. The study area lies virtually on the summit of a spur of land overlooking the River Derwent: it drops steeply to the north-west (overlooking the confluence of the Derwent with the Bentley Brook), and more gently to the south-east forming an eminence overlooking the gritstone plateau to the south-east. Its location, overlooking the river valley, a confluence within that valley and the sloping shelves of the plateau is a classic location for activity during all periods.

Though it may be that the subsequent construction of the castle has removed traces of any underlying archaeology this is as yet an untested assumption. While I suspect the Heritage Assessment is correct regarding the relative status and significance of any below ground archaeology and it not forming a bar to development there will be a necessity for archaeological works in the form of an archaeological watching brief during groundworks and, in the area which will be affected by the underground carparking, and an archaeological watching brief scalable to strip map and record excavation with provision built into the archaeological coverage for a scalable excavation response dependent on results.

This work could be conditioned into planning consent”

5.14 DCC Countryside Officer (Trees)

“Although the site is close to land covered by DCC TPO 35, the development would be a significant distance from this area.”

5.15 DCC Place

“The local County Councillor Burfoot has been consulted for her views on the potential infrastructure requirements that may require contributions from developers.

Councillor Burfoot has highlighted that she is a member of the planning committee at Derbyshire Dales District Council and her comments below are her preliminary views only and at the planning committee she will consider all the evidence put before her. Councillor Burfoot has commented as follows:

“This is an important planning application given the need to conserve the heritage of the site.

I have a major issue with the gated community style entrance which I feel is out of character with the rural hamlet of Riber.

I would oppose the inclusion of a helicopter pad which could necessitate excessive noise and lighting and I feel is inappropriate for its setting. The lighting could not only have an

impact on the setting of the hamlet but further afield. Residential amenity of those living in Riber would also be affected.

I feel that all the new build should be within the perimeter walls of the castle.”

5.16 DCC Rights of Way

“I have checked the Definitive Map for the Matlock Urban District and can confirm that Matlock Public Footpath No. 52 runs adjacent to the north east boundary of the proposed development site, outlined in red on the site location plan. In addition, an application has been received under Section 53 of the Wildlife and Countryside Act 1981, to add a footpath as part of Footpath 52 which, if successful, would extend the existing footpath to Riber Road.

The proposed concessionary path would be a welcome addition to the network. Further information about this path, such as the width, surfacing and any limitations such as gates, would be appreciated, as would the plans for the proposed connections to Footpath 52 and Riber Road.

The Rights of Way Section has no objection to the proposals as it appears that Footpath 52 will be ultimately unaffected by the proposed works.”

5.17 Peak & Northern Footpaths Society

“I welcome the proposed new permissive footpath, but I think that bearing in mind the considerable amount of additional demand for opportunities for public walking which would be created by the large number of new residents on the site, this path should be legally dedicated as a public right of way. Also the proposed location of this new path should be assessed by the Town Council to ensure that it is in the best place to meet the recreational needs of the new residents and other walkers. The full width of Matlock Footpath 52 must be unobstructed at all times during and after the proposed development.”

5.18 Derbyshire Dales Ramblers

“Ramblers Derbyshire Dales Group has no objection providing that:

- i) Matlock FP 52 remains unaffected at all times, including the path surface, both during and after any development
- ii) Any encroachment of the paths would need consultation with the DCC Rights of Way Team
- iii) The permissive paths in the Design & Access Statement are welcome, although these would be more beneficial if they were dedicated as Rights of Way.”

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 10 letters of representation have been received to date in objection to the application. The material planning reasons given are summarised below:

- a) Lack of information within application
- b) Object to retrospective nature of parts of the application.

- c) The application does not clearly set out what the changes are compared to the development allowed by the Secretary of State.
- d) Query if conditions and planning obligation imposed upon development allowed by the Secretary of State will apply to this development.
- e) Proposal is contrary to the development allowed by the Secretary of State.
- f) Enabling development was granted based on the designs put forward by the developer. Sufficient development income was provided for at award. No further development should be permitted.
- g) Unclear if the development would be accessed via the minor hamlet roads.
- h) Unclear if proposed garage would provide sufficient parking for 26 apartments.
- i) Highway improvements approved under previous application require works on land not owned by the applicant and road markings and a 'gated community' style entrance which appears to suburbanise the rural hamlet's nature.
- j) Creation of a helicopter landing site to the south west of the castle may result in safeguarding issues.
- k) Creation of a helicopter landing site may necessitate anti-collision lights or other lighting nearby.
- l) Creation of a helicopter landing site would harm the setting of Riber Castle, the conservation area, amenity and the wider landscape.
- m) Use of the proposed helipad would create significant carbon emissions and exacerbate climate change.
- n) The proposed development is contrary to relevant policies in the current development plan.
- o) Insufficient information is submitted with the application to justify the development or additional enabling development.
- p) The additional development proposed by this application is not the minimum required to conserve the castle and no evidence is put forward to justify the proposed additional development.
- q) An updated viability appraisal has not been submitted with the application.
- r) The orientation and design of plot 1 and plot 4 do not take into account their impact on the rural setting when viewed from the South.
- s) The amendments to plot 1 would be visible above the castle wall and would detract from the castle and the landscape setting. The design does not meet the requirement for minimal impact or harm to the rural setting.
- t) The increase in size of plot 4 from a 4 bedroom to a 7 bedroom dwelling contravenes their application as it only provides for 4 and 5 bedroom properties.
- u) Due to the scale of plot 4 which will look out into the paddock area and be visible from the south. The amended plot 4 does not appear to meet the parameters of a dwelling that would be integrated into its setting and associated with the castle. This design is potentially harmful to the setting.
- v) The plans do not clearly define a boundary between the site and the hamlet. The developer has chosen to relocate plot 8 so that it no longer forms a physical boundary between the site and the hamlet.
- w) The permission granted by the Secretary of State only allowed access via Riber hamlet for plot 8 and emergency access.
- x) The drawings imply an open link between Smithy Lane in Riber hamlet and the development site. A gate should be retained and used as an emergency access route only.
- y) The Secretary of State was clear that the permission granted precluded the construction of any additional dwelling. If the developer wishes to amend the development or combine units on site this should not be used to again a new dwelling.
- z) The developer should not be permitted to build more structures on the site because they wish to change a dwelling provision to gain higher sales return. The increase is harmful it adds another structure onto the site that is not permitted or necessary.
- aa) Query if proposed changes to bedroom numbers indicate that the developer is aiming for the second home or holiday accommodation market.

- 7.1 This application seeks full planning permission for the erection of 20 dwellings on the site (a combination of new build, re-build and conversion), erection of orangery and garage.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017).
- 7.3 Having regard to the above, consultation responses and representations received and the relevant provisions of the development plan and the National Planning Policy Framework (NPPF), the main issues to assess are listed below.
- Whether development is acceptable in principle
 - Impact on cultural heritage
 - Landscape impact and impact upon the character and appearance of the area
 - Transport and Impact on highway safety
 - Impact upon the amenity of neighbouring properties
 - Sustainable building and climate change
 - Flood risk and drainage
 - Impact on trees and biodiversity
 - Affordable housing, housing mix and developer contributions

Principle

- 7.4 Planning permission was granted by the Secretary of State for the re-development of the site in 2006 (the 2006 permission). Planning permission was granted for conversion of the castle into 26 apartments, conversion of outbuildings into 9 dwellings, the erection of 10 new dwellings and the reconstruction of the former gatehouse into 1 dwelling (total 46 dwellings). Listed Building Consent was granted for the associated works to the listed building.
- 7.5 Planning permission was granted subject to a number of planning conditions and a planning obligation which amongst other things required phasing (to ensure that works to the castle were carried out). The planning permission was lawfully implemented and construction works have been underway on site for a considerable time with the works to convert the castle to apartments now nearing completion. The 2006 permission is a material consideration in the assessment of this application as a fall-back position and should be given significant weight.
- 7.6 The application site is not allocated for housing in the development plan and is located outside of Matlock in the countryside. Policy S4 seeks to ensure that that new development protects and, where possible, enhances the character and distinctiveness of the landscape, the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development. Housing is only appropriate in exceptional circumstances such as where justified for conversion of existing buildings in accordance with policy HC8.
- 7.7 The Council is unable to demonstrate a 5 year housing land supply at this time. The National Planning Policy Framework (NPPF) is a material consideration and paragraph 11 says that in these circumstances the Local Planning Authority should grant planning permission for sustainable development unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 7.8 Paragraph 80 of the NPPF does make provision for the development of isolated homes in the countryside where development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. Enabling development is development that would not be in compliance with local and/or national planning policies, and not normally be given planning permission, except for the fact that it would secure the future conservation of a heritage asset.
- 7.9 There is no provision in the development plan for the erection of new build dwellings on the site as proposed. However, the extant 2006 permission is a significant material consideration. This application proposes the same number of dwellings as the 2006 permission and is broadly comparable in terms of scale and layout to the approved scheme. The 2006 permission therefore establishes the principle for a development of the quantum proposed. Furthermore, the NPPF does make provision for enabling development where required to secure the future of heritage assets, such as Ribber Castle.
- 7.10 The key issues in the assessment of this application therefore is whether the proposed amendments to the detailed design of the scheme and additional development proposed is acceptable and justified having had regard to relevant development plan policies, guidance and material considerations and whether the development is acceptable in all other respects.

Impact on cultural heritage

- 7.11 Ribber Castle was built in 1868, by John Smedley, a local Victorian entrepreneur who established himself in the hosiery business in a nearby factory in Lea Mills and built a hydro in Matlock. The building was later used as a school but following a period of uncertainty it deteriorated to a ruin. The site was subsequently used as a zoo until it became vacant and was sold. The 2006 permission for conversion to apartments was later granted with associated enabling development within the grounds.
- 7.12 Due to its prominent position, the castles silhouette is a dominant feature in the skyline and an imposing landmark feature that is visible from a multitude of locations in the surrounding area. The castle dominates the surrounding countryside and this part of the wider setting of the Derwent Valley Mills World Heritage Site (DVMWHS).
- 7.13 The building is grade II listed as a building of national special architectural and historic interest. It is located within the Ribber Conservation Area and DVMWHS buffer zone. The castle and its associated buildings make an important positive contribution to the Ribber Conservation Area and contribute to the Outstanding Universal Value (OUV) of the World Heritage Site.
- 7.14 DVMWHS is of international significance. The rural character of the surrounding countryside is an important part of its significance, because it demonstrates the arrested development of the pioneering industrial sites located in the valley bottom. Unlike other industrial locations the mills and settlements in the Derwent Valley did not continue to develop into large urban areas and there is a hard edge between the historic industrial developments and the surrounding countryside which can still be readily seen and appreciated today.
- 7.15 This current application, whilst containing all of the development permitted by the 2006 permission includes some amendments and new development works. The application has come forward following on-going discussions and pre-application advice given to the applicant by the former Development Manager and the Conservation and Design Officer.

- 7.16 Policy PD2 is relevant and 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 heritage assets including (amongst other things) conservation areas, listed buildings, archaeological sites or heritage features and non-designated heritage assets.
- 7.17 The Listed building, Conservation Area and DVMWHS are designated heritage assets. The Local Planning Authority is obliged to have special regard to the desirability of preserving listed buildings their setting or any features of special architectural or historic interest which they possesses. The Local Planning Authority is also obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 7.18 A Heritage Statement (HS) has been submitted with the application which meets the requirements of policy PD2 and the NPPF. The HS concludes that the development will not result in any harm to the significance of affected heritage assets and that any impact upon archaeology can be mitigated through the imposition of planning conditions to secure a programme of archaeological mitigation.
- 7.19 The Conservation and Design Officer has been consulted on the application and has assessed the proposed amendments to the dwellings, orangery, link and garage development. The application proposes various amendments to the dwellings while retaining the general layout and design approach of the 2006 permission.
- 7.20 Concern has been raised in representations in regard to the amendments to plot 1 (within the walled garden west of the castle) and plot 4 (south of the walled gardens). The layout of plot 1 has been amended with a two-storey element abutting the western castle wall. The majority of this dwelling would remain concealed behind the wall, however, part of the two-storey element would be visible above the wall from the west and south. However, this element has been designed with light weight and recessive materials which would mitigate the impact and not erode the dominance or simple form of the castle wall.
- 7.21 The amendments to plot 4 would hand the form to the west and increase the scale of the building and number of bedrooms from 4 to 7. The overall design approach for this plot remains similar and the dwelling would continue to be well related and read in relation to the wider castle. The increase in the scale of the two-storey element would not result in any significant additional or landscape visual impact or harm the setting of the castle.
- 7.22 The remaining amendments to the proposed dwellings are more minor in nature and while there are some changes to the number of bedrooms the amendments are generally minor in nature and would not compromise the quality of the approved development or result in harm to the significance of affected heritage assets, subject to planning conditions to agree details.
- 7.23 Part of the proposed amendments to the dwellings would result in a new building 'Unit 1' on the west side of the walled garden. This would be a continuation of Unit 2 which was approved in the 2006 permission and Unit 1 would be a continuation of the approve design. This element would not result in an additional dwelling because it would facilitate the use of part of the bath house (which was approved for conversion to a dwelling in the 2006 permission) as a swimming pool and changing rooms for residents of the development.
- 7.24 The part of the walled garden where Unit 1 is proposed was historically used for refuse and manure and while no building was located in this position the continuation of the design and style of Unit 2 in this part of the walled garden would not harm the setting of the castle or any other affected heritage asset. Furthermore, the reinstatement of the bathhouse would be an enhancement to significance by restoring an element of its historic plan and legibility.

- 7.25 A link is proposed on the northwest elevation of the castle to the outbuildings. The assessment of the castle has shown that there was historically a link between the castle and the former coach house. The proposed link would re-introduce this element which is acceptable in principle. There is no objection to the design approach of the link subject to planning conditions to agree details.
- 7.26 An orangery is proposed to the south east elevation of the castle to provide an entrance foyer and link to the sub-terrain garage structure. Historic photographs indicate the presence of a conservatory or orangery on this side of the castle. Therefore, the principle for such a building on this side of the castle has been historically established and is acceptable. The historic photographs are not sufficiently detailed to inform a faithful re-creation and therefore the proposal is for a smaller, stone clad conservatory with a parapet roof and roof lanterns. There is no objection to the proposed design approach and it is concluded that this element will not harm the significance of the castle or any other affected heritage asset.
- 7.27 The application proposes a partially sub-terrain car park, store and plant room for occupants of the development. The garage structure would be sited to the south west of the castle and provide pedestrian access to the proposed orangery via a lift. Car parking to the front of the castle was established while the site was occupied as a zoo. The 2006 permission retaining this parking for occupants of the development. The proposed car park is intended to conceal the provision of car parking to serve the apartments and reduce the impact upon the front of the castle.
- 7.28 The parts of the garage structure visible above ground would be viewed as low stone walls and there are no objections to the scale, location, form or materials of the proposed building. Due to the design approach little of the structure would be visible above ground and as a result the garage would not result in harm to the setting of the castle or other affected heritage assets either in and around the site or in the wider landscape. The proposed garage therefore would not result in harm to the setting of the castle or affected heritage assets and would facilitate the removal of car parking from the front of the castle which would be an enhancement.
- 7.29 Taken as a whole the proposed amendments would be broadly similar in scale, form and location to the 2006 permission. The proposed amendments to the precise design, scale and location of dwellings are acceptable and would maintain the design quality and approach of the 2006 permission. The proposed additional development would be acceptable for the reasons set out above and would result in some enhancements to the significance of the castle. Overall the development would conserve the significance of Riber Castle, Riber Conservation Area and the setting of the DVMWHS.
- 7.30 The County Archaeologist advises that there is the potential for the proposed garage to impact upon archaeology and therefore that this element should be monitored in accordance with an approved written scheme of investigation (WSI). This is considered to be reasonable and necessary given the requirements of policy PD2 and the NPPF.
- 7.31 It is therefore concluded that the development will conserve the significance of Riber Castle, Riber Conservation Area and the setting of the DVMWHS. The development would not harm the significance of any other heritage asset. The development is therefore in accordance with policy PD2 and the NPPF.

Landscape impact and impact upon the character and appearance of the area

- 7.32 Policy S1 states that development should conserve and where possible enhance the natural and historic environment, including settlements within the plan area. Policy PD1 requires all

development to be of high quality design that respects the character, identity and context of the Derbyshire Dale's townscapes and landscapes.

- 7.33 Policy S4 s) states that permission will be granted for development where it does not undermine, either individually or cumulatively with existing or proposed development, the physical separation and open undeveloped character between nearby settlements either through contiguous extension to existing settlements or through development on isolated sites and land divorced from the settlement edge.
- 7.34 Policy PD5 deals specifically with landscape character and states that the Council will seek to protect, enhance and restore the landscape character of the area. This will be achieved by requiring that development has particular regard to maintaining landscape features, landscape character and the setting of the Peak District National Park. Development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.35 Policy PD1 goes on to say that development will only be permitted where the location, materials, scale and use are sympathetic and complement the landscape character, natural features (including trees, hedgerows and water features that contribute positively to landscape character) are retained and managed and opportunities for appropriate landscaping are sought such that landscape characteristics are strengthened.
- 7.36 The application site is located in a dominant position overlooking and visible from a number of locations in the area. The site is located within the Peak Fringe & Lower Derwent Landscape Character Area (LCA) and within the Wooded Slopes & Valleys Landscape Character Type (LCT). The site is not subject to any landscape designations but the castle is visible from the north and higher ground within the Peak District National Park (PDNP).
- 7.37 This is an upland landscape with undulating ground rising up to moorland with steep slopes along valleys. Land is largely permanent pasture for sheep and cattle with densely scattered small to medium ancient woodlands and secondary woodland on steeper slopes and along streams. There are scattered hedgerow trees and drystone walls around networks of winding lanes and dispersed sandstone farmsteads with stone slate roofs.
- 7.38 Having regard to the extant 2006 permission the application is for amendments to the approved development. The proposed changes to the location, scale and design of the dwellings secure the same quality design and approach of the 2006 permission. These elements therefore would not result in any material impact upon the landscape, landscape character of the setting of the PDNP. Similarly the proposed link extension and orangery would be read as sub-ordinate and restoring historic elements of the castle.
- 7.39 The proposed garage would introduce an additional free standing structure in a prominent location. However, the garage has been designed to be partially below ground which significantly mitigates any impact. The low walls of the garage would not be visible above the topography in the wider landscape and where viewed from closer they would be seen against the backdrop of the walled garden. The proposed garage would therefore not result in any harm to the landscape, landscape character of the setting of the PDNP.
- 7.40 The 2006 permission included comprehensive conditions to control landscaping and management in the interests of conserving the wider site and the setting of the castle and Conservation Area. If permission is granted it is necessary to re-impose planning conditions to ensure that these elements are agreed, implemented and managed throughout the lifetime of the development.

7.41 The development, having regard to the extant 2006 permission therefore would conserve the character, appearance and local distinctiveness of the landscape in accordance with policies S1, S4 and PD5.

Transport and Impact on Highway Safety

7.42 Policies S1, S4 r) and HC19 require development proposals to demonstrate that they can be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan.

7.43 The proposal is for new residential development in a relatively inaccessible location within the countryside. However, the extant 2006 permission is a material consideration and establishes the principle for residential development in this location. The development would not result in any additional dwellings on the site compared to the approved scheme or any other development which would result in additional vehicle movements.

7.44 Concern has been raised in regard to potential access to and from the site from the lane to the east of the site (known as Smithy Lane). Smithy Lane is single track with no passing places and therefore unsuitable for access to the development. This was noted by the Secretary of State when considering the 2006 permission. At that time Smithy Lane was to provide access to Plot 8 and emergency vehicles only.

7.45 The proposed plans indicate that there would be a route through the development to Smithy Lane. As set out above general use of the lane by the development would not be appropriate as it would harm highway safety, safety of users of the footpath along the lane and the amenity of the hamlet. Therefore, if permission were granted a planning condition would be imposed requiring the access to be permanently closed to vehicles (other than for access for emergency vehicles) in accordance with details to be first approved by the Local Planning Authority.

7.46 Subject to the above, the development would therefore not result in any material increase in vehicle movements or material impact upon highway safety compared to the 2006 permission. The Highway Authority raise no objection subject to the submission of the off-site mitigation approved under the 2006 permission. This can be secured by appropriate planning conditions and planning obligation.

7.47 The development, having regard to the extant 2006 permission would not harm highway safety or result in any significant impacts upon the highway network. The development would not be located in a sustainable location but would not result in any material impact upon vehicle movements compared to the 2006 permission. The development would therefore not be harmful in terms of sustainable access subject to securing mitigation by planning condition and planning obligation. The application is therefore in accordance with policies S1, S4, HC19, HC20 and HC21.

Impact on amenity of neighbouring properties

7.48 The proposed dwellings would be located away from neighbouring properties and therefore the development would not result in any significant impacts upon privacy or light to neighbours nor would the development be overbearing. The development would not result in any material change in the number or nature of vehicle movements compared to the 2006 permission. Concerns were raised in regard to the use of the proposed helicopter landing pad, however this element has been omitted from the application.

7.49 The development would result in some impact in terms of noise and disturbance during construction. However, this is the case with any development and there would be no material

difference between the proposal and the 2006 permission in this regard. This could be satisfactorily controlled subject to planning conditions to control hours of construction works and construction compound.

7.50 Therefore, subject to conditions the development could be accommodated on site without significant harm to the amenity of neighbouring properties or occupants of the development in accordance with policies S1 and PD1.

Sustainable building and climate change

7.51 Policies S1 and PD7 state that the Council will promote a development strategy that seeks to mitigate the impacts of climate change and respects our environmental limits by: requiring new development to be designed to contribute to achieving national targets to reduce greenhouse emissions by using land-form, layout, building orientation, planting, massing and landscaping to reduce energy consumption; supporting generation of energy from renewable or low-carbon sources; promoting sustainable design and construction techniques, securing energy efficiency through building design; supporting a sustainable pattern of development; water efficiency and sustainable waste management.

7.52 The 2006 permission did not include any provision for measures to mitigate the impacts of climate change. The submitted application does not propose any specific mitigation measures, however, the new build dwellings will be required to comply with current building regulations in terms of conservation of heat and power. There will also be opportunities to incorporate microgeneration technologies within conservation constraints.

7.53 Therefore, having regard to the requirements of policies S1 and PD7 if permission is granted it is considered reasonable and necessary to impose a planning condition to require sustainable building and climate change mitigation measures to be incorporated. The development therefore can be delivered in a manner that would reduce carbon emissions and energy consumption therefore mitigating the impacts of climate change in accordance with policies S1 and PD7.

Flood risk and drainage

7.54 The whole site is located within Flood Zone 1 which is described as land having a less than 1 in 1,000 annual probability of river or sea flooding. The site is therefore at low risk from flooding. The application is for major development and therefore a Flood Risk Assessment (FRA) has been submitted with the application.

7.55 Policies S1 and PD8 are relevant and state that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere. Development will be supported where it is demonstrated that there is no deterioration in ecological status either through pollution of surface or groundwater or indirectly through pollution of surface or groundwater or indirectly through overloading of the sewerage system and wastewater treatment works. New development shall incorporate Sustainable Drainage Measures (SuDS) in accordance with national standards.

7.56 The FRA includes a drainage strategy. This strategy concludes that post-development surface water is attenuated within the site to provide a betterment and allowed to infiltrate if feasible. The 2006 permission included a planning condition to agree foul and surface water and this has been complied with.

7.57 Foul water would be to the main sewer as approved by the 2006 permission. Discharge to the main sewer is acceptable in principle and in accordance with Planning Practice Guidance. This would mitigate risk of pollution of the water environment in accordance with policy PD9.

- 7.58 The Environment Agency (EA) and Lead Local Flood Authority (LLFA) have been consulted. The EA raise no objection to the development. The LLFA have not responded to date.
- 7.59 The submitted FRA demonstrates that the development would be located within Flood Zone 1 an area of lowest flood risk. The development would be appropriately flood resistant and resilient. Any residual flood risk could be safely managed and safe access and escape routes would be available at all times. Foul water would be to the main sewer. The drainage strategy demonstrates that surface water would be dealt with appropriately and in accordance with national planning guidance.
- 7.60 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site in accordance with policies S1 and PD8.

Impact on trees and biodiversity

- 7.61 There are a number of trees and hedges on and adjacent to the site that could be affected by the development. Policies S1 and PD3 state that the Council will seek to protect, manage and where possible enhance the biodiversity and geological resources of the area by ensuring that development will not result in harm to biodiversity or geodiversity interests and by taking account of a hierarchy of protected sites. This will be achieved by conserving designated sites and protected species and encouraging development to include measures to contribute positively to overall biodiversity and ensure that there is a net overall gain to biodiversity.
- 7.62 The application is supported by an Ecological Impact Assessment (EclA) and Biodiversity Metric. The 2006 permission was supported by tree surveys and granted subject to a planning condition requiring tree protection fencing to be erected and maintained during the development.
- 7.63 The development would not result in any further encroachment upon trees compared to the 2006 permission. Therefore further survey work prior to determination is not considered to be necessary. However, if permission is granted it is considered that an updated Arboricultural Method Statement (AMS) is necessary to ensure that the revised development proposals are carried out in a manner which conserves trees and that construction / storage areas do not harm retained trees.
- 7.64 Having had regard to advice from Derbyshire Wildlife Trust the development will not result in any adverse impact upon designated nature sites.
- 7.65 The application demonstrates that there are no features of high nature conservation value or designations at the application site that would be harmed. Potential impacts on protected species are assessed within the EclA. Having regard to the advice from Derbyshire Wildlife Trust (DWT) the application has demonstrated that, subject to planning conditions to secure avoidance measures, details of lighting, a Construction and Environment Management Plan (CEMP) and a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) it can be carried out in a manner that will not harm designated sites or protected species in accordance with policies S1 and PD3.
- 7.66 The submitted biodiversity net gain assessment concludes that the development will deliver a net gain for habitats and hedgerows on-site of 15.85% for habitats and 10.18% for hedgerows. If permission is granted a planning condition to secure a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) would be recommended.
- 7.67 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site in accordance with policies S1 and PD3.

Affordable housing, housing mix and developer contributions

- 7.68 Policy S10 states that suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary when considering new development, including providing for health and social care facilities, in particular supporting the proposals that help to deliver the Derbyshire Health and Wellbeing Strategy and other improvements to support local Clinical Commissioning Groups (CCG) and facilitating enhancements to the capacity of education, training and learning establishments throughout the Plan Area.
- 7.69 No health contribution has been sought by the CCG. The development will result in the need for additional education provision. The Education Authority has stated that this would amount to £90,827.75 towards the provision of 5 Primary places at St Giles Church of England Primary School (and additional education facilities) and £168,198.42 towards the provision of 6 secondary including post 16 places at Highfields School.
- 7.70 Given the nature of the development and prevailing policies no contribution was sought for education when permission was granted in 2006 as the reason for the development was to secure the conservation of Riber Castle by allowing the minimum development possible. The extant 2006 permission is a material consideration and the current application proposes no additional dwellings. The application does not propose to provide the contributions required by the Education Authority contrary to the requirements of policy S10. However, having had regard to the 2006 permission as a material consideration and fall-back position it would not be reasonable to request any contribution in this case.
- 7.71 In order to address the significant need for affordable housing across the Local Plan area, policy HC4 requires that all residential developments of 11 dwellings or more or with a combined floor space of more than 1000 square metres provide 30% of the net dwellings as affordable housing. The application does not proposed to meet this policy requirement and no affordable houses are proposed for the reasons set out above. Having regard to the 2006 permission as a material consideration and fall-back position it would not be reasonable to request provision of affordable housing in this case.
- 7.72 Policy HC11 prescribes a housing mix to meet the Council's housing needs and to create a sustainable, balanced and inclusive communities. The 2006 permission pre-dates policy HC11 and the permitted development includes a mix with a significantly larger proportion of 4+ bedroom properties. The application proposes a broadly similar mix, albeit with some additional bedrooms to some properties. However, the priority must be to deliver a scheme which conserves and enhances the castle. HC11 provides flexibility on housing mix in this context and therefore the proposals are considered to be acceptable having regard to the fall back position of the 2006 permission.
- 7.73 Policy HC14 requires new residential developments of 11 dwellings or more to provide or contribute towards public open space and sports facilities. The Adopted Supplementary Planning Document (SPD) on Developer Contributions dated February 2020 supersedes the table in policy HC14 as it is based on the updated study from January 2018.
- 7.74 The 2006 permission did not include any provision for public open space, sports facilities or play areas within the development. However, provision was made within the development for public access which is secured by planning condition and within the planning obligation. Having regard to the 2006 permission as a material consideration and fall-back position it would not be reasonable to request further provision of public open space or financial contribution in this case.
- 7.75 The 2006 permission was granted subject to a S.106 planning obligation. The primary purpose of the planning obligation was to ensure that appropriate works to the castle were

completed before the completion of any other enabling development. The conversion works to the castle are now nearing completion and therefore it is no longer necessary to repeat this requirement.

7.76 The planning obligation imposed upon the 2006 permission also covered the following:

1. Phasing arrangements
2. Prohibition of any additional dwellings on the land
3. Restrictions to specific residential curtilages and removal of permitted development rights.
4. Grant the Council power to carry out works to remedy breaches
5. Require written notification from the owner for implementation and completion of the development.
6. Agree and implement management plan for the castle and the grounds.
7. Provide transport facilities (including minibus service for residents of the development and Riber village for a minimum of 3 years).
8. Provide footpath for use by the public year round and area for public access 2 days per year.
9. Agree and implement maintenance provisions for estate roads during winter
10. Agree and implement construction access strategy
11. Agree and implement road management scheme (for the local highway network)
12. Agree and implement travel plan

7.77 A number of these obligations repeated planning conditions imposed upon the 2006 permission and this was noted by the Secretary of State at the time. Phasing arrangements, curtilages, removal of permitted development rights and approval and implementation of the travel plan can be secured by planning condition. It is therefore not necessary to repeat these obligations within a planning obligation as this would be contrary to the tests in the Community Infrastructure Levy Regulations and current National Planning Practice Guidance.

7.78 Furthermore, it is not necessary to repeat restrictions on the erection of new dwellings on the land or repeat provisions granting power to remedy breaches. The erection of dwellings would require planning permission and therefore the Local Planning Authority has sufficient control over such development and the Local Planning Authority has existing enforcement powers to remedy breaches if they occur. It is also not considered to be necessary to repeat restrictions on winter maintenance provisions as this could be satisfactorily controlled as part of the management plan.

7.79 It is however necessary to repeat the obligations requiring approval and implementation of a management plan, provision of transport facilities, provision of footpath and public access, approval and implementation of construction access strategy and road management scheme. The approval and implementation of these elements remain necessary to make the development acceptable in planning terms and to ensure that any permission remains consistent with the 2006 permission which will remain extant.

The Planning Balance

7.80 The principle of residential development on this site is not in accordance with policy S4 of the Adopted Derbyshire Dales Local Plan (2017). However, there is provision within the NPPF for enabling development required to secure the conservation of a heritage asset. Furthermore, the extant 2006 permission is a material planning consideration and establishes the principle for the development.

7.81 The application proposes amendments to the 2006 permission and other additional ancillary development. The proposals have been carefully considered by the Conservation and

Design Officer and Historic England and it is concluded that the proposals would maintain the design quality and approach of the approved development and not result in harm to the significance of Ribber Castle, Ribber Conservation Area, the setting of DVMWHS or any other heritage asset in accordance with policies PD1 and PD2.

7.82 The 2006 permission permitted the minimum level of development necessary to conserve Ribber Castle. Therefore any additional development must be carefully considered. The proposals however would not result in any additional dwellings and the overall scale, layout and form of development is similar to that approved in 2006. The additional development is minor and ancillary in nature and is acceptable on its own merits. It is therefore considered that further viability testing is not required in this case.

7.83 The development would not harm the landscape, landscape character or the setting of the Peak District National Park in accordance with policies S1, S4 and PD5. The development would not harm biodiversity or trees in accordance with policies PD3 and PD7. The development would not be at risk of flooding and would be provided with sustainable drainage in accordance with policies PD8 and PD9. The development would not harm highway safety or result in any significant impact upon the highway network and would not result in harm to the amenity of neighbouring properties in accordance with policies PD1, HC10, HC20 and HC21.

7.84 The Council is unable to demonstrate a 5 year housing land supply at this time. The National Planning Policy Framework (NPPF) is a material consideration and paragraph 11 says that in these circumstances the Local Planning Authority should grant planning permission for sustainable development unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

7.85 Therefore, while there is some conflict with development plan policies in regard to the principle of development on site. Having had regard to material considerations including the 2006 permission as a fallback position and the NPPF it is concluded that the development is acceptable and in accordance with the development plan when taken as a whole.

7.86 The application is therefore recommended for approval subject to the imposition of planning conditions and prior entry into a S.106 planning obligation.

8.0 RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer to grant outline planning permission upon completion of a S.106 planning obligation to secure:

- approval and implementation of a management plan for the site;
- provision of transport facilities;
- provision and maintenance of footpath for use by the public and public access;
- approval and implementation of construction access strategy; and
- approval and implementation of road management scheme.

Subject to the following conditions:

1. The development hereby permitted shall not be carried out other than in accordance with the following approved plans and subject to the following conditions and modifications:

Site Location – A116 2
Site Layout – A108 9
Public Access Proposals – Plan 4
Ground Flood Layout – A102 1
Castle Sections 1 – A401 1
Unit 1 – A527 3
Unit 2 – A528 3
Unit 6 – A532 3
Unit 7 – A533 4
Unit 8 – A536 3
Unit 9 – A535 4
Unit 11 – A534 4
Bath House – A529 3
Coach House – A530 2
Saddlery – A531 3
The Stable Block – A537 2

Plot 1 Sheet 1 – A538 3
Plot 1 Sheet 2 – A538.1 2
Plot 2 Sheet 1 – A539 2
Plot 2 Sheet 2 – A540
Plot 3 Sheet 1 – A541 2
Plot 3 Sheet 2 – A542 1
Plot 4 Sheet 1 – A543 3
Plot 4 Sheet 2 – A544 3
Plot 5 Sheet 1 – A545 4
Plot 5 Sheet 2 – A546 4
Plot 6 Sheet 1 – A547 3
Plot 6 Sheet 2 – A548 3
Plot 7 Sheet 1 – A549 3
Plot 7 Sheet 2 – A550 3
Plot 8 Sheet 1 – A551 3
Plot 8 Sheet 2 – A552 3
Plot 9 & 10 Garden Wall Views – A557 2
Plot 9 Sheet 1 – A553 3
Plot 9 Sheet 2 – A554 3
Plot 10 Sheet 1 – A555 3
Plot 10 Sheet 2 – A556 2
Garage Details 1 – A802 4
Garage Details 2 – A803 5
Garage Details 3 – A804 2
Orangery Details – A801 3
Proposed Off Site Road Improvements 1 – A1001 1
Proposed Off Site Road Improvements 2 – A1002

Reason:

For clarity and the avoidance of doubt and in the interests of the proper planning of the area.

2. No development shall take place until a programme for the phasing of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted programme shall identify as separate phases, or series of phases, the conversion of the outbuildings and gate house, the reconstruction of the gatehouse and the new dwellings and shall identify the infrastructure and facilities required prior to both the commencement of construction and first occupation of each phase.

Reason:

To ensure that the conversion of the outbuildings and new dwellings are completed in appropriate phasing and that the development is served by appropriate infrastructure and facilities in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

3. No development of the covered parking area or access road shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

To ensure that any impact upon on site archaeology is mitigated and recorded in accordance with policy PD2 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

4. No development shall take place on any approved phase before details of the materials to be used in the construction of the external surfaces of the proposed development in that phase, including the rebuilding or reinstatement of existing walls, where necessary, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out only in accordance with the approved details and shall be completed prior to the first occupation of that phase of the development.

Reason:

To ensure that the development is of an appropriate design and construction which conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

5. No development shall take place on any approved phase before details of the coursing of new stonework and pointing of existing and new walls in that phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out only in accordance with the approved details and shall be completed prior to the first occupation of that phase of the development.

Reason:

To ensure that the development is of an appropriate design and construction which conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

6. No development shall take place on any approved phase before a scheme of hard and soft landscaping in that phase has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

- i. Proposed trees and hedges and defined limits of shrubs and grass areas.
- ii. Numbers of trees and shrubs in each position with size of stock, species and variety.
- iii. Proposed topsoil depths for grass and shrub areas.
- iv. Types of enclosure (hedges, fences, railings, walls etc).
- v. Regraded contours and details of changes in level.
- vi. Proposals for the replacement of any hedges affected by the access works.

Reason:

To ensure that the development protects existing trees and hedges and incorporates appropriate replacement planting and landscaping which conserves the significance of Ribber Castle and its setting within the landscape in accordance with policies PD1, PD2, PD5, PD6 and HC8 of the Adopted Derbyshire Dales Local Plan.

7. All hard and soft landscaping works shall be carried out in accordance with the approved details. Landscaping works relating to any approved phase shall be completed prior to the first occupation of any part of the development within that phase. Any trees or plants, either existing or planted pursuant to the landscaping works which, within a period of five years of the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the following planting seasons with others of similar size and species or in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development protects existing trees and hedges and incorporates appropriate replacement planting and landscaping which conserves the significance of Ribber Castle and its setting within the landscape in accordance with policies PD1, PD2, PD5, PD6 and HC8 of the Adopted Derbyshire Dales Local Plan.

8. A Landscape Management Plan, which shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any part of the development. Thereafter, the Landscape Management Plan shall be implemented as approved.

Reason:

To ensure that the landscape areas are appropriately managed in a manner which conserves the significance of Ribber Castle and its setting within the landscape in accordance with policies PD1, PD2, PD5, PD6 and HC8 of the Adopted Derbyshire Dales Local Plan.

9. No development shall take place on any approved phase before an Arboricultural Impact Assessment (AIA) has been submitted to and approved in writing by the Local Planning Authority. The AIA shall be prepared in accordance with the guidance provided by BS 5837:2012 and include a tree schedule and the following drawings:

- Tree constraints plan;
- Tree removals and retentions plan;
- Tree protection plan; and
- Tree shading plan

If any encroachment is required into root protection areas of any retained trees then a site specific detailed Arboricultural Method Statement (AMS) shall also be submitted to and

approved in writing by the Local Planning Authority before the commencement of any development. The development shall thereafter not be carried out other than in accordance with the approved AIA an AMS.

Reason:

To ensure that trees and landscape areas are appropriately protected and managed in a manner which conserves the significance of Riber Castle and its setting within the landscape in accordance with policy PD6 of the Adopted Derbyshire Dales Local Plan.

10. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. These shall consider badgers, reptiles and nesting birds, with bats and great crested newt mitigation addressed in separate licences.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The development shall not be carried out other than in accordance with the approved CEMP which shall be adhered to and implemented throughout the construction period.

Reason:

To ensure that ecological interest on and adjacent to the site are appropriately protected and managed in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan.

11. No development shall take place until a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) has been submitted to and approved in writing by the Local Planning Authority. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the submitted Biodiversity Metric (Ramm Sanderson, July 2023). The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:

- a) Results of a survey of the northernmost grassland field to ensure the metric accurately reflects the habitat type and to inform habitat enhancement works. The metric shall be updated as necessary.
- b) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- c) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- d) Appropriate management methods and practices to achieve aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).

- g) Details of the body or organization responsible for implementation of the plan.
- h) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 10, 15, 20, 25 and 30 years.
- i) Monitoring reports to be sent to the Council at each of the intervals above
- j) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- k) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- l) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
- m) 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 development shall not be carried out other than in accordance with the approved LBEMP.

Reason:

To ensure that ecological interest on and adjacent to the site are appropriately protected and managed and a biodiversity net gain is delivered in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan.

12. No works shall be undertaken to B3, B4, B5 (as defined in section 16.2 of the Ecological Impact Assessment (Ramm Sanderson, July 2023) or the location of the bat roost identified in the castle wall until an appropriate bat licence has been obtained. Upon receipt of a licence from Natural England, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in the Ecological Impact Assessment (Ramm Sanderson, July 2023) and amended as necessary based on any correspondence with Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence shall be submitted to the Local Planning Authority within three months of issue. A copy of the results of any monitoring works will be submitted to the Local Planning Authority within three months of publication.

Reason:

To ensure that protected species are conserved in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan.

13. Prior to the commencement of works on site, other than those located wholly on existing hardstanding, bare ground or within existing buildings, a copy of a great crested newt mitigation licence for the development issued by Natural England shall be submitted to the Local Planning Authority. All works shall be undertaken in strict accordance with the details agreed in the licence. The results of any monitoring surveys shall be reported to the Local Planning Authority within three months of the surveys being completed.

Reason:

To ensure that protected species are conserved in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order, with or without modification) no alterations shall be carried out to any dwelling hereby approved and no building, structure, extension, satellite dish, antenna, aerial, solar or photovoltaic panels, fence, gate, wall or other means of enclosure shall be erected within

the curtilage of any dwelling, other than as shown on the approved plans, without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To enable the Local Planning Authority to retain control over development specified to conserve the character of the development and the significance of Riber Castle and its setting within the landscape in accordance with policies PD1, PD2, PD5, PD6 and HC8 of the Adopted Derbyshire Dales Local Plan.

15. Prior to the commencement of any approved phase of the development, a detailed programme and methodology of building works, including a scheme of stabilisation of walls and buildings during conversion, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved programme and methodology.

Reason:

To ensure that the development conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

16. Prior to the installation of windows and doors in any approved phase, detailed drawings of external doors and windows to be installed in that phase shall be submitted to and approved in writing by the Local Planning Authority. The drawings shall be at a scale of 1:10 and shall include sections and information on materials and external finishes to be used. Thereafter the development shall not be carried out other than in accordance with the approved details and shall be completed before the first occupation of that phase.

Reason:

To ensure a high quality design that conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

17. Prior to installation of rainwater goods in any approved phase, details of rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details and shall be completed before the first occupation of that phase.

Reason:

To ensure a high quality design that conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

18. Details of any external vents, soil pipes, meter boxes and flues forming part of any approved phase of the development shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development in that phase. Thereafter the development shall be carried out only in accordance with the approved details and shall be completed prior to the first occupation of that phase of the development.

Reason:

To ensure a high quality design that conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

19. No external lighting to any approved phase shall be installed other than in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and shall be completed prior to the first occupation of that phase of the development. Thereafter, no additional external lighting shall be installed on any building or in any part of the site without the prior written approval of the Local Planning Authority.

Reason:

To ensure a high quality design that conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

20. Prior to the commencement of development, details of the new pedestrian route to be formed through the site, its associated picnic area, and provision for visitors to interpret the history of Riber Castle and its surroundings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out only in accordance with the approved details and the facilities listed in this condition shall have been provided and works completed prior to the first occupation of any part of the development.

Reason:

To ensure that the pedestrian route, picnic area and provision for visitors is implemented and in a manner which conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

21. Prior to the commencement of development, details of and a programme for a scheme for foul and surface water drainage shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details and programme.

Reason:

To ensure appropriate foul and surface water drainage is implemented to provide adequate drainage and prevent pollution of the water environment in accordance with policies PD1, PD8 and PD9 of the Adopted Derbyshire Dales Local Plan.

22. Before any building operations are commenced, space shall be provided within the site for the access of construction traffic, storage of plant and materials, parking and manoeuvring of site operatives' and visitors' vehicles, site accommodation and the loading and unloading of manoeuvring of construction goods vehicles, located, designed, laid out, and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. They shall thereafter be retained throughout the construction period and kept free from any impediment to their designated use.

Reason:

In the interests of amenity and highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan.

23. Before any operations are commenced, details of off-site highway improvement works, which may include widening, narrowing, visibility improvements and modifications to highway margins to Riber Road, Carr Lane, Alders Lane and adjacent highway land, and based upon illustrative drawings A1001 1 and A1002, shall be submitted to the Local Planning Authority for written approval. Thereafter, no part of the development hereby approved shall be occupied until the highway improvement works have been completed in accordance with the approved details.

Reason:

In the interests of amenity and highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan.

24. Notwithstanding the approved plans, before any operations are commenced, designs for accesses to the public highway shall be provided in accordance with the requirements set out below, and they shall be approved in advance and in writing by the Local Planning Authority. The designs, as modified, shall minimise the loss of any existing hedges and shall be capable of being implemented only on land forming part of the development site.

- i. the access to plot 5 shall be modified and / or the location modified to ensure that adequate visibility can be provided for vehicles leaving and approaching the point of access;
- ii. the access to the site opposite Carr Lane shall be modified through adjustment of verge alignments and carriageway lines to ensure adequate visibility at this junction;
- iii. the access to Plot 8 shall be designed to ensure that (a) emergency vehicles are able to pass from the access to roads within the development site, and (b) that the junction with the existing footpath adjacent to Plot 8 secures adequate and safe separation between vehicles and pedestrians.

Reason:

In the interests of amenity and highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan.

25. Notwithstanding the approved plans, no dwelling shall be occupied until a permanent barrier for vehicular traffic has been installed between the site and the lane to the east connecting to Riber (Smithy Lane) in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The barrier shall thereafter be retained throughout the lifetime of the development and provide for access for emergency vehicles only.

Reason:

In the interests of amenity and highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan.

26. Before any works commence on Plot 5, the proposed access to Riber Road shall be laid out, constructed and provided with a 2m x 60m visibility splay to the north-east and a 2m by a maximum achievable splay to the south-west, equating with 67m to a point 1m from the nearside carriageway edge with the area in advance of the sightlines being permanently maintained clear of any object greater than 1m in height, relative to nearside carriageway level.

Reason:

In the interests of amenity and highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan.

27. Before any building works commence, the proposed access opposite Carr Lane shall be laid out, constructed and provided in accordance with the scheme approved pursuant to Condition 24, the area in advance of the sightlines being permanently maintained clear of any fixed object greater than 1m in height, or 0.6m in the case of vegetation, relative to nearside carriageway level and the access, as formed, shall thereafter be retained in the form constructed.

Reason:

In the interests of amenity and highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan.

28. Before the first occupation of the dwelling on Plot 8, the proposed access to this plot, approved in accordance with the requirements of condition 20 shall be laid out, constructed and provided within the application site boundary or the highway; it shall thereafter be retained in the form constructed.

Reason:

In the interests of amenity and highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan.

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order, with or without modification) and with the exception of the accesses referred to or implied by conditions 20 or 24 and the existing public footpath, no other access, either vehicular or pedestrian, shall be formed between the development site and the public highway, without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

In the interests of amenity and highway safety and to conserve the character of the area and the setting of Riber Castle in accordance with policies S4, PD1, PD2 and HC19 of the Adopted Derbyshire Dales Local Plan.

30. No dwelling shall be occupied until the internal site access roads shall be provided in accordance with the approved drawings. Internal site access roads shall include the provision for two-way vehicle movements, margins for pedestrians, measures to suppress vehicle speed, loading and turning areas for goods vehicles and they shall be so designed as to require vehicles leaving the site to stop before passing across the driveway to Riber Hall.

Reason:

In the interests of amenity and highway safety and to conserve the character of the area and the setting of Riber Castle in accordance with policies S4, PD1, PD2 and HC19 of the Adopted Derbyshire Dales Local Plan.

31. No dwelling shall be occupied until space has been provided within the site for the parking and manoeuvring of vehicles and for cycle parking within the site, in a form laid out and constructed in accordance with details which shall have first been submitted to and

approved in writing by the Local Planning Authority. Thereafter, provision for the parking and manoeuvring of vehicles shall be retained free from any impediment to its use.

Reason:

In the interests of amenity and highway safety and to conserve the character of the area and the setting of Riber Castle in accordance with policies S4, PD1, PD2 and HC19 of the Adopted Derbyshire Dales Local Plan.

32. Prior to the commencement of that part of the development affecting the bailey walls, full details of the proposed finished floor levels of the dwellings attached to the bailey walls, accompanied by sectional drawings at a scale of 1:10 showing how the coursing of proposed stonework and roofing integrate with the height and detailing of existing bailey walls, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter not be carried out other than in accordance with the approved details and shall be complete prior to the first occupation of that part of the development.

Reason:

To ensure a high quality design that conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

33. No development shall commence until a plan showing the position and depth of all existing and proposed utility, drainage and other services has been submitted to and approved in writing by the Local Planning Authority. The installation of services shall be carried out in accordance with the approved details.

Reason:

To ensure appropriate services are installed in a manner which conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

34. Prior to the commencement of the phase of development containing the plots, full details of earthworks and finished ground and floor levels associated with the construction of plots 5, 6, 7, 9 and 10 shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason:

To ensure a high quality design that conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

35. Surface water drainage from parking areas shall be passed through trapped gullies prior to discharge.

Reason:

To provide adequate drainage and prevent pollution of the water environment in accordance with policies PD1, PD8 and PD9 of the Adopted Derbyshire Dales Local Plan.

36. No tree shall be planted in the area shown as a 'Obstruction Free Zone' on approved plan 0001 A108 9 at any time.

Reason:

To ensure open views of Riber Castle are conserved in with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

37. Prior to the first occupation of any dwelling, a scheme for the management and control of the area referred to in condition 36 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall establish mechanisms to ensure that the area identified retains its open character as part of the setting of Riber Castle and, in particular imposes limitations on the types of planting, garden landscaping, garden furniture, children's play structures and other domestic equipment that may be placed in this area.

Reason:

To ensure open views of Riber Castle are conserved in with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

38. The development hereby approved shall not be occupied until a Travel Plan (that promotes sustainable forms of access to the development site) has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented and updated throughout the lifetime of the development hereby approved.

Reason:

To reduce vehicle movements and promote sustainable access in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

39. Prior to the construction of the superstructure of the development hereby approved a detailed scheme of measures to mitigate the effects of and adapt to climate change at the site (based upon the submitted Climate Change Statement) along with a timetable for implementation 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 the approved measure shall be maintained throughout the lifetime of the development hereby approved.

Reason:

To ensure the implementation of the proposed measures to mitigate the effects of and adapt to climate change in accordance with policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority has provided pre-application advice and discussed the merits of the application with the applicant during the course of the application and requested further supporting information.

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 XX.XX.2023.

This decision relates solely to the application form and the following plans and documents:

Planning application form
Site Location – A116 2
Site Layout – A108 9

Public Access Proposals – Plan 4
Ground Flood Layout – A102 1
Castle Sections 1 – A401 1
Unit 1 – A527 3
Unit 2 – A528 3
Unit 6 – A532 3
Unit 7 – A533 4
Unit 8 – A536 3
Unit 9 – A535 4
Unit 11 – A534 4
Bath House – A529 3
Coach House – A530 2
Saddlery – A531 3
The Stable Block – A537 2
Plot 1 Sheet 1 – A538 3
Plot 1 Sheet 2 – A538.1 2
Plot 2 Sheet 1 – A539 2
Plot 2 Sheet 2 – A540
Plot 3 Sheet 1 – A541 2
Plot 3 Sheet 2 – A542 1
Plot 4 Sheet 1 – A543 3
Plot 4 Sheet 2 – A544 3
Plot 5 Sheet 1 – A545 4
Plot 5 Sheet 2 – A546 4
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Garage Details 1 – A802 4
Garage Details 2 – A803 5
Garage Details 3 – A804 2
Orangery Details – A801 3
Proposed Off Site Road Improvements 1 – A1001 1
Proposed Off Site Road Improvements 2 – A1002

Conservation Statement – 2015
Landscape Management Plan – Revision C
Heritage Statement – AH789/22/12/22V2
Covering Letter – 21/12/2022 – REV.3
RammSanderson letter – RSE_6335_L1_V1
Ecological Impact Assessment – RSE_6335_R1_V3_ECIA
Plan Ref: RIBE_0001_CASTLE - Sheet - A108 - Site Layout (baseline)
Plan Ref: RIBE_0001_CASTLE - Sheet - A108 - Site Layout (proposed)
RSE_6335a_BIA_V2R2

The application site is affected by a Public Right of Way (Footpath 52).

- The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place.
- There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the path during the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route should be provided if possible.
- There should be no encroachment of the path and no fencing should be installed without consulting the Rights of Way Section.

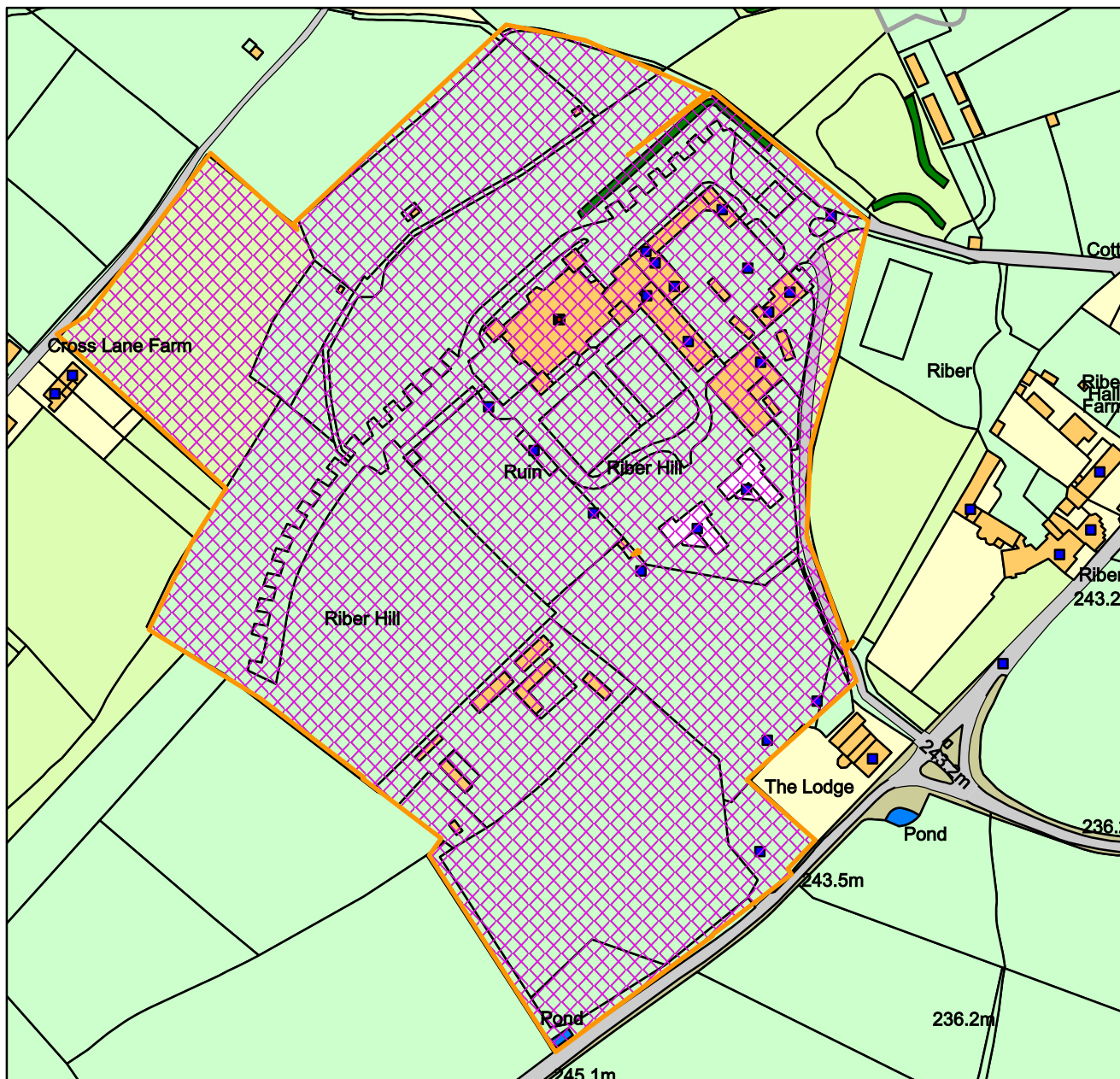
Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the 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.

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.

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22/00856/LBALT

Riber Castle, Riber Road, Riber, Matlock, Derbyshire



Derbyshire Dales DC

1:2,500

Date: 30/05/2023

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		22/00856/LBALT	
SITE ADDRESS:		Riber Castle, Riber Road, Riber, Matlock	
DESCRIPTION OF DEVELOPMENT		Alterations in association with conversion of outbuildings to dwellings and reconstruction of gatehouse to form dwelling	
CASE OFFICER	Adam Maxwell	APPLICANT	Mr Alan Wright
PARISH/TOWN	Matlock Town	AGENT	Mr Craig Barnsdale
WARD MEMBER(S)	Cllr Steve Flitter Cllr David Hughes Cllr Joanne Linthwaite	DETERMINATION TARGET	13.10.2023
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Impact on Riber Castle and its setting

RECOMMENDATION
That listed building consent be granted subject to planning conditions set out in section 8.0 of the report.

1.0 THE SITE AND SURROUNDINGS

- 1.1 Riber Castle (built in 1868) is a grade II listed building located in a prominent location within the Riber Conservation Area. The site is also within the Buffer Zone of the Derwent Valley Mills World Heritage Site.
- 1.2 During the mid-20th century the castle and its outworks fell into disrepair and its roof was removed. The site was then occupied as a zoo until the 1990s by which time the castle was a shell. The castle is currently being converted to residential apartments following the grant of planning permission by the Secretary of State and associated listed building consent.
- 1.3 Access to the site is via Riber Road and there is a public footpath running along part of the northern boundary of the site. The nearest neighbouring properties are within Riber to the south and west. The Lodge is located adjacent to the access to the site.

2.0 DETAILS OF THE APPLICATION

- 2.1 Listed building consent is sought for works to facilitate the conversion of existing outbuildings and reconstruction of the gate house to dwellings. The application is submitted alongside the application for planning permission.
- 2.2 The plans show a total of 20 dwellings within the grounds of the castle. These would be a mixture of new build dwellings and conversion / reconstruction of outbuildings associated with the castle. The number of dwellings proposed within the grounds and broad locations are the same as previously approved by the Secretary of State.
- 2.3 The application proposes alterations to the detailed design and location of the dwellings and additional built development within the outbuildings to facilitate the use of the bath house as pool for residents. The proposed link would connect the castle to the outbuildings to the east. The orangery extension would be to the west of the castle.







3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Other:

The National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guidance

Historic England Advice Note 2 - Making Changes to Heritage Assets (2016)

Historic England Advice Note 4 - Enabling Development and Heritage Assets (2020)

4.0 RELEVANT PLANNING HISTORY:

07/01033/FUL	Engineering operations to facilitate formation of 3 no. ponds and swale	PERC	08/02/2008
08/00673/FUL	Formation of bin store and underground basement to accommodate plant equipment and meter rooms	PERC	03/12/2008
08/00674/LBALT	Alterations to listed building - Formation of bin store and underground basement to accommodate plant equipment and meter rooms	PERC	03/12/2008
08/00742/FUL	Engineering operations comprising redistribution of spoil from site excavations	PERC	21/05/2009
04/07/0609/AMD	Non-material Amendment - Internal floor layout alterations	PER	16/06/2022
22/00739/LBALT	Proposed alterations to internal floor layout	PER	25/08/2022
04/08/0766	Alterations to listed building - Works to bailey walls	PERC	13/07/2005
04/07/0609	Refurbishment and conversion of castle and outbuildings to form 35 dwellings, erection of 11 new dwellings to include a rebuilt gatehouse and associated access	CI	16/03/2006
03/09/0729	Alterations to listed building - Conversion of gatehouse to form 4 no. flats	NOOBJ	15/07/2004
03/08/0655	Change of use and conversion of gatehouse to form 4 no. flat units	NONDET	15/07/2004
02/03/0199	Refurbishment and conversion of castle and outbuilding to form 35 dwellings and erection of 11 new dwellings to include a rebuilt gatehouse	W	21/04/2004
02/03/0198	Alterations to Listed Building - Works to include partial rebuild and refurbishment associated with residential conversion of castle and outbuildings	A	07/05/2004
05/00022/HEAR	Change of use and conversion of gatehouse to form 4 no. flat units	DISMIS	15/07/2004
05/00054/CI	Refurbishment and conversion of castle and outbuildings to form 35 dwellings, erection of 11 new dwellings to include a rebuilt gatehouse and associated access	ALLOW	16/03/2006

5.0 CONSULTATION RESPONSES

5.1 Town Council: No objection

5.2 Historic England

“Riber Castle was built in 1868, by John Smedley, a local Victorian entrepreneur who established himself in the hosiery business in a nearby factory in Lea Mills and built a hydro in Matlock. The building was later used as a school but following a period of uncertainty it deteriorated to a ruin. The site was subsequently used for a zoo until it became vacant and was sold. A residential conversion scheme was later granted at appeal with associated enabling development within the grounds.

Due to its prominent elevated siting, the castles silhouette is a dominant feature in the skyline and imposing landmark feature that is visible from a multitude of locations in the surrounding area. The Caste dominates the surrounding countryside and this part of the wider setting of the Derwent Valley Mills World Heritage Site (DVMWHS).

The building is grade II listed as a building of national special architectural and historic interest. It is located within the Riber Conservation Area and Derwent Valley Mills World Heritage Site buffer zone. The Castle and its associated buildings make an important positive contribution to the Riber Conservation Area and contribute to the Outstanding Universal Value of the World Heritage Site.

DVMWHHS is of the outstanding universal value (OUV) as identified by UNESCO and is of international significance. The rural character of the surrounding countryside is an important part of its significance, because it demonstrates the arrested development of the pioneering industrial sites located in the valley bottom. Unlike other industrial locations the mills and settlements in the Derwent Valley did not continue to develop into large urban areas and there is a hard edge between the historic industrial developments and the surrounding countryside which can still be readily seen and appreciated today.

We note that a revised Heritage Statement has now been submitted which has broadly addressed our previous concerns in this regard. Having considered the information provided we concur with your conservation officer’s comments in relation to the potential impacts on the significance of the heritage assets affected by the proposal. We recommend you seek further advice from the County Archaeologist in relation to potential impact on below ground archaeology.

As previously advised your authority will need to consider what the justification for additional units and service buildings in the context of the original decision which identified that the 2004 was the minimum viable necessary. As you are aware the housing market in the local area has led to significantly higher prices for housing than would have been achieved in 2004, indicating that your authority will need to robustly consider the justification for more development.

Our advice is given in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, the Planning Practice Guidance and the Historic Environment Good Practice in Planning Notes 2-3. We refer you to PPG in relation to the assessment of impact in relation to development which could potentially affect the WHS and the recent published guidance from UNESCO and its advisory bodies.

We urge you to consider the above and recommend that the applications should be determined in accordance with national and local policy guidance, and on the basis of your

specialist conservation and archaeological advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.”

5.3 DDDC Conservation Officer

“Riber Castle (built in 1868) is a grade II listed building (listed 1950) located in a prominent location within the Riber Conservation Area. The site is also within the Buffer Zone of the World Heritage Site.

In the post-WWII years the Castle and its outworks fell into disrepair and its roof was removed. In the 1960s it was taken over as a Wildlife Zoo which continued until the 1990s. By that time the Castle itself was a shell.

An application for Planning Permission was also made in 2004 (04/07/0609) which included works of alteration and conversion of the Castle and for the erection of dwellings within the castle grounds and associated works. This application was ‘called in’ by the Secretary of State (SoS) to determine. The application was allowed by the SoS in March 2006.

This current application for Planning Permission is for the ‘erection 11no. dwellings within castle grounds, conversion of existing outbuildings and gatehouse to form 7no. dwellings, reconstruction of gatehouse to form 2no. dwellings, erection of orangery, covered parking area and helipad’.

This current application, whilst containing all of the proposed development allowed by the SoS also includes some amendments to the allowed development and some new development works. The principal amendments to the allowed development scheme are:

- i. ‘Plot 1’ layout has been altered
- ii. ‘Plot 4’ layout has been altered slightly and the projecting 90 degree kink (on the original layout) has been removed.
- iii. ‘Plots 6 & 7’ have been separated (rather than con-joined).

The new development works are:

- iv. A flat roofed ‘link’ section on the right hand side of the main Castle
- v. An attached ‘orangery’ on the left hand side of the main Castle
- vi. ‘Unit 1’ on the right hand side of the Castles garden
- vii. An underground carpark

The above developments are commented on below:

- i. The ‘L’ shaped part of the property has been re-located to the side of the existing corner turret and garden wall. This is a two-storey element and its interface with the corner turret will be a glazed ‘link’ which will allow a light architectural abutment to the turret. It is considered that, subject to constructional details etc. that the proposed amendments to Plot 1 are considered to be acceptable.
- ii. The general plan layout of Plot 4 has been flipped and the leg of the ‘L’ shaped building has been aligned with ~~the~~ ^{21^o} angle of the garden wall. It is considered that,

subject to constructional details etc. that the proposed amendments to Plot 4 are considered to be acceptable.

- iii. As originally approved Plots 6 & 7 abutted at a corner. The proposed amendment is to slightly separate the two dwellings to negate the abutment. It is considered that, subject to constructional details etc. that the proposed amendment to Plots 6 & 7 are considered to be acceptable.
- iv. The historical & archaeological assessment of the Castle has shown that on the right hand side of the Castle (between the former coach house and Castle) there was an internal link – most probably the principal entrance to the Castle. The amendment, therefore, includes a flat roofed section over this area to re-introduce this linking element. It is considered that, subject to constructional details etc. that the proposed amendment is acceptable.
- v. Historic photos indicate the presence of a conservatory or orangery on the left hand side of the Castle. This was removed historically. In this regard, the concept of such a building type/structure on this side of the Castle has been historically established. Historic photos depict a square or rectangular structure with a shallow, lean-to roof (possibly glazed). The photos provide insufficient detail for a faithful re-creation of this former conservatory and the proposal is to erect a, smaller, stone clad conservatory (with a parapetted flat roof and roof lanterns and glazed openings to the south-east & south-west). The design and detailing of the new conservatory (orangery) is depicted on the submitted drawings. It is considered that the proposed orangery will be an acceptable extension/addition to this part of the Castle and in its location, form, scale, mass and detailing will not have an adverse or harmful impact on the character and appearance of the Castle.
- vi. Unit 2 follows the general footprint of a linear glass house on this side of the walled garden. This was approved in the original planning approval on the site of the original 'bath houses'. The amendment includes for the provision of a new building (Unit 1) of similar architectural type and detail as Unit 2 and located on the same side of the walled garden. This part of the walled garden, in a plan of 1892 indicates an area for 'refuse & manure'. Whilst no building is indicated in this location it is considered that a continuation of the design and style of Unit 2, in this part of the walled garden would not have an adverse or harmful impact on the setting of the Castle.
- vii. Whilst the Castle served the purposes of a zoo, car parking along the front of the Castle was established. Whilst conversion and building works have been taking place over the last ten years or so this area at the front of the Castle has also been used for car parking. As part of the overall plan for the Castle and its site there has been a desire to conceal, if possible, the provision of car parking needed to serve the apartments in the Castle. In this regard, the concept of an underground carpark has been formulated. The proposed location and design of the underground car park is depicted on the submitted drawings. The parts of the construction that will be visible 'above' ground are all to be stone clad. It is considered that the proposed location, form and architectural treatment and finish etc. of the proposed underground car park will not constitute adverse impact or harm on the setting of the Castle and will provide concealed car parking in the vicinity of the frontage of the Castle.

- viii. On the land to the south-west of the Castle & its walled garden it is proposed to introduce a helipad. This will all be level with the current land level and comprise a tarmacked access track and a circular concrete helipad. In its proposed form and layout etc. it is considered that the helipad and access track would not constitute adverse impact or harm to the setting of the Castle.

It is considered that the proposed amendments to the originally approved scheme would not constitute adverse impacts or harm to the listed buildings and their setting, the Conservation Area or to the setting of the World Heritage Site.”

5.4 DCC Archaeologist

“Thank you for re-consulting on these related applications. I have looked again at this application and I am glad to note the submission of an augmented and enhanced Heritage Statement which is fit for the purposes of Para 194 of NPPF.

I also note the latest consultation responses from Historic England and your own conservation officer. The Heritage Survey proposes there being a slight chance for the preservation of hitherto unknown archaeological deposits/features, which pre-date the castle while noting previous archaeological work which stated (my emphasis).

Although no other known archaeological remains lie within, or close to the study area, the richness of the surrounding landscape would suggest that this could result from a lack of detailed fieldwork and recent agricultural activity. The study area lies virtually on the summit of a spur of land overlooking the River Derwent: it drops steeply to the north-west (overlooking the confluence of the Derwent with the Bentley Brook), and more gently to the south-east forming an eminence overlooking the gritstone plateau to the south-east. Its location, overlooking the river valley, a confluence within that valley and the sloping shelves of the plateau is a classic location for activity during all periods.

Though it may be that the subsequent construction of the castle has removed traces of any underlying archaeology this is as yet an untested assumption. While I suspect the Heritage Assessment is correct regarding the relative status and significance of any below ground archaeology and it not forming a bar to development there will be a necessity for archaeological works in the form of an archaeological watching brief during groundworks and, in the area which will be affected by the underground carparking, and an archaeological watching brief scalable to strip map and record excavation with provision built into the archaeological coverage for a scalable excavation response dependent on results.

This work could be conditioned into planning consent”

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 4 letters of representation have been received to date in objection to the application. The material planning reasons given are summarised below:

- a) The application should be rejected unless it represents an improvement with reduced impact.

- b) The orientation and design of plot 1 and plot 4 do not take into account their impact on the rural setting when viewed from the South.
- c) The amendments to plot 1 would be visible above the castle wall and would detract from the castle and the landscape setting. The design does not meet the requirement for minimal impact or harm to the rural setting.
- d) The increase in size of plot 4 from a 4 bedroom to a 7 bedroom dwelling contravenes their application as it only provides for 4 and 5 bedroom properties.
- e) Due to the scale of plot 4 which will look out into the paddock area and be visible from the south. The amended plot 4 does not appear to meet the parameters of a dwelling that would be integrated into its setting and associated with the castle. This design is potentially harmful to the setting.
- f) The plans do not clearly define a boundary between the site and the hamlet. The developer has chosen to relocate plot 8 so that it no longer forms a physical boundary between the site and the hamlet.
- g) The permission granted by the Secretary of State only allowed access via Riber hamlet for plot 8 and emergency access.
- h) The drawings imply an open link between Smithy Lane in Riber hamlet and the development site. A gate should be retained and used as an emergency access route only.
- i) The Secretary of State was clear that the permission granted precluded the construction of any additional dwelling. If the developer wishes to amend the development or combine units on site this should not be used to again a new dwelling.
- j) The developer should not be permitted to build more structures on the site because they wish to change a dwelling provision to gain higher sales return. The increase is harmful it adds another structure onto the site that is not permitted or necessary.
- k) Query if proposed changes to bedroom numbers indicate that the developer is aiming for the second home or holiday accommodation market.

7.0 OFFICER APPRAISAL

- 7.1 This application seeks listed building consent for works to facilitate the conversion of existing outbuildings and reconstruction of the gatehouse to dwellings. The application is submitted alongside the application for planning permission.
- 7.2 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall 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.

Principle

- 7.3 Planning permission was granted by the Secretary of State for the re-development of the site in 2006 (the 2006 permission). Planning permission was granted for conversion of the castle into 26 apartments, conversion of outbuildings into 9 dwellings, the erection of 10 new dwellings and the reconstruction of the former gatehouse into 1 dwelling (total 46 dwellings). Listed Building Consent was granted for the associated works to the listed building, outbuildings and gatehouse.
- 7.4 Planning permission was granted subject to a number of planning conditions and a planning obligation which amongst other things required phasing (to ensure that works to the castle were carried out). The planning permission was lawfully implemented and construction works have been underway on site for a considerable time with the works to convert the castle to apartments now nearing completion. The 2006 permission and associated listed building consent is a material consideration in the assessment of this application as a fall-back position and should be given significant weight.

7.5 The key issues in the assessment of this application therefore is whether the proposed works and amendments to the detailed design of the scheme are acceptable and justified having had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Impact on Riber Castle and its setting

7.6 Riber Castle was built in 1868, by John Smedley, a local Victorian entrepreneur who established himself in the hosiery business in a nearby factory in Lea Mills and built a hydro in Matlock. The building was later used as a school but following a period of uncertainty it deteriorated to a ruin. The site was subsequently used as a zoo until it became vacant and was sold. The 2006 permission for conversion to apartments was later granted with associated enabling development within the grounds.

7.7 Due to its prominent position, the castles silhouette is a dominant feature in the skyline and an imposing landmark feature that is visible from a multitude of locations in the surrounding area. The castle dominates the surrounding countryside and this part of the wider setting of the Derwent Valley Mills World Heritage Site (DVMWHS).

7.8 The building is grade II listed as a building of national special architectural and historic interest. It is located within the Riber Conservation Area and DVMWHS buffer zone. The castle and its associated buildings make an important positive contribution to the Riber Conservation Area and contribute to the Outstanding Universal Value (OUV) of the World Heritage Site.

7.9 DVMWHS is of international significance. The rural character of the surrounding countryside is an important part of its significance, because it demonstrates the arrested development of the pioneering industrial sites located in the valley bottom. Unlike other industrial locations the mills and settlements in the Derwent Valley did not continue to develop into large urban areas and there is a hard edge between the historic industrial developments and the surrounding countryside which can still be readily seen and appreciated today.

7.10 This current application, whilst containing all of the development permitted by the 2006 permission includes some amendments and new development works. The application has come forward following on-going discussions and pre-application advice given to the applicant by the former Development Manager and the Conservation and Design Officer.

7.11 Policy PD2 is relevant and 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 heritage assets including (amongst other things) conservation areas, listed buildings, archaeological sites or heritage features and non-designated heritage assets.

7.12 The Listed building is a designated heritage asset. The Local Planning Authority is obliged to have special regard to the desirability of preserving listed buildings their setting or any features of special architectural or historic interest which they possesses.

7.13 A Heritage Statement (HS) has been submitted with the application which meets the requirements of policy PD2 and the NPPF. The HS concludes that the development will not result in any harm to the significance of affected heritage assets and that any impact upon archaeology can be mitigated through the imposition of planning conditions to secure a programme of archaeological mitigation.

- 7.14 The Conservation and Design Officer has been consulted on the application and has assessed the proposed amendments to the 2006 scheme along with the orangery, link and garage development.
- 7.15 Concern has been raised in representations in regard to the amendments to plot 1 (within the walled garden west of the castle) and plot 4 (south of the walled gardens). The layout of plot 1 has been amended with a two-storey element abutting the western castle wall. The majority of this dwelling would remain concealed behind the wall, however, part of the two-storey element would be visible above the wall from the west and south. However, this element has been designed with light weight and recessive materials which would mitigate the impact and not erode the dominance or simple form of the castle wall.
- 7.16 The amendments to plot 4 would hand the form to the west and increase the scale of the building and number of bedrooms from 4 to 7. The overall design approach for this plot remains similar and the dwelling would continue to be well related and read in relation to the wider castle. The increase in the scale of the two-storey element would not result in any significant additional or landscape visual impact or harm the setting of the castle.
- 7.17 The remaining amendments to the proposed dwellings are more minor in nature and while there are some changes to the number of bedrooms the amendments are generally minor in nature and would not compromise the quality of the approved development or result in harm to the significance of affected heritage assets, subject to planning conditions to agree details.
- 7.18 Part of the proposed amendments to the dwellings would result in a new building 'Unit 1' on the west side of the walled garden. This would be a continuation of Unit 2 which was approved in the 2006 permission and Unit 1 would be a continuation of the approved design. This element would not result in an additional dwelling because it would facilitate the use of part of the bath house (which was approved for conversion to a dwelling in the 2006 permission) as a swimming pool and changing rooms for residents of the development.
- 7.19 The part of the walled garden where Unit 1 is proposed was historically used for refuse and manure and while no building was located in this position the continuation of the design and style of Unit 2 in this part of the walled garden would not harm the setting of the castle or any other affected heritage asset. Furthermore, the reinstatement of the bathhouse would be an enhancement to significance by restoring an element of its historic plan and legibility.
- 7.20 A link is proposed on the northwest elevation of the castle to the outbuildings. The assessment of the castle has shown that there was historically a link between the castle and the former coach house. The proposed link would re-introduce this element which is acceptable in principle. There is no objection to the design approach of the link subject to planning conditions to agree details.
- 7.21 An orangery is proposed to the south east elevation of the castle to provide an entrance foyer and link to the sub-terrain garage structure. Historic photographs indicate the presence of a conservatory or orangery on this side of the castle. Therefore, the principle for such a building on this side of the castle has been historically established and is acceptable. The historic photographs are not sufficiently detailed to inform a faithful re-creation and therefore the proposal is for a smaller, stone clad conservatory with a parapet roof and roof lanterns. There is no objection to the proposed design approach and it is concluded that this element will not harm the significance of the castle or any other affected heritage asset.
- 7.22 The application proposes a partially sub-terrain car park, store and plant room for occupants of the development. The garage structure would be sited to the south west of the castle and provide pedestrian access to the proposed orangery via a lift. Car parking to the front of the castle was established while the site was occupied as a zoo. The 2006 permission retaining

this parking for occupants of the development. The proposed car park is intended to conceal the provision of car parking to serve the apartments and reduce the impact upon the front of the castle.

- 7.23 The parts of the garage structure visible above ground would be viewed as low stone walls and there are no objections to the scale, location, form or materials of the proposed building. Due to the design approach little of the structure would be visible above ground and as a result the garage would not result in harm to the setting of the castle or other affected heritage assets either in and around the site or in the wider landscape. The proposed garage therefore would not result in harm to the setting of the castle or affected heritage assets and would facilitate the removal of car parking from the front of the castle which would be an enhancement.
- 7.24 Taken as a whole the proposed amendments would be broadly similar in scale, form and location to the 2006 permission. The proposed amendments to the precise design, scale and location of dwellings are acceptable and would maintain the design quality and approach of the 2006 permission. The proposed additional development would be acceptable for the reasons set out above and would result in some enhancements to the significance of the castle. Overall the development would conserve the significance of Riber Castle, Riber Conservation Area and the setting of the DVMWHS.
- 7.25 It is therefore concluded that the development will conserve the significance of Riber Castle, Riber Conservation Area and the setting of the DVMWHS. The development would not harm the significance of any other heritage asset. The development is therefore in accordance with policy PD2 and the NPPF.

Conclusion

- 7.26 The application proposes amendments to the 2006 permission and other additional minor ancillary development. The proposals have been carefully considered by the Conservation and Design Officer and Historic England and it is concluded that the proposals would maintain the design quality and approach of the approved development and not result in any harm to the significance of Riber Castle or its setting.
- 7.27 The application is therefore recommended for approval subject to the imposition of planning conditions.

8.0 RECOMMENDATION

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

1. The works hereby permitted shall not be carried out other than in accordance with the following approved plans and subject to the following conditions and modifications:

Site Location – A116 2
Site Layout – A108 9
Ground Flood Layout – A102 1
Castle Sections 1 – A401 1
Unit 1 – A527 3
Unit 2 – A528 3
Unit 6 – A532 3
Unit 7 – A533 4
Unit 8 – A536 3
Unit 9 – A535 4
Unit 11 – A534 4
Bath House – A529 3

Coach House – A530 2
Saddlery – A531 3
The Stable Block – A537 2
Plot 1 Sheet 1 – A538 3
Plot 1 Sheet 2 – A538.1 2
Plot 2 Sheet 1 – A539 2
Plot 2 Sheet 2 – A540
Plot 3 Sheet 1 – A541 2
Plot 3 Sheet 2 – A542 1
Plot 4 Sheet 1 – A543 3
Plot 4 Sheet 2 – A544 3
Plot 5 Sheet 1 – A545 4
Plot 5 Sheet 2 – A546 4
Plot 6 Sheet 1 – A547 3
Plot 6 Sheet 2 – A548 3
Plot 7 Sheet 1 – A549 3
Plot 7 Sheet 2 – A550 3
Plot 8 Sheet 1 – A551 3
Plot 8 Sheet 2 – A552 3
Plot 9 & 10 Garden Wall Views – A557 2
Plot 9 Sheet 1 – A553 3
Plot 9 Sheet 2 – A554 3
Plot 10 Sheet 1 – A555 3
Plot 10 Sheet 2 – A556 2

Reason:

For clarity and the avoidance of doubt and in the interests of the proper planning of the area.

2. No further external works shall take place until details of the materials to be used in the construction of the external surfaces, including the rebuilding or reinstatement of existing walls, where necessary, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out only in accordance with the approved details and shall be completed prior to the first occupation of that phase of the development.

Reason:

To ensure that the works is of an appropriate design and construction which conserves the significance of Riber Castle and its setting.

3. No works to erect new stonework or pointing shall be carried out other than in accordance with details of the coursing of new stonework and pointing of existing and new walls has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out only in accordance with the approved details.

Reason:

To ensure that the works is of an appropriate design and construction which conserves the significance of Riber Castle and its setting.

4. Prior to the commencement of any further works , a detailed programme and methodology of building works, including a scheme of stabilisation of walls and buildings during conversion, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the works shall not be carried out other than in accordance with the approved programme and methodology.

Reason:

To ensure that the works conserve the significance of Riber Castle and its setting.

5. Prior to the installation of windows and doors, detailed drawings of external doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The drawings shall be at a scale of 1:10 and shall include sections and information on materials and external finishes to be used. Thereafter the works shall not be carried out other than in accordance with the approved details.

Reason:

To ensure a high quality design that conserves the significance of Riber Castle and its setting.

6. Prior to installation of rainwater goods in any approved phase, details of rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall not be carried out other than in accordance with the approved details and shall be completed before the first occupation of that phase.

Reason:

To ensure a high quality design that conserves the significance of Riber Castle and its setting.

7. Details of any external vents, soil pipes, meter boxes and flues shall be submitted to and agreed in writing by the Local Planning Authority prior to installation. Thereafter the works shall be carried out only in accordance with the approved details.

Reason:

To ensure a high quality design that conserves the significance of Riber Castle and its setting.

9.0 NOTES TO APPLICANT:

The Local Planning Authority has provided pre-application advice and discussed the merits of the application with the applicant during the course of the application and requested further supporting information.

This decision relates solely to the application form and the following plans and documents:

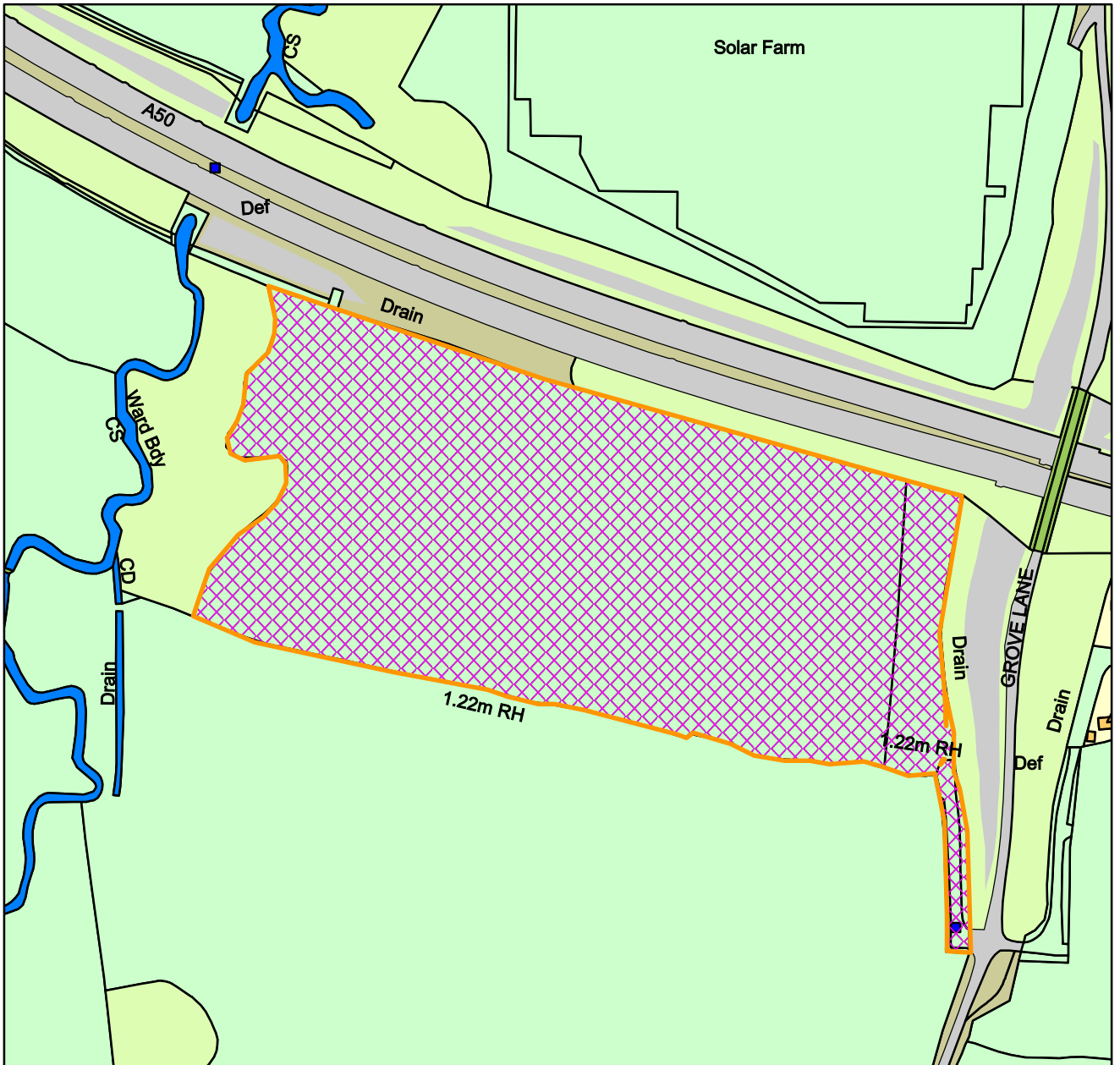
Planning application form
Site Location – A116 2
Site Layout – A108 9
Ground Flood Layout – A102 1
Castle Sections 1 – A401 1
Unit 1 – A527 3
Unit 2 – A528 3
Unit 6 – A532 3
Unit 7 – A533 4
Unit 8 – A536 3
Unit 9 – A535 4
Unit 11 – A534 4

Bath House – A529 3
Coach House – A530 2
Saddlery – A531 3
The Stable Block – A537 2
Plot 1 Sheet 1 – A538 3
Plot 1 Sheet 2 – A538.1 2
Plot 2 Sheet 1 – A539 2
Plot 2 Sheet 2 – A540
Plot 3 Sheet 1 – A541 2
Plot 3 Sheet 2 – A542 1
Plot 4 Sheet 1 – A543 3
Plot 4 Sheet 2 – A544 3
Plot 5 Sheet 1 – A545 4
Plot 5 Sheet 2 – A546 4
Plot 6 Sheet 1 – A547 3
Plot 6 Sheet 2 – A548 3
Plot 7 Sheet 1 – A549 3
Plot 7 Sheet 2 – A550 3
Plot 8 Sheet 1 – A551 3
Plot 8 Sheet 2 – A552 3
Plot 9 & 10 Garden Wall Views – A557 2
Plot 9 Sheet 1 – A553 3
Plot 9 Sheet 2 – A554 3
Plot 10 Sheet 1 – A555 3
Plot 10 Sheet 2 – A556 2
Garage Details 1 – A802 4
Garage Details 2 – A803 5
Garage Details 3 – A804 2
Orangery Details – A801 3

Conservation Statement – 2015
Landscape Management Plan – Revision C
Heritage Statement – AH789/22/12/22V2
Covering Letter – 21/12/2022 – REV.3
RammSanderson letter – RSE_6335_L1_V1
Ecological Impact Assessment – RSE_6335_R1_V3_ECIA
Plan Ref: RIBE_0001_CASTLE - Sheet - A108 - Site Layout (baseline)
Plan Ref: RIBE_0001_CASTLE - Sheet - A108 - Site Layout (proposed)
RSE_6335a_BIA_V2R2

23/00460/FUL

Brooklands House, Grove Lane, Doveridge



Derbyshire Dales DC

1:2,500

Date: 27/09/2023

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website : www.derbyshiredales.gov.uk

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APPLICATION NUMBER		23/00460/FUL	
SITE ADDRESS:		Brooklands House, Grove Lane, Doveridge, Derbyshire, DE6 5PB	
DESCRIPTION OF DEVELOPMENT		Change of use of agricultural field for use as a driver training facility for excavators and conversion of mobile chicken shed to form classrooms	
CASE OFFICER	Mr J Baldwin	APPLICANT	Mr D Poyser
PARISH/TOWN	Somersal Herbert	AGENT	N/A
WARD MEMBER(S)	Vacant	DETERMINATION TARGET	22.09.2023
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context and the impacts on the landscape and neighbouring residents.

MATERIAL PLANNING ISSUES

- Principle of development
- Impact on amenity of neighbouring residents
- Impact on the character and appearance of the surrounding landscape
- Impact on archaeology
- Impact on highway safety and public rights of way

RECOMMENDATION

That permission be granted subject to conditions as set out in section 8.0 of the report.

1.0 THE SITE AND SURROUNDINGS

1.1 The application site comprises an agricultural field accessed off the western side of Grove Lane to the east of Doveridge and south of Somersall Herbert. The site is bound by existing mature tree and hedgerow planting with the A50 to the north and Brocksford Brook to the west. There is an existing agricultural building which previously housed chickens located along the eastern boundary. Doveridge public footpath 11 runs along the access track to the site and follows the southern boundary.



2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for the change of use of the land for use as a driver training facility and the conversion of the existing building on site to associated classroom as set out on the submitted plans received by the Local Planning Authority 23.06.2023. The converted building would accommodate toilets, a dining area and 3 classrooms to serve the training facility. The training facility itself would be within the centre of the agricultural field, surrounded by soil bunds 2m in height and would include a 100m section of rail line along the southern bund.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)

- S1: Sustainable Development Principles
- S2: Settlement Hierarchy
- S4: Development in the 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
- HC19: Accessibility and Transport
- HC21: Car Parking Standards
- EC10: Farm Enterprises and Diversification.

2. National Planning Policy Framework (2023)
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

05/00962/FUL	Agricultural building	Granted with Conditions	23/12/2005
09/00817/TEMP	Siting of static caravan for use as an agricultural dwelling for a temporary period of 3 years	Granted with Conditions	19/03/2010
14/00037/TEMP	Siting of static caravan for use as an agricultural dwelling for a temporary period of 18 months	Granted with Conditions	04/04/2014

5.0 CONSULTATION RESPONSES

Derbyshire Wildlife Trust

- 5.1 We have reviewed the proposed development against our Biological Datasets. There are no statutory or non-statutory nature conservation designations associated with the site. No records of protected species nor notable habitats exist for the site or adjacent to the site.

Brocksford Brook flows approximately 100m to the west, however the use of bunds around the working area are likely to reduce the likelihood of pollution to this watercourse. Ecological impacts are considered relatively low, however we advise that landscaping enhancements are sought to offset the loss of the agricultural grassland. These could include seeding the bunds with native wildflowers and including tree and hedge planting outside the working area, where appropriate, such as along the northern boundary. This could be secured via a landscaping condition.

Rights of Way Officer (Derbyshire County Council)

- 5.2 I can advise that Doveridge Public Footpath No. 11 runs along the access track to the proposed development site, then turns to run west just before the site boundary, as shown in red on the attached plan. The plan is taken from the Working Copy for the definitive legal lines of footpaths.

Before making further comment, the Rights of Way section would require further information regarding the frequency of passes of vehicles along the access track. The council would be concerned for safety and any measures that may be taken to mitigate risks for path users and also concerned for any damage or encroachment to the footpath. If the applicant would like to divert the footpath and it is needed for the development to take place, they should apply to your council for the requisite diversion. I should be grateful, however, if you would advise the applicant as follows: -

- The footpath must remain open, unobstructed and on its legal alignment.

- There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the path during and after the works. A temporary closure of paths will be permitted on application to DCC where the path remains unaffected on completion of the development.
- There should be no encroachment of the path, and no fencing or installations made without consulting the Rights of Way Section.
- If a structure is to be erected adjacent to the public footpath, it should be installed within the site boundary so that the width of the right of way is not encroached upon.
- The path width must remain at 2 metres, any installations must be a minimum of 1 metre from the legal line of the path.

I can confirm that at today's date, no applications which affect the site have been received under Section 53 of the Wildlife and Countryside Act 1981.

Development Control Archaeologist (Derbyshire County Council)

- 5.3 The proposed development area overlies an area of recognised earthworks and crop marks recorded on the Derbyshire HER (CDR13014) pertaining to previous (medieval and possibly earlier) occupation of the landscape on Palmer Moor, which would be impacted by the proposed development as a digger driver training facility. However, the precise impacts and the degree of significance of the archaeology is as yet unknown. Though the presence of heritage assets on the site is not a barrier to development I will need some more information on the nature of any archaeology present, its level of preservation and its significance and to this end I would ask that a geophysical survey is undertaken on the site initially, to be followed by a programme of evaluation trenching, prior to determination of the application justified under para 194 of NPPF.

All archaeological works should be undertaken in compliance with a written scheme of investigation approved by this office prior to enactment and should be undertaken by reputable archaeological company to accepted national and industry standards.

Derbyshire Dales Ramblers

- 5.4 Ramblers Derbyshire Dales Group makes a holding objection to this application:
- Doveridge FP 11 runs up the access track from the field to Grove Lane. The greatly increased number of vehicles are a considerable danger to RoW users.
 - PRow's view and advice should be sought before this application proceeds.
 - It is disappointing that the RoW FP 11 is not referred to in the D&AS nor the plans.
 - Doveridge FP 11 should remain unaffected at all times, including the path surface, both during and after any development
 - Serious consideration should be given to the safety of members i.e. pedestrians and walkers of the public using the Right of Way during the proposed works
 - Any encroachment of the footpath would need consultation and permission with/from the DCC Rights of Way Team
 - A diversion may be necessary, if acceptable

Environment Agency

- 5.5 We have reviewed the submitted documents and on this occasion 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.

Peak and Northern Footpaths Society

- 5.6 No objection in principle. However, I am concerned that the proposed 2-metre-high earth bunds along the southern boundary of the site are situated at least 2 metres away from the

northern edge of the legal width of Doveridge Footpath 11 so that the full width of the path is usable by walkers and they do not feel "hemmed in" or over shadowed by the bunds. It is essential that the applicant determines the exact legal location of the path with the help of the county council's rights of way officers.

Environmental Health (Derbyshire Dales)

- 5.7 As per the application form, could the following opening hours be a condition of the planning permission? 8am-4pm Monday to Friday and closed on weekends or public holidays. I would also request that no movement of excavators etc. on site until 9am. These hours of operation should minimise the impact of noise on the surrounding community.

I would also like to see these hours of operation in affect during the construction of said driver training facility.

Local Highway Authority (Derbyshire County Council):

- 5.8 Based on the supporting information and in terms of traffic impact, the proposal will have a negligible effect on the surrounding highway network during busy development periods. Such traffic movements are likely to be minimal and it is considered the proposal is not anticipated to adversely affect the operation of the surrounding highway network.

Discussions with the Public Rights of Way Team (DCC) have indicated that they do not have any concerns regarding the proposed development.

To conclude there are no objections to the proposed development from a traffic and highway point of view.

6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 4 representations have been received. Two provided comments on the application, one in support of the application and one non-attributable objection. A summary of the representations is outlined below:

Comments:

- Concerns regarding residential amenity.
- No site notice has been posted for this application.
- Concerns regarding the noise generated from the development.
- Concerns regarding lack of information relating to the number and size of equipment on site.
- Concerns regarding lack of information about landscaping and drainage issues.

In support:

- The application would allow the applicant to make their farming enterprise viable after an outbreak of avian flu on the applicant's land.
- The business will make use of uncultivated land and provide employment in the local area.

Non-attributable objection:

- The development would be inappropriate industrialisation of a rural farming area adjacent to the Somersal Herbert Conservation Area.
- The Somersal Herbert Conservation Area appraisal recognises that the open agricultural land is important to the setting of the Conservation Area.
- The development would be better suited to an industrial area.
- Concerns regarding noise and air pollution.
- Concerns regarding the narrow access track serving the site and lack of passing/turning places.

- The development will impact the character of the narrow lanes.
- Concerns regarding damage to the highway.
- Concerns regarding the safety of highway users including horses and cyclists.
- Concerns regarding existing and potential future littering and fly tipping.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact on amenity of neighbouring residents
- Impact on the character and appearance of the surrounding landscape
- Impact on archaeology
- Impact on highway safety and public rights of way

Principle of Development

- 7.1 The application site is located outside of any defined settlement boundary identified by policy S2 of the Adopted Derbyshire Dales Local Plan (2017). The principle of the development should therefore be assessed against policy S4 which relates to development proposals in countryside locations.
- 7.2 Policy S4 states that development will be permitted in such location where it comprises “proposals for agricultural and related development which helps sustain existing agricultural and other rural based enterprises, including small scale farm shops selling local produce, complementary farm diversification and new agricultural buildings that maintain the landscape and character of the countryside”.
- 7.3 Policy EC10 relates specifically to Farm Enterprises and Diversification and states “Development which forms part of a farm diversification scheme will be permitted where the proposal can demonstrate the viability of farming through helping to support, rather than replace or prejudice, farming activities on the rest of the farm. In addition, the following criteria must be complied with:
- a) the proposed development will stimulate economic activity with a use compatible with its location, which maintains the relative sustainability of a rural area;
 - b) any new buildings are appropriate in scale, form, impact, character and siting to their rural location;
 - c) wherever possible new or replacement buildings should be located within or adjoining an existing group of buildings;
 - d) the proposed development will not generate traffic of a type or amount inappropriate for the rural roads affected by the proposal, or require improvements or alterations to these roads which could be detrimental to their character;
 - e) wherever possible the proposed development makes full and effective use of existing buildings in preference to the construction of new buildings.
- 7.4 The applicant has submitted detailed financial accounts for the previous financial years prior to the avian influenza outbreak on the applicant’s land and has set out the predicted annual sum to be received from the letting of the parcel of land subject to this application. It is clear based on this information that the proposed use of the field is of a scale which would financially support the farming enterprise carried out on the applicant’s wider land holding rather than replace the farming use.
- 7.5 In relation to the other criteria of policy EC10, the proposed development makes full and effective use of the only existing building on site for use as classrooms associated with the driver training facility. There are no new buildings proposed as part of this application. The supporting statement provided by the applicant’s agent outlines that the number of

vehicular trips to the site would be less than its current use as agricultural land. The site, due to its nature as an agricultural field is by nature in a relatively unsustainable location however, the site is within approximately 1.5km of Doveridge, a third-tier settlement. The countryside location of the site would not be supported for a training facility for construction plant under other employment use policies within the Adopted Derbyshire Dales Local Plan however, in the circumstances set out above, and as part of a farm diversification scheme to support the farming activities on the site, the principle of development is considered to be acceptable in this case.

Impact on amenity of neighbouring residents

- 7.6 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development proposals to achieve a satisfactory relationship with adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.7 Concerns have been raised by neighbouring residents in relation to potential noise pollution as a result of the proposed development.
- 7.8 The application site is approximately 250m away from the nearest residential property located to the south east. Whilst it is appreciated that the use of vehicles on the site is likely to be more intensive than its current agricultural use any noise from vehicles within training facility will be against the backdrop of existing vehicular traffic noise along the A50. The application also proposes to install acoustic fencing to the site, details of which shall be secured by condition.
- 7.9 Comments have been received from Environmental Health (Derbyshire Dales) requesting that a condition be attached securing the proposed operating hours and a separate condition which states that any excavators in training shall not be operated until 9am.
- 7.10 Subject to the above conditions the development is not considered to result in any significant impact on the amenity of any nearby residents and the development would be in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.

Impact on the character and appearance of the surrounding landscape.

- 7.11 A key consideration in respect of this application is the impact of the development on the local landscape and character, identity and setting of the existing settlement. Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) advises that development will conserve and where possible enhance the natural and historic environment, including settlements within the plan area.
- 7.12 Policy PD1 requires all development to be of high-quality design that respects the character, identity and context of the Derbyshire Dales' townscapes and landscapes.
- 7.13 Policy PD5 deals specifically with landscape character and advises that development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.14 Concerns have been raised by local residents regarding the potential impact of the development on the countryside landscape.
- 7.13 The site is largely concealed by the existing mature planting along the boundaries of the site. This planting would be retained as part of the development and additional screening provided in the form of the proposed 2m high soil bunding. The application does not seek

any further buildings on site and would instead utilise the existing chicken shed as classroom spaces. Whilst some comments have been raised regarding the impact of the development on the setting of the Somersal Herbert Conservation Area it is considered that the approximate 850m distance to the boundary of the Conservation Area, which includes intervening land which has been developed as a solar farm, the impact on the setting of the Conservation Area is considered to be neutral.

- 7.14 Based on the above, and subject to appropriate landscaping (to be secured by condition) the development is not considered to result in any harm to the character and appearance of the countryside location and would be in accordance with policies S1, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) in this regard. The applicant has also stated that the site could be restored to its existing state once the site is no longer required by the proposed site operator.

Impact on archaeology

- 7.15 Some concerns have been raised by the Development Control Archaeologist that the significance of any below ground archaeology is not yet known and a geophysical survey has been requested in order to provide this additional information.
- 7.16 The applicants have stated that the site comprises spoil which was laid on site during the construction of the A50 to the north and that the excavators which are utilised on site would only excavate to a maximum depth of 1m. On this basis, the Development Control Archaeologist has agreed that a detailed desk-based assessment would be proportionate in this case, the result of which will be reported to members in the late representations. Any recommended conditions following this assessment will also be attached.

Impact on highway safety and public rights of way

- 7.17 Concerns have been raised by the Rights of Way Officer and Derbyshire Dales Ramblers regarding the impact of the development on users of Doveridge footpath 11 which runs along the access track and southern boundary of the site. The main concerns relate to the potential increase in vehicular user of the access track as a result of the proposed development. The applicant has stated that the current number of journeys to the site are approximately 10 per day and this is likely to reduce to 5 per day associated with the new proposed use. The site would also only be operated 08:00-16:00 five days per week so vehicular traffic would be reduced at the weekend and in the evenings. On this basis, there is not considered to be any significant adverse impacts on users of the public footpaths in on and adjacent to the site.
- 7.18 Comments have been received from the Local Highway Authority which, based on the anticipated level of use of the access and facility, do not raise any highway safety or traffic concerns. The development is considered to be in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.

Other issues

- 7.19 Comments have been received from Derbyshire Wildlife Trust which have raised no concerns with regard to any impact on protected species on site. It has been deemed that the proposed bunds would be sufficient in preventing any pollutants entering the watercourse. It has however been suggested that the enhancements to biodiversity sought by policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) could be achieved through the addition of a condition which secures appropriate landscaping.

Conclusion

7.20 Based on the above assessment, the proposed development is considered to be in accordance with the aims of policies within the Adopted Derbyshire Dales Local Plan (2017) and a recommendation of approval, subject to conditions is made accordingly.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

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

Reason:

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

2. The development hereby approved shall not be carried out other than in accordance with the following approved plans received by the Local Planning Authority 23.06.2023:

Location Plan
Proposed Block Plan
Existing and Proposed Topography
Proposed Building Layout

Reason:

For the avoidance of doubt.

3. The development hereby permitted shall not be operated other than by the applicant or sub-let by the applicant and shall remain ancillary to the agricultural operations at Brooklands House Farm, Grove Lane, Doveridge. The site shall be returned to its current condition and use as an agricultural field upon the cessation of the use hereby permitted (in compliance with this condition).

Reason:

To prevent the creation of an unwarranted and uncontrolled employment use in an unsustainable location in accordance with policy S4 of the Adopted Derbyshire Dales Local Plan (2017).

4. The use of the premises shall be restricted to the hours of 08:00 to 16:00 Mondays to Fridays and at no time on Saturdays, Sundays and Bank Holidays.

Reason:

In the interests of preserving the amenity of neighbouring residents in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017)

5. No machinery shall be operated on the premises before 09:00 nor after 16:00 Mondays to Fridays and at no time on Saturdays, Sundays and Bank Holidays.

Reason:

In the interests of preserving the amenity of neighbouring residents in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017)

6. The acoustic fencing shall be installed before the first use of the development hereby permitted in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of preserving the amenity of neighbouring residents in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

7. 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) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - c) measures for the protection of retained vegetation during the course of development;
 - d) soil preparation, cultivation and improvement;
 - e) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - f) grass seed mixes and sowing rates;
 - g) finished site levels and contours;
 - h) means of enclosure;
 - i) car park layouts;
 - j) other vehicle and pedestrian access and circulation areas;
 - k) hard surfacing materials;
 - l) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - m) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
 - n) retained historic landscape features and proposed restoration, where relevant;
 - o) timescale for implementation or hard and soft landscaping.

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

8. 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 first agreed in writing by the Local Planning Authority. All hard landscaping shall be maintained throughout the lifetime of the development hereby approved.

Reason:

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

9.0 NOTES TO APPLICANT:

The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which

overcame initial problems with the application relating to the level of information provided with the application in order for the Local Planning Authority to be satisfied that the development would constitute a farm diversification scheme.

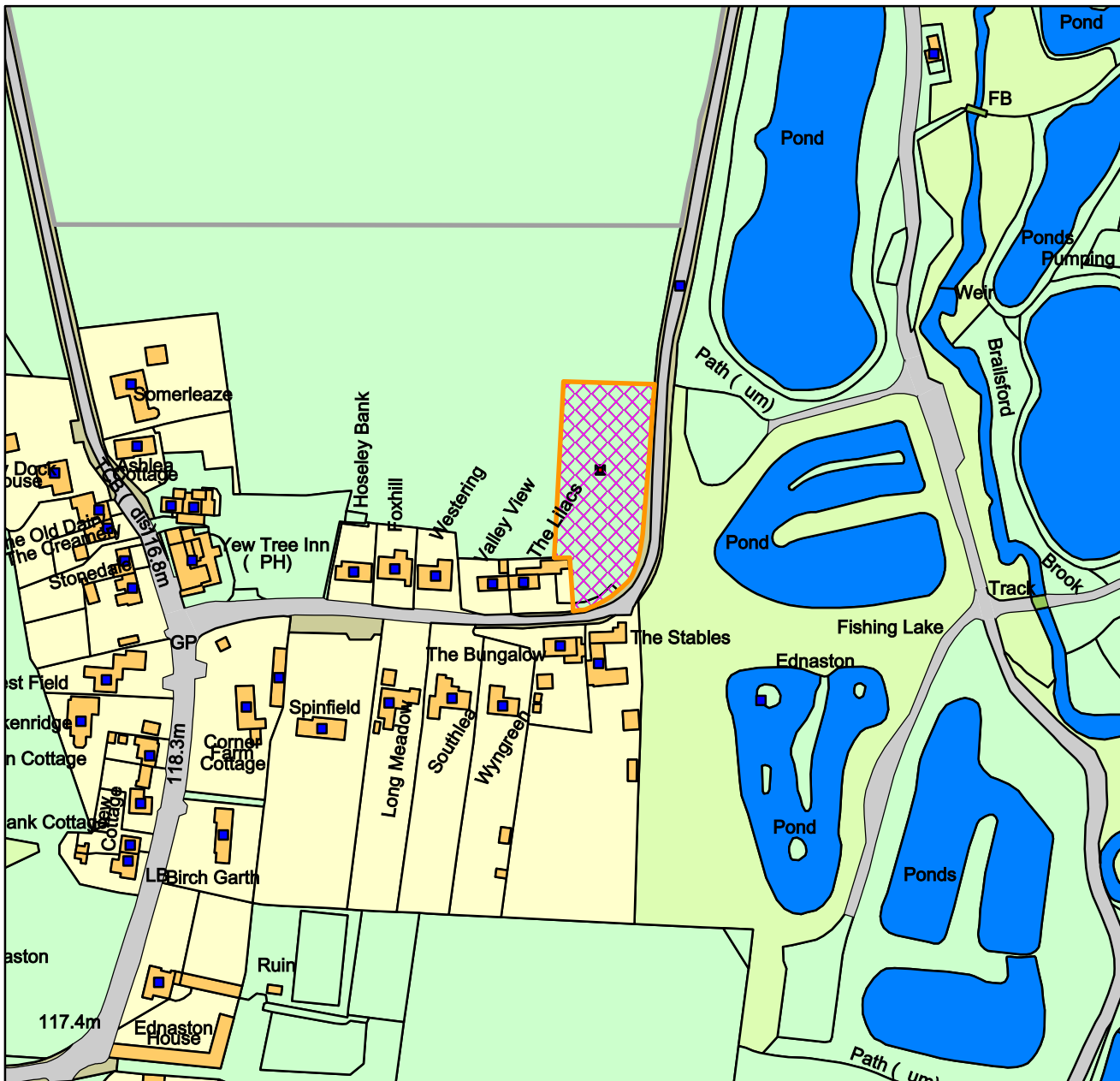
The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development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

The application site is affected by a public right of way (Doveridge footpath no. 11) on the Derbyshire Definitive Map). This route must remain unobstructed on its lawful alignment and the safety of the public must not be prejudiced either during or after the works take place. Details regarding the temporary or permanent diversion of any such route should be obtained by contacting the County Council's Footpaths Section at County Hall, Matlock on 01629 533262. Application for the permanent diversion of the public right of way shall be submitted to the District Council on the enclosed application form.

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23/00832/OUT

Land to the West Side of Derby Lane, Ednaston



Derbyshire Dales DC

1:2,500

Date: 27/09/2023

100019785

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APPLICATION NUMBER		23/00832/OUT	
SITE ADDRESS:		Land To The West Side Of Derby Lane, Ednaston, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Outline planning application for the erection of up to 3no. dwellinghouses with approval being sought for access (resubmission)	
CASE OFFICER	Mr J Baldwin	APPLICANT	Mr D Goodall
PARISH/TOWN	Brailsford	AGENT	Mr J Filer
WARD MEMBER(S)	Cllr G Bond	DETERMINATION TARGET	29.09.2023
REASON FOR DETERMINATION BY COMMITTEE	3 or more dwellings outside of a main market town.	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context and the impacts to the character and appearance of the area.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of Development • The impact on the character and identity of the settlement and the local landscape • Highway considerations • Impact on trees, biodiversity and wildlife • Flood risk and drainage

RECOMMENDATION
That the application be refused for the reasons set out in section 8.0 of the report.

1.0 THE SITE AND SURROUNDINGS

1.1 The application site is located off the western side of Derby Lane, to the north eastern edge of Ednaston and west of Brailsford. The current site comprises the south eastern portion of an agricultural field bound by existing hedgerow planting. There are existing residential properties on the northern and southern side of Derby Lane before the bend in the road while leaving the village along Derby Road however along the north/south route of Derby Lane, off which the site is located, the land remains largely undeveloped. Brailsford Public footpath 36 runs across the agricultural field to the north west of the site.



2.0 DETAILS OF THE APPLICATION

2.1 Outline planning permission is sought for the erection of three dwellings with all matters reserved apart from access as set out in the submitted documents received by the Local Planning Authority on 04/08/2023. Access to the site is proposed via a new access of the western side of Derby Lane. The indicative layout plan presents 3 bungalows set alongside and fronting onto Derby Lane.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - S1: Sustainable Development Principles
 - S2: Settlement Hierarchy
 - S4: Development in the 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
 - PD8: Flood Risk Management and Water Quality
 - HC1: Location of Housing Development
 - HC19: Accessibility and Transport
 - HC21: Car Parking Standards
2. Brailsford Neighbourhood Plan (2021)
 - H1: Housing
 - TMA1: Traffic Management and Accessibility
 - LW1: Landscape and Wildlife
3. National Planning Policy Framework (2023)
 - National Planning Practice Guidance
 - Landscape Character and Design SPD (2018)
 - Climate Change SPD (2021)
 - Developer Contributions SPD (2020)

4.0 RELEVANT PLANNING HISTORY:

None.

5.0 CONSULTATION RESPONSES

Derbyshire County Council (Highways)

- 5.1 Within the application site frontage is a tree and speed limit signs, however, these have not been indicated on the plan and it is not clear if the tree falls within the visibility? And/or if the tree is being removed? If this is a highway tree compensation for its loss would need to be calculated. Please hold the application in abeyance until details regarding the trees location to the access have been submitted and its situation has been clarified.

Derbyshire Wildlife Trust

- 5.2 We have reviewed the Preliminary Ecological Appraisal (Astute Ecology, April 2022). There are no protected species constraints to the development and habitats are of relatively low ecological value. We advise that existing trees and native hedges should be retained within proposals and wildlife-attracting landscaping incorporated within the design. A biodiversity metric has not been provided and the LPA may wish to request a small sites metric, should they wish to quantify the losses and gains. Conditions suggested relating to nesting birds, external lighting and the submission of a biodiversity enhancement plan.

Trees and Landscape Officer (Derbyshire Dales)

- 5.3 09.08.2023:

Trees:

The site and its immediate surroundings are not currently subject to DDDC Tree Preservation Order and are not in a conservation area. There are no recognised veteran trees or ancient woodland close enough to be adversely affected by the proposals. However,

the trees and hedgerow within the red line boundary or close to it are considered to significantly contribute to the character, appearance and amenity of the locality.

It is important that structurally sound, healthy trees and hedgerows are retained and allowed to continue providing their many benefits to landscape, environment, wildlife and human health.

Mature trees are regarded as being particularly important because of the many decades it would take to replace them.

Native and naturalised tree species are generally regarded as particularly desirable because they contribute particularly desirable qualities to the natural character of the landscape.

It appears that no details relating to trees have been submitted to date and it is unclear to what degree they have been considered in developing the proposals.

I recommend that an Arboricultural Impact Assessment (AIA) be submitted for approval pre-determination. This should be prepared in accordance with BS 5837 (2012) Trees in relation to design, demolition and construction – Recommendations.

Trees are a material planning consideration and therefore appropriate retention, protection and successful long term integration into the proposed development will be required. The report and its associated plans should be used to inform the proposed site layout design.

The AIA should include:

- a Tree Survey Schedule,
- a Tree Constraints Plan (on a Site as Existing plan),
- a Tree Removals and Retention Plan (on a Site as Proposed plan),
- a Tree Protection Plan (on a Site as Proposed plan) which shall include
- distances of offset between tree stems and fencing positions to facilitate correct positioning on-site,
- a plan showing the areas which may be exposed to significant shading by retained trees, and
- a specification for temporary tree protection plan and/or temporary ground protection to protect the root protection area of retained trees to include timings of erection and removal.

All to be prepared in accordance with BS5837 (2012).

Additionally, if the AIA shows any development or site activity would encroach the canopy spread or the root protection area of any retained trees then an arboricultural method statement (AMS) shall be submitted for approval. This could be required to discharge a condition to a grant of planning consent rather than being required pre-determination.

It is important that retained trees are protected through the exclusion of all development and site activity from their rooting area. This is normally achieved by the erection of temporary tree protection fencing to enclose the rooting area to exclude access throughout the period of works at the development site. The root protection area as calculated according to the guidelines of BS5837 (2012) is considered to include sufficient roots to sustain the health and stability of the tree.

Severance or physical damage to the roots in the root protection area has significant potential to compromise the tree which may lead to its decline, premature death, structural failure or instability. Soil compaction, surface level changes or contamination within this zone can cause death of living cells in roots and impair their functions, again causing the tree to decline, die or have reduced stability. Affected trees' decline, structural failure or premature death can manifest immediately or up to several years later.

Landscape:

The site is located beyond the edge of the built-up part of the village within an existing agricultural field adjacent the minor road into the village. The proposals would be prominent from the road and extend the village beyond its current extents into the countryside. There would be a significant change to the character and appearance of the locality which I suggest the Planning Officer considers.

18.09.2023:

The arboriculture report indicates that the roadside hedgerow G1 would have to be removed along the length of the site to facilitate the visibility splay. The hedgerow was classified in the report as BS5837 (2012) category C (low value) so should not be considered as a constraint to development. If the proposals were to be granted planning consent then I would recommend that the hedgerow should be replaced with planting behind the visibility splay and that this should be comprised of a mixture of at least 6 woody native species to maximise its value to wildlife. A specification for hedgerow replacement planting should be required to be submitted for approval as a condition to any grant of planning consent. The roadside sycamore tree T1, was classified by the report as BS5837(2012) category B (medium value) and so should be considered a constraint on development. It should not therefore be removed to facilitate the proposals unless it is demonstrated to be unsafe. The tree should be retained and if planning consent were to be given for the proposals then the part of its root protection area that extends into the site should be protected by the use of temporary tree protection fencing, as specified in the report. The site layout design should be modified if necessary to indicate no development within the protected area.

Environmental Health (Derbyshire Dales)

- 5.4 No objections subject to construction hours being limited to 8am-6pm Monday to Friday and 8am-1pm Saturday. No working Sundays and Bank Holidays.

6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 11 representations have been received in objection to the proposed development one of which is non-attributable. A summary of the representations is outlined below:

Objections:

- Land used for growing crops should be protected.
- The development does not represent infill development.
- Concerns regarding further development of the site.
- Concerns regarding flooding.
- Concerns regarding safety of highway users and pedestrians.
- The village does not need any further housing as there are currently vacant properties.
- There are no amenities within the village and nearby services have insufficient availability (e.g. schools, doctor surgery).
- The development would increase traffic and noise in the village.
- The development represents ribbon development and will harm the character of the village.
- The development requires the destruction of ancient field boundaries.
- The submitted plans are not to scale and do not show the correct width of the road.

Non-attributable objections:

- There should be no development on land used for growing food. Development should be focussed on brown field sites.
- Concerns regarding highway safety.
- The development would be an extension of the village and not infill.
- Concerns regarding flooding.

7.0 OFFICER APPRAISAL

- 7.1 This application seeks outline planning permission for the erection of 3 dwellings on site with all matters reserved except access.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017) and the Brailsford Neighbourhood Plan (2023). The National Planning Policy Framework (2021) is a material consideration in respect of this application.
- 7.3 The Council is unable to demonstrate a 5 year housing land supply at this time and the tilted balance in favour of sustainable development is engaged by virtue of Para 11d) of the National Planning Policy Framework (2021).
- 7.4 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:
- Principle of Development
 - The impact on the character and identity of the settlement and the local landscape
 - Highway considerations
 - Impact on trees, biodiversity and wildlife
 - Flood risk and drainage

Principle of Development

- 7.5 The site is located on the north eastern edge of Ednaston. Ednaston is defined by policy S2 of the Adopted Derbyshire Dales Local Plan (2017) as a fifth tier settlement which has a “lack of basic facilities to meet day to day requirements”. As there is no defined settlement boundary to Ednaston, the site is deemed to be in the countryside and the principle of the development should be considered against policy S4 (Development in the Countryside) of the Adopted Derbyshire Dales Local Plan (2017).
- 7.6 Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) part (i) outlines the acceptable forms of residential development for sites within the countryside. This includes “Housing in fourth and fifth tier villages in accordance with Local Plan Policy S2”. Policy S2 states that in fifth tier settlements “there could be scope for very limited development within the physical confines of the settlement where this is limited to infill and consolidation of the existing built framework; or where there are opportunities for the redevelopment of brownfield sites on the edge of settlements which will result in a positive environment improvement” Similarly, Brailsford Neighbourhood Plan (2021) policy H1 (Housing) supports proposals for housing where they are located within Settlement Boundary for Brailsford or “small-scale infill development which relates well to neighbouring properties and is appropriate for the rural setting”.
- 7.7 In this case, the development site comprises a portion of an agricultural field on the edge of the settlement. The development would not constitute infill or consolidation of the existing built framework of Ednaston and as a result, the development is considered to be contrary to policies S2 and S4 of the Adopted Derbyshire Dales Local Plan (2017) and policy H1 of Brailsford Neighbourhood Plan (2021). Notwithstanding that the District Council cannot demonstrate a five-year housing land supply at this time and the presumption in favour of sustainable development is engaged, the unsustainable location of the site away from basic services and facilities is such that this would significantly and demonstrably outweigh the modest benefits associated with delivery of 2400 the market dwelling houses in this case.

The impact on the character and identity of the settlement and the local landscape

- 7.8 A key consideration in respect of this application is the impact of the development on the local landscape and character, identity and setting of the existing settlement. Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) advises that development will conserve and where possible enhance the natural and historic environment, including settlements within the plan area.
- 7.9 Policy PD1 requires all development to be of high quality design that respects the character, identity and context of the Derbyshire Dales' townscapes and landscapes.
- 7.10 Policy PD5 deals specifically with landscape character and advises that development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.11 The existing built framework of Ednaston ends where Derby Lane turns and runs north toward Painters Lane out of the village. On this north/south route of Derby Lane due to the lack of development, open agricultural land and hedge lined highway, the existing character of this area is rural and agricultural. In this regard, the introduction of 3 new dwellings would have an urbanising impact on the countryside location.
- 7.12 The submitted planning statement outlines that the existing boundary hedge along the roadside would be in part removed and replaced to achieve the required visibility splays. There are some concerns regarding the re-location of the hedgerow in terms of retaining the existing character of the lane. Also, the existing hedgerow is maintained at a relatively low level and even the single storey structures proposed are likely to be highly prominent in views from the highway. The location on the bend of Derby Lane is also highly prominent and the urbanising effect of the proposed 3 dwellings is considered to fundamentally change the rural character of the area when entering and leaving the village.
- 7.13 The development is considered to project beyond the exiting built framework of Ednaston therefore comprising ribbon development which is considered to have a harmful, urbanising effect on the rural character of the area. The proposed development is not considered to be in accordance with policies S1, PD1 or PD5 of the Adopted Derbyshire Dales Local Plan (2017) and a recommendation of refusal is made on this basis.

Highway considerations

- 7.14 Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017) states the "The District Council will seek to ensure that development can be accessed in a safe and sustainable manner". The application proposes a new access point taken off the western side of Derby Lane to serve the 3 proposed dwellings.
- 7.15 A number of local residents have raised concerns regarding the impact of the development on the safety of highway users. Concerns have also been raised by the Local Highway Authority in the consultation response received by the Local Planning Authority that the submitted plan does not show an existing tree within the visibility sightlines shown on submitted plans and it is unclear as to whether this tree will be retained as part of the development. Clarification has been provided from the applicants through the submission of an Arboricultural Assessment which states that the tree will be retained but sits outside of the visibility sightlines. On this basis it is considered that the development is likely to be acceptable in highway safety terms however, final comments will from the Local Highway Authority will be provided to members within the late representations.

- 7.16 The submitted Ecological Survey which accompanies this application has identified no protected species constraints to the development and identifies the habitats are of relatively low ecological value. Subject to the retention of existing planting within the site and the submission of biodiversity enhancement measures for approval, both of which could be secured by condition. Derbyshire Wildlife Trust have raised no objection to the proposed development regarding the potential impact on ecology on site.
- 7.17 Following receipt of the Arboricultural Assessment (requested by the District Council's Tree Officer) a further consultation response has been received from the Tree and Landscape Officer which raises no concerns with the replacement of the existing hedgerow as this is deemed to be category C (low value). The development seeks to retain the category B (medium value) cherry tree on site and subject to conditions securing appropriate protection measures, it has been considered that it would be possible to retain this tree following the development.

Flood risk and drainage

- 7.18 Whilst concerns have been raised by local residents with regard to the potential flooding of the site, the site lies within Flood Zone 1 and is therefore deemed to be at the lowest risk of flooding. There is not currently any evidence to suggest that water could not be satisfactorily drained from the site. Appropriate drainage could be secured by planning condition, if permission were granted.

Conclusion

- 7.19 The application proposes the construction of 3 new dwellings in an unsustainable location, outside of any defined settlement boundary which is deemed to be unacceptable in principle and would result in unwarranted and encroaching development that is intrinsically harmful to the character and appearance of this part of the countryside contrary to Policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017), policy H1 of the Brailsford Neighbourhood Plan (2021) and the National Planning Policy Framework (2023). A recommendation of refusal is made on this basis.

8.0 RECOMMENDATION

That planning permission be refused for the following reason(s).

1. The proposed development would lead to an unwarranted and intrusive form of residential development, resulting in ribbon development along the western side of Derby Lane in a countryside location, outside of any defined settlement boundary that does not respect the character, identity and context of this part of the countryside contrary to Policies S2, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017), policy H1 of the Brailsford Neighbourhood Plan (2021) and the National Planning Policy Framework (2023).

9.0 NOTES TO APPLICANT:

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

The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country

Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

This decision notice relates to the following documents:

Planning Statement

Design and Access Statement

Access Appraisal

Preliminary Ecological Appraisal

FW 114 D52 (rev C) – Illustrative Layout

FW 114 D53 – Site Location Plan

27761_08_020_01 (rev C) – Proposed Access Arrangements

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23/00830/FUL

82 Oker Avenue, Darley dale, Derbyshire



Derbyshire Dales DC

1:1,250

Date: 27/09/2023

100019785

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website :www.derbyshiredales.gov.uk

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APPLICATION NUMBER		23/00830/FUL	
SITE ADDRESS:		82 Oker Avenue, Darley Dale, Derbyshire, DE4 2GP	
DESCRIPTION OF DEVELOPMENT		Demolition of 1no. dwellinghouse and erection of 4no. apartments with associated parking and access	
CASE OFFICER	Mr J Baldwin	APPLICANT	Mr W Bradshaw
PARISH/TOWN	Darley Dale	AGENT	Mr M Hubbard
WARD MEMBER(S)	Cllr D Burton Cllr M Franks Cllr R Shelley	DETERMINATION TARGET	25.09.2023
REASON FOR DETERMINATION BY COMMITTEE	Called to committee by Cllr R Shelley	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context and the impacts of the development on neighbouring occupants and the wider street scene.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of development • Impact upon amenity of neighbouring occupants • Impact on the character and appearance of the property and the wider street scene • Highway safety

RECOMMENDATION
That permission be granted subject to conditions as set out in section 8.0 of the report.

1.0 THE SITE AND SURROUNDINGS

1.1 The application site is located off the eastern side of Oker Avenue and is currently occupied by an existing 3-bedroom, semi-detached dwelling finished in an off-white render. The property benefits from an existing garden to the rear and additional garden/parking space to the south (side) with existing vehicular Access off Oker Avenue. The site is located within the defined settlement Boundary of Darley Dale (policy S3) and within the Darley Dale Neighbourhood Plan Area – Parkway and Oker.



2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for the demolition of the existing semi-detached dwelling on site and construction of 4no. apartments with associated parking and access on site as set out on the submitted plans received by the Local Planning Authority 31.07.2023. The proposed apartment block would be physically attached to 84 Oker Avenue with flat 1 and 3 occupying a similar footprint to the dwelling which is to be demolished. Flat 2 and 4 would be constructed to the south of the central stairway and set at a lower level than the original dwelling. Four parking spaces are proposed to front of the new building each served by an EV charging point and occupants would share access to a communal garden to the rear.

3.0 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

- PD1: Design and Place Making
- PD3: Biodiversity and the Natural Environment
- PD5: Landscape Character
- PD6: Trees, Hedgerows and Woodlands
- PD7: Climate Change
- HC7: Replacement Dwellings
- HC19: Accessibility and Transport
- HC21: Car Parking Standards

2. Darley Dale Neighbourhood Plan (2019):
 - NP5: Protecting the Landscape Character of Parkway and Oker
 - NP15: Design Principles for C3 Residential Development in Parkway and Oker
3. National Planning Policy Framework (2023)
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

15/00686/FUL Conversion and cladding of dwelling to create 2 flats and erection of attached dwelling Refused 05/07/2016

5.0 CONSULTATION RESPONSES

Darley Dale Town Council

- 5.1 It was resolved to submit a recommendation of objection on the following grounds:
 - I. Environmental Health – The noise associated with 4 dwellings will exceed current levels of a single dwelling.
 - II. There is insufficient parking for 4 dwellings.
 - III. The proposed development is not in keeping with the surrounding properties.
 - IV. The proposed development is a substantial variation from the existing street scene.
 - V. The scale and overwhelming proportions of the proposed site.
 - VI. There is nothing in the plans to suggest any access for disabled.
 - VII. Lack of suitable recreational space.

Cllr Roger Shelley

- 5.2 I would like to request that if officers are minded to recommend approval for this application, that it be called in for decision by the Planning Committee. This is on the grounds that I have concerns about the scale and proportion of the proposed development, adequate parking, and noise impact on neighbours.

Derbyshire County Council (Highways)

- 5.3 There are no objections to the proposed development from a traffic and highway point of view subject to the following conditions:
 1. The front boundary treatment adjacent the highway, shall at no time be higher than 0.6 metres above the level of the adjoining carriageway, for the whole length of the site's front boundary with the adjoining highway.
 2. Before the first occupation of the building, the existing redundant vehicular access located between the two new access points shall be permanently closed and the existing vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Derbyshire Wildlife Trust

- 5.4 We have reviewed the proposed plans and Preliminary Ecological Appraisal (Jenny Wheeldon MSc MCIEEM, 2023). The house, existing outbuilding and tree onsite were

assessed as having 'negligible' potential to support roosting bats. No birds' nest was noted in either of the buildings, hedgerows or the tree during the survey and the small scale of the development is anticipated to have a 'negligible' impact on local bird populations. No direct evidence of use by hedgehogs were found during the survey, however there are several records of hedgehogs in the adjacent streets and gardens. Overall, the demolition and erection of the four apartments are not likely to have a direct impact on protected species.

The mature tree on site will be retained. Existing habitats that will be lost, such as the short garden hedgerow and mown amenity grassland, have low ecological value and can be mitigated by the creation of grassland areas and reseeded of any retained grassland areas within the development, along with the proposed additional hedgerow and tree planting (as stated in section 4, page 18 of the Preliminary Ecological Appraisal report). The retention and addition of grassland and hedgerow has the potential to support foraging hedgehogs. Survey work is in line with best practice and a Biodiversity Enhancement Plan condition is advised.

Environmental Health (Derbyshire Dales)

5.5 Conditions recommended for this development:

Before use of the development commences, a noise mitigation scheme shall be submitted in writing and approved in writing by the local planning authority detailing measures that will be implemented to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity.

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

Prior to first occupation the approved building shall be constructed to provide sound attenuation against internally generated noise of not less than 35 dB averaged over the frequency range of 100-3150Hz. The approved works shall be retained for the life of the development unless agreed in writing with the planning authority.

Trees and Landscape Officer (Derbyshire Dales)

- 5.6 The cherry tree in the rear corner of the site appears to be the only significant tree on site. It is not currently subject to statutory protection; however, it does provide amenity and screening and should be retained and incorporated into the development for the long term. I recommend that this could be achieved through no pruning works to its canopy and exclusion of all development works and all site works from the part of the site that is likely to contain the majority of its rooting system. This could be achieved by erecting 2m tall mesh panel fencing to enclose an area extending from its stem out to a distance 1m beyond the current canopy extent. This fencing (and signage attached to it) should meet the specifications provided in BS5837 (2012) Trees in Relation to Design, Demolition and Construction to Construction – Recommendations. It should be erected before any other site activity and remain in place in the correct position until all other development works have been completed. I recommend that a condition to this effect should be included with any grant of planning consent.

6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 2 representations have been received in objection to the proposed development, one of which is non-attributable. A summary of the representations is outlined below:

Objection:

- The large cherry tree needs to stay in place for the privacy of neighbouring residents.
- Concerns regarding the amount of additional on-street car parking created by the development.

- Concerns regarding the management of the new flats and future occupants.
- Concern regarding a potential increase in crime in the area.

Non-attributable objection:

- Concerns regarding disruption to the highway during construction.
- Concerns regarding an increase in on-street parking created by the development.
- Concerns regarding loss of privacy and overlooking to neighbouring properties.
- Concerns regarding the impact of the development on the street scene.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact upon amenity of neighbouring occupants
- Impact on the character and appearance of the property and the wider street scene
- Highway safety

Principle of development

- 7.1 The site is located within the defined settlement boundary of Darley Dale – a tier 2 settlement as identified by policy S2 of the Adopted Derbyshire Dales Local Plan (2017). Policy S2 states that “Proposals for new development will be directed towards the most sustainable locations in accordance with the settlement hierarchy. This will ensure that development reduces the need to travel and promotes sustainable communities based on the services and facilities that are available in each settlement”. Darley Dale, along with the District’s main market towns (tier 1 settlements) have the greatest access to a range of services within the District and therefore are considered to be the most sustainable locations for new developments including new residential developments such as this proposal. The principle of the proposed development, in this location is therefore considered to be in accordance with the aims of policies S2 and S3 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on the amenity of neighbouring occupants.

- 7.2 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development proposals to achieve a satisfactory relationship with adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.3 Some concerns have been raised by neighbouring residents regarding the potential loss of privacy of existing residents as a result of the development and concerns regarding the management of future tenants of the proposed building.
- 7.4 Flat 1 and 3 as identified on the submitted plans would be constructed on the footprint of the existing 82 Oker Avenue and are unlikely to result in any additional overlooking or loss of privacy to the neighbouring occupants beyond the existing dwelling. Whilst the existing hipped roof would become a gable elevation following demolition of the existing building, this additional mass is not considered to result in any significant overshadowing of any neighbouring dwellings due to the orientation of the properties.
- 7.5 Flats 2 and 4 and the proposed central staircase would introduce additional residential accommodation on site. The main windows serving the living rooms and bedrooms to these units would overlook Oker Avenue with the kitchen and bathroom windows fronting the new communal garden. Despite the angle of this part of the building facing toward 2 and 4 Oker Avenue, there is considered to be sufficient separation distance and a drop in land levels to the application site such that there are no concerns regarding any significant loss of privacy to the neighbouring occupants as a result of the proposed development.

- 7.6 Subject to the conditions relating to noise insulation and working hours as requested by Environmental Health (Derbyshire Dales) the proposed development is considered to retain a satisfactory relationship with surrounding properties and would be in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.

Impact on the character and appearance of the property and the wider street scene

- 7.7 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development to be of high-quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes.
- 7.8 Concerns have been raised by local residents in the representations received with regard to the potential impact of the development on the street scene.
- 7.9 The existing dwelling on site would be demolished and replaced with a new building on the same footprint which would remain attached to 84 Oker Avenue. Although the new building would include a new gable elevation to the south in place of the existing hipped roof which may appear somewhat out of character for this side of Oker Avenue which is characterized by pair of semi-detached dwellings with hipped roofs, consideration needs to be given to the permitted development rights available to the existing dwelling which would allow a hip to gable extension, on this basis and given that the opposite side of Oker Avenue has a two pair of traditional pitched roof semi-detached dwelling, the proposed new roof form would not result in harm to the character of the street scene to warrant a recommendation of refusal.
- 7.10 The new staircase and attached building which accommodates flat 2 and 4 would be constructed at a lower level than the replacement 82 Oker Avenue but higher level than the neighboring 80 Oker Avenue to the south and would therefore appear as a subservient addition to the building but also maintain the hierarchy and building levels along this side of Oker Avenue. The new building would also include a hipped roof which as set out above, is characteristic of adjacent properties.
- 7.11 It is noted that the proposed development would introduce new materials to the property and street scene with areas of timber cladding to the linking staircase area. This is acceptable as it further defines the subservience of the additional building containing flats 2 and 4. There are some concerns however that the boxed projecting windows would appear overly contemporary and out of character in this context. These elements will be omitted by condition. It is also considered necessary to secure sample materials by condition.
- 7.12 Subject to the above conditions, the proposed development is not considered to result in any significant harm to the character and appearance of the wider street scene and would be in accordance with policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017) and policies NP5 and NP15 of the Darley Dale Neighborhood Plan (2019).

Highway Safety

- 7.13 The proposed development proposes 4 vehicular parking spaces to serve the four apartments within the new building. Notwithstanding the concerns raised by local residents the Local Highway Authority have deemed this level of parking to be sufficient to serve the development. The site is located within a higher tier settlement, within walking distance of a number of basic services and public transport links. A provision of one parking space per apartment is deemed to be appropriate in such circumstances.

- 7.14 The Local Highway Authority have also raised no objections to the new access points proposed off Oker Avenue subject to conditions securing the new visibility sightlines and the closure of the existing vehicular access.
- 7.15 Subject to the above conditions the development is not considered to result in any adverse impact on highway safety and would provide a satisfactory level of vehicular parking in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

Other issues

- 7.16 Comments have been received from the District Councils Tree and Landscape Officer which highlight the value of the existing cherry tree within the rear garden of the existing dwelling. Whilst the tree is not subject to any statutory protection it is deemed to be of sufficient amenity value and provides a significant amount of screening of the development such that it will be important to retain throughout the life of the development. A condition will therefore be attached to ensure the tree is retained and protected during the construction of the new building.
- 7.17 Derbyshire Wildlife Trust have raised no concerns regarding the demolition of the existing building as there is negligible potential to support roosting bats. The submitted Ecological Appraisal also identified limited impact on bird and hedgehog populations in the area. Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) seeks to enhance biodiversity and geological resources of the plan area. In order to secure a biodiversity enhancement on this site, an enhancement plan shall be required by condition.
- 7.18 The submitted planning statement outlines that the development will be served by air source heat pumps, solar panels and each parking space would be served by electric charging points. In order to meet the aims of policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) details of such measures will be required by condition.

Conclusion

- 7.19 Based on the above assessment, the proposed development is considered to be in accordance with the aims of policies within the Adopted Derbyshire Dales Local Plan (2017) and the Darley Dale Neighbourhood Plan (2019) and a recommendation of approval, subject to conditions is made accordingly.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason:

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

2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans received by the Local Planning Authority 31.07.2023:

Site Location Plan

11482/20 – Ground Floor and Site Plan as Proposed

11482/21 – First Floor as Proposed 261

11482/22 – Elevations as Proposed
11482/23 – Elevations as Proposed
11483/24 – Roof Plans as Proposed
11483-100A – Proposed Site Plan

Reason:

For the avoidance of doubt.

3. 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).

4. Prior to building works, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. 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:

- x4 universal nest boxes (ratio of 1:1, in line with British Standard 42021:2022)
- x2 integrated bat boxes in south-facing elevations.
- 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 provide biodiversity enhancement measures in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

5. Prior to first occupation of the building, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority detailing measures that will be implemented to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity. The approved scheme shall thereafter be implemented in full and maintained throughout the life of the development.

Reason:

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

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

Reason:

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

7. The development hereby approved shall be constructed to provide sound attenuation against internally generated noise of not less than 35 dB averaged over the frequency range of 100-3150Hz, in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The sound attenuation shall thereafter be retained for the life of the development.

Reason:

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

8. Prior to any site clearance, groundworks, excavations, demolition or construction works and before any materials or plant are brought onto the site for the purpose of the development, temporary tree protection fencing shall be erected according to the approved specification (or as specified by British Standard 5837:2012) and positioned such that 100% of the Root Protection Area (as defined by British Standard 5837:2012) of every retained tree on, and adjoining, the site is enclosed by the fencing within construction exclusion zones.

Unless approved in writing in advance by the Local Planning Authority, this fencing will remain in place and intact until all development works at the site have been completed and all equipment, plant, machinery, surplus materials and waste have been removed from the site; and:

- no ground level change,
- excavation,
- underground services installations/removals,
- surfacing, or
- construction

shall take place within the fenced areas.

Furthermore, unless agreed in writing in advance by the LPA there shall be:

- no access to the fenced areas for pedestrians/plant/vehicles.
- no waste/equipment/materials/consumables/spoil storage in the fenced areas.
- no fires in the fenced areas or within 10m of them.
- no fuel, oil, cement, concrete, mortar or washings shall be allowed to flow into the fenced areas.

The fence shall have affixed to it at 6m intervals, and at eyelevel, weatherproof signs, at least A4 in size, requiring that the above requirements are adhered to. In certain circumstances, temporary ground protection may be authorised in writing in advance by the Local Planning Authority instead of tree protection fencing. Where this is the case the same requirements as for fencing of Root Protection Areas as detailed above will apply unless authorised by the Local Planning Authority.

Reason:

To protect retained trees during the development phase in the interests of safety, stability and health of the trees and to ensure continuity of their contribution to visual amenity, wildlife and biodiversity benefits, human health and social benefits, climate change minimisation in accordance with policies PD6 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

9. Prior to first occupation of the development hereby approved, the existing redundant vehicular access located between the two new access points shall be permanently closed and the existing vehicle crossover reinstated as footway in accordance with a scheme which shall have been first submitted to and approved in writing by the Local Planning Authority.

Reason:

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

10. The front boundary treatment adjacent the highway, shall at no time be higher than 0.6 metres above the level of the adjoining carriageway, for the whole length of the site's front boundary with the adjoining highway.

Reason:

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

11. Prior to construction of the approved building, 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).

12. Notwithstanding the approved plans, this permission does not extend to include the presented projecting box windows to the front of flats 2 and 4 as identified on the submitted plans. Prior to the installation of these windows a revised plans which omits these features 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.

Reason:

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

9.0 NOTES TO APPLICANT:

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.

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

The Highway Authority recommends that the first 5m of the access driveways 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.

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street works Act 1991 prior notification shall be given to the Department - Place at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website <https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx> E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629533190.

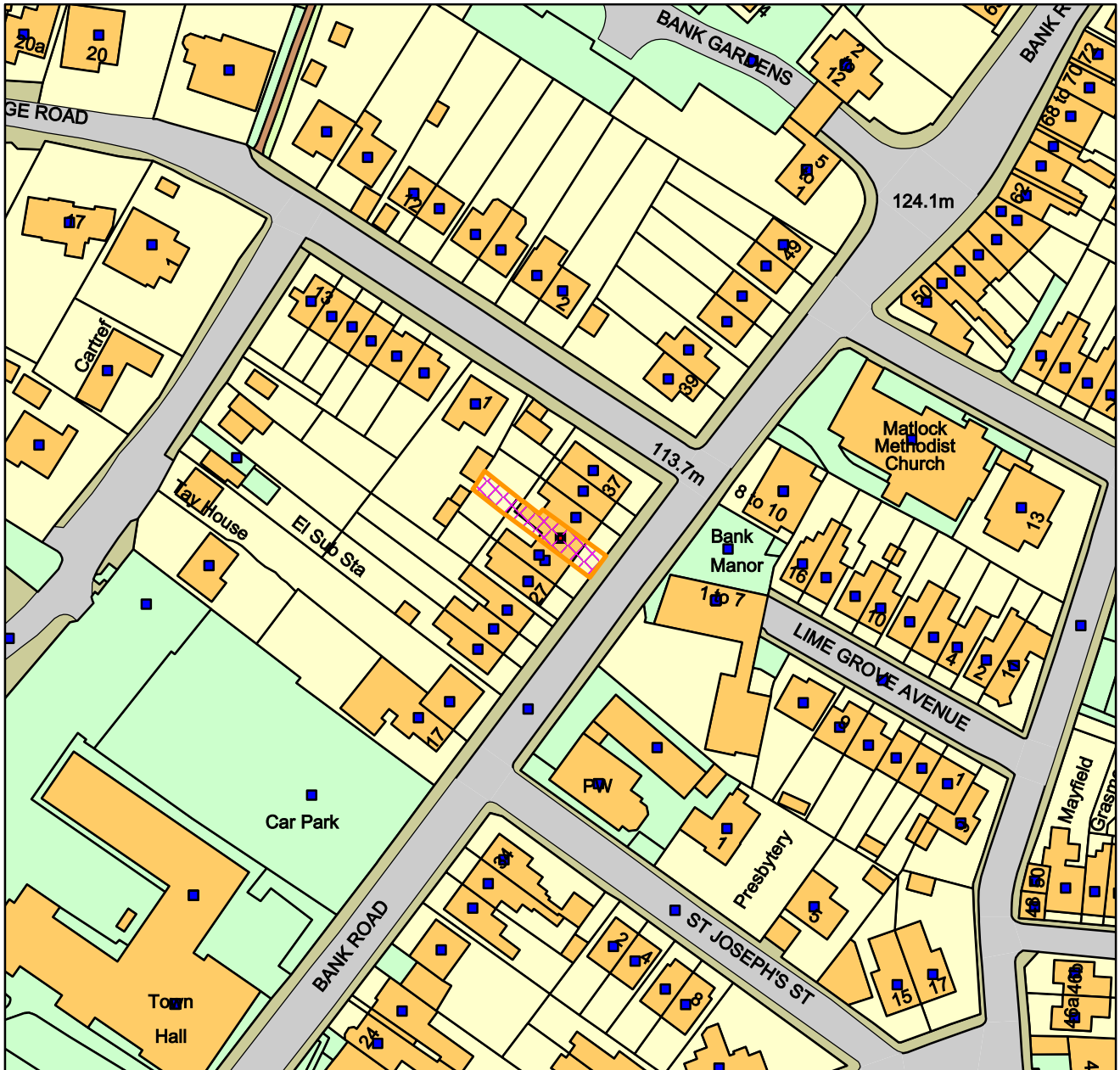
Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services 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 127 Agreements may be obtained by contacting this Authority via email - highways.hub@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.

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

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23/00759/FUL

31 Bank Road, Matlock, Derbyshire



Derbyshire Dales DC

1:1,250

Date: 27/09/2023

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		23/00759/FUL	
SITE ADDRESS:		31 Bank Road, Matlock, Derbyshire,	
DESCRIPTION OF DEVELOPMENT		Conversion and alteration of attached outbuilding and installation of new and replacement roof lights.	
CASE OFFICER	G Huffen	APPLICANT	Mr B Parker & Ms H Birch
PARISH/TOWN	Matlock West	AGENT	Mr Dave Richards – GRT Architecture
WARD MEMBER(S)	Cllr S Burfoot Cllr M Burfoot Cllr S Wain	DETERMINATION TARGET	08.09.2023
REASON FOR DETERMINATION BY COMMITTEE	Called in by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	To enable Members to appreciate the site and context.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • The impact of the works upon the character and appearance of the property and the impact upon the wider Conservation Area. • Impact on the amenity of neighbouring properties.

RECOMMENDATION
That the application be approved subject to planning conditions set out in section 8.0 of the report.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application property dates from the early 20th century and is part of a row of houses to the west side of Bank Road, Matlock. The property is faced in stone to the front with brickwork to the rear. The property is located within the Matlock Bank Conservation Area and within the Matlock Settlement Boundary.



2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought to convert and alter the attached outbuilding to the rear of the property to provide a sitting area for the kitchen. The main alteration is the replacement of the existing lean-to roof with a flat roof to provide additional headroom. Approximately 70cm of lean-to roof is to be retained to the north-east side of the outbuilding, which sits adjacent to an outside wall of the neighbouring property (No. 33). Glazed doors will also be installed to the north-west and south-west elevations of the outbuilding.
- 2.2 It is also proposed to install one replacement and one new roof light to the south-east facing (front) roof and to install two new rooflights to the north-west facing (rear) roof. As the roof lights are not to be installed within a side facing roof, subject that they do not protrude more than 150mm from the roof plane they would be considered Permitted Development by virtue of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1, Class C.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
S3 Development within Defined Settlement Boundaries
PD1 Design and Place Making
PD2 Protecting the Historic Environment
HC10 Extensions to Dwellings
- 3.2 National Planning Policy Framework (2019)
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None

5.0 CONSULTATION RESPONSES

Derbyshire Dales District Council – Conservation

- 5.1 The property dates from the early 20th century and forms part of a row of houses on the west side of Bank Road. The property is within the Matlock Bank Conservation Area. The property is stone faced with brickwork to the rear.

The proposed development is to the rear of the property and includes the conversion and alteration of an attached outbuilding.

The current outbuilding is original to the build of the property and has a mono-pitched roof (slated) and a door and window to the south-facing elevation. The proposal is to retain the same footprint of the existing outbuilding but raise part of it (south-west corner) to form a new Sitting Area (interconnected internally to the kitchen). The raised section is to be flat roofed (retaining part of the existing mono-pitch roof adjacent to No. 33 and formed in matching red brickwork but with the section over the corner glazed window being of grey painted timber cladding.

The proposal is a relatively diminutive development and is 'contemporary' in its general design & concept. It is considered that the use of matching brickwork will harmonise it with the host building, to which it will extend from. With regard to the proposed sections of painted (grey) timber boarding this will introduce a new building material/cladding and it is considered that this could be of matching brickwork (subject to appropriate steel lintels etc. over the corner glazed window frames). The use of matching red brick would harmonise the entire development with the rear of the house and adjoining houses. The proposed corner glazing element is considered to be acceptable as glazed additions (as neighbouring property) are part of the evolution of the rear elevations to the row.

Subject to the above, it is considered that the proposed development is of a scale and presence that would not be out of context or over-whelming to the host building. In this regard, it is considered that the proposed, diminutive, development would not be harmful to the host building or to the character and appearance of the Conservation Area.

Councillor Martin Burfoot

- 5.2 Requested that the application be considered at Planning Committee if recommended for approval, due to design concerns and the impact of the development on the residential amenity of the neighbouring property.

Matlock Town Council

- 5.3 No Objection.

6.0 REPRESENTATIONS RECEIVED

- 6.1 A number of concerns with the proposal have been raised by the neighbours residing at 33 Bank Road. Objections that relate to material planning considerations include:
- Overlooking/ loss of privacy.
 - Impact on residential amenity.
 - Loss of light and overshadowing affect.
 - The height/ design of the new flat roof.
 - Impact on the Conservation Area.

Concerns were also raised about future development within the garden of 31 Bank Road, however this application only relates to the alterations to the outbuilding, so is being considered on the basis of what has been provided.

7.0 OFFICER APPRAISAL

Principle

- 7.1 The site is located within the Matlock Settlement Boundary where policies permit extensions and alterations to existing dwellings provided that they are in-keeping with the character and appearance of the property and conserve the significance of the Conservation Area in accordance with policies PD1, PD2 and S3. Regard should also be given to Policy HC10 (Extensions to Dwellings) which requires extensions/ enlargements to have a height, scale, form and design that is in keeping with the scale and character of the original dwelling and the site's wider setting and location.

Impact on the character and appearance of the building and the wider Conservation Area

- 7.2 Policy PD1 requires all development to be of a high quality that respects the character, identity and context of the townscape and that contributes positively to an area's character in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings. Policy HC10 supports extensions to residential properties provided that the plot size is large enough to accommodate the extension without resulting in an overdeveloped site and that the scale, height, form and design of the extension is in keeping with the scale and character of the original dwelling and the site's wider setting and location.
- 7.3 Policy PD2 states that the District Council will conserve heritage assets in a manner appropriate to their significance. The application property dates from the early 20th century and is located within the Matlock Bank Conservation Area. The proposed development is to the rear (north-west elevation) of the property. The current outbuilding has a mono-pitched slated and a door and window to the south-west facing elevation.
- 7.4 The proposed development retains the same footprint, but the roof is to be raised (in-part) allowing for a new interconnected sitting room to be created. The raised section is to have a flat roof, while a section of mono-pitched roof is to be retained adjacent to 33 Bank Road. The raised section is to be formed of matching red brick with a membrane roof. A contrasting section of material is proposed to the upper part of the outbuilding. This was originally proposed to be (grey) timber boarding. Following discussions with the agent an alternative material option of vertically hanging slate was also put forward by the agent.
- 7.5 In terms of materials, although the Local Planning Authority would prefer for matching red brick to be used in place of the contrasting material section, the use of either timber boarding

or vertically hanging slate for the upper section would not be considered an unduly harmful addition to the host building or the wider Conservation Area.

- 7.6 Subject to final agreement of the exterior materials via planning condition, it is considered that the proposal is of a scale and presence that would not appear out of context or overwhelming to the host building or to be considered harmful to the character and appearance of the Matlock Bank Conservation Area.

Impact on the amenity of neighbouring properties

- 7.7 The property sits to the west side of Bank Road within a row of six attached properties. It sits between 29 Bank Road to the south-west and 33 Bank Road to the north-east. To the rear (north-west) there is a detached property (1 Edge Road).
- 7.8 The existing outbuilding is original to the property and has a mono pitch roof, which sits directly adjacent to an outside wall at 33 Bank Road which separates its external yard area from its rear garden. Although the footprint of the outbuilding remains the same, the roof is to be raised/ altered to become a flat roof, to provide additional head height within the outbuilding. The existing eaves height (when measured from the highest part of ground next to the building) is 2.13 metres. When altered to a flat roof the eaves height will be increased to approximately 3.3 metres (when measured from the same point). A section of the roof adjacent 33 Bank Road is to be retained as mono-pitch.
- 7.9 A bifold door is to be installed in the north-west elevation of the outbuilding facing the garden and the existing solid door to the side would be replaced with a fully glazed door. Given the orientation and intervening distance and as there is already a window and door within the south-west elevation it is not considered that the development will result in any significant loss of light or privacy to the occupiers of 29 Bank Road. Due to the distance between the rear of the outbuilding and the garden of 1 Edge Road, it is not considered that the development will result in a significant loss of light or privacy to the occupiers of that property.
- 7.10 As the outbuilding is built up to the boundary with 33 Bank Road there are no windows and doors within this elevation, however the alteration to the roof will be visible from parts of the property, due to its layout and the exterior yard area of No.33 sitting directly next the outbuilding. Although the development may result in some loss of light to this yard area, due to the footprint remaining the same and outbuilding remaining single storey it is not considered that the development will result in any significant loss of light to the occupiers of 33 Bank Road, or any significant loss of light within their wider garden area. Although the addition of a bifold door within the north-west elevation may result in some potential overlooking to the neighbouring property, it is considered due to the existing wall separating the outbuilding from the garden, that any potential overlooking to neighbouring properties would not be considered significant.
- 7.11 Notwithstanding the above if the proposal was revised to have an eaves height of less than 3 metres (a reduction of 0.3m from the proposed development) and the proposed cladding was removed, subject to the relevant conditions the development would be considered permitted development by virtue of Part 1, Class A of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015. This represents a fallback position available to the applicant which should be give some weight in the consideration of this application.
- 7.12 As noted earlier in the report the proposed roof lights are permitted development.

Conclusion

7.13 The development is considered to be acceptable in terms of design and scale, and the potential impact of the development on the residential amenity of neighbouring properties would not be considered significant enough to justify a recommendation of refusal. The application is therefore considered to be in accordance with policies S3, PD1, PD2 and HC10 of the adopted Derbyshire Dales Local Plan and is recommended for approval on this basis.

8.0 RECOMMENDATION

That planning permission be permitted 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 approved shall not be carried out other than in accordance with the following approved plans, except insofar as may otherwise be required by other conditions to which this planning permission is subject:

01 - Site Location Plan and Block Plan, Drawing No. 003 (received 14.07.2023)

02 - Proposed Plans and Elevations, Drawing No. 002 (received 14.07.2023)

Reason:

For the avoidance of doubt and to ensure the satisfactory external appearance of the development.

3. Notwithstanding the approved plans and documents, details of the proposed facing material to the upper section of the outbuilding, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall not be carried out other than in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development in accordance with policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

4. The roof lights shall not protrude more than 150mm beyond the plane of the roof slope when measured from the perpendicular with the external surface of the original roof.

Reason:

To ensure a satisfactory external appearance of the development in accordance with policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the agent which has resulted in an additional option for the proposed exterior materials of the development.
2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.
- . 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.

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NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 10 October 2023

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
21/00130/FUL	Land east of Turlowfields Lane, Hognaston	HEAR	Appeal being processed
21/01099/FUL	Land off Ashbourne Road, Brassington	WR	Appeal being processed
22/00986/CLPUD	Ashbourne Touring and Camping Park, DE6 3HF	WR	Appeal Dismissed
22/00008/OUT	Land off Biggin View, Hulland Ward	WR	Appeal being processed
ENF/2021/00044	Darley Moor Motor Cycle Road Racing Club Ltd, Darley Moor Sports Centre, Darley Moor, Ashbourne	WR	Appeal being processed
22/01159/CLPUD	Meadow View, The Row, Main Street, Hollington	WR	Appeal being processed
22/00304/FUL	Brunswood Barns, Brunswood Lane, Hulland Ward	WR	Appeal being processed
ENF/22/00119	Tythe Barn Close, Hob Lane, Kirk Ireton	WR	Appeal being processed
22/00212/FUL	38-40 St John Street, Ashbourne	WR	Appeal being processed
22/00213/LBALT	38-40 St John Street, Ashbourne	WR	Appeal being processed
22/00731/LBALT	Bradley Hall, Yew Tree Lane, Bradley	WR	Appeal being processed

ENF/23/00010	Moss Farm, Hulland Village	PI	Appeal being processed
ENF/22/00142	Land at Magfield Farm/Land to the east of Timber Farm, Hulland Village	WR	Appeal being processed
22/01390/FUL	The Old Toll House (Tollgate House), Derby Road, Ashbourne	WR	Appeal being processed
23/00558/FUL	Bull Hill Farm, Broad Way, Kirk Ireton	HAS	Appeal being processed
Central			
22/00772/OUT	Land opposite The Homestead, Whitworth Road, Darley Dale	WR	Appeal being processed
ENF/21/00127 (1)	The Racecourse Ashleyhay, Wirksworth, Matlock	WR	Appeal Dismissed
ENF/21/00127 (2)	The Racecourse Ashleyhay, Wirksworth, Matlock	WR	Appeal being processed
22/01038/FUL	7 Crown Square, Matlock	WR	Appeal being processed
22/00678/FUL	Scarthin Books of Cromford, Scarthin, Cromford	WR	Appeal being processed
22/00182/FUL	The Woodyard, Derby Road, Homesford	HEAR	Appeal Withdrawn
ENF/23/00037	Land south of Yeats Lane, Cromford	WR	Appeal being processed
22/01174/FUL	Moor Edge, Uppertown Lane, Bonsall	HOUSE	Appeal dismissed – copy of appeal decision attached
22/01353/OUT	Opposite the Homestead, Whitworth Road, Darley Dale	WR	Appeal being processed
22/00489/FUL	Former Rhododendron Nursery, Chesterfield Road, Matlock	WR	Appeal being processed
T/22/00155/TPO	65 Lime Tree Road, Matlock	HEAR	Appeal being processed

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

HH - Householder

OFFICER RECOMMENDATION:

That the report be noted.

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Appeal Decision

Site visit made on 18 September 2023

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/P1045/X/22/3311062

Ashbourne Touring and Camping Park, Hulland Ward, Derbyshire DE6 3HF

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Avon Estates Ltd against the decision of Derbyshire Dales District Council.
 - The application ref 22/00986/CLPUD, dated 19 August 2022, was refused by notice dated 19 October 2022.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which an LDC is sought is 'use of the land for the stationing of caravans without limit on number or period of stationing or use'.
-

Decision

1. The appeal is dismissed.

Reasons

2. Planning permission 09/00613/FUL was granted on 26 November 2009 for 'change of use of land to camping and caravanning site' at Ashbourne Touring and Camping Park. The planning permission states that the permitted change of use is "...as described on the application form and shown on the accompanying documents and subject to the following conditions". Condition 6 states that "...temporary camping shall not take place within the fields so indicated within the application site boundary as indicated on the submitted site location plan drawing number 001 – drawing reference 536". Drawing ref. 536 identifies the application site, with a red line, to be three fields but within two of the fields a note states "Field NOT to be used for temporary camping (secured by planning condition)". Condition 6 is that condition and does prevent the use of the two fields for temporary camping.

3. Drawing ref. 536 is also referred to in condition 2 and is clearly a document that accompanies the application and which is incorporated into the planning permission. A note on the drawing states that "Change of use permission is sought for the western most field **only**. The central two fields are included within the red line site area for the purposes of allowing a planning condition to prevent their use for temporary camping". Furthermore, a note within the western most field states "Field for which change of use permission is sought". The incorporated drawing is unambiguous and could not be clearer. Planning permission was sought and was granted for change of use to camping and caravanning site of one field. Planning permission was not granted for the change of use of the other two fields within the application site because these were expressly excluded from the change of use sought by notes on the incorporated drawing.

4. The Appellant's Agent claims, at paragraph 3 of his appeal statement and with reference to the 2009 application, that "The application sought change of use of...three fields for camping and caravanning". The application patently did not seek change of use of three fields because a note on an incorporated drawing expressly states that 'Change of use permission is sought for the western most field **only**'. Planning permission 09/00613/FUL was granted for 'change of use of land to camping and caravanning site', and the land is one field at Ashbourne Touring and Camping Park.

5. On the evidence now available the Council's refusal to grant an LDC in respect of 'use of the land for the stationing of caravans without limit on number or period of stationing or use' at Ashbourne Touring and Camping Park, Hlland Ward, Derbyshire was well-founded and the appeal fails. The powers transferred in section 195(3) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector



Appeal Decision

Site visit made on 1 September 2023

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 September 2023

Appeal Ref: APP/P1045/D/23/3315344

Moor Edge, Uppertown Lane, Bonsall, Derbyshire DE4 2AW

- 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 Mrs Wells against the decision of Derbyshire Dales District Council.
- The application Ref 22/01174/FUL, dated 13 October 2022, was refused by notice dated 9 December 2022.
- The development proposed is described as the "conversion of existing store to extend existing dwelling to form new kitchen and additional bedroom including the formation of two car parking spaces with the construction of new retaining walls".

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above refers to the conversion of an existing store to extend the dwelling and form a new kitchen and an additional bedroom. However, the information before me suggests that the Council's decision was not based on this aspect of the proposed development and solely considered the formation of two parking spaces with the construction of new retaining walls. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the surrounding area, including Bonsall Conservation Area ('the CA') and the setting of the Peak District National Park ('the PDNP'); and
 - b) highway safety.

Reasons

Character and Appearance, including Bonsall CA and the Setting of the PDNP

4. Uppertown Lane is characterised by narrow roads flanked on either side by dwellings and boundary walls, predominantly constructed of stone, that create an enclosed character and appearance. The appeal site is opposite the boundary of the PDNP and is therefore within its setting. Paragraph 176 of the National Planning Policy Framework ('the Framework') states that development within the setting of National Parks should be sensitively located and designed to avoid or minimise adverse impacts on the designated area.

5. The appeal site comprises a semi-detached stone-built cottage marginally set back from Uppertown Lane by a stone wall. To the side of the cottage is a raised garden that is retained by a stone wall abutting the road. It is proposed to excavate a large proportion of the raised garden, erect retaining walls around the excavated area, and create an area of hardstanding for the parking of two vehicles.
6. The proposal would result in the demolition of a substantial length of stone wall and the creation of an open area which would be out of keeping with the enclosed prevailing character and appearance of this part of the road. The host dwelling is the last building on this side of Uppertown Lane and its raised garden provides a soft landscaped transition into the countryside and the PDNP. The replacement of a large proportion of the garden with a hard landscaped parking area with retaining walls would result in an urbanising effect that would erode the rural character of this part of the area and the rural setting of the settlement.
7. Accordingly, the proposal would harm the character and appearance of the surrounding area and the setting of the PDNP. It would conflict with Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan, adopted 2017 ('the LP') which, amongst other things, seek to ensure that new development protects and where possible, enhances, the landscape's intrinsic character and distinctiveness, including the setting of the PDNP; and require all development to be of high-quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes. It would also conflict with the Framework which seeks to achieve well-designed places and conserve and enhance the natural environment.
8. The appeal site is within the CA and therefore, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The CA covers a large area that encompasses the rural village of Bonsall and its surrounding fields. The part of the CA in which the appeal site is located has an elevated position and is largely residential with a rural character. The significance of the CA is derived from its architectural and historic interest.
9. For the reasons detailed above, the proposal would considerably erode the rural setting of this part of the CA and would fundamentally change the contribution this part of the appeal site provides to the significance of the CA. Consequently, the proposed development would cause less than substantial harm to the character and appearance of the CA. In accordance with paragraph 202 of the Framework, I must weigh the harm against the public benefits of the proposal. In doing so, paragraph 199 of the Framework explains that great weight should be given to the conservation of the designated heritage asset.
10. The appellant asserts that the proposal would assist in removing two vehicles from parking on the surrounding narrow roads which would benefit those travelling around the area as the roads can become congested, and the bus has previously been forced to reverse to let oncoming vehicles pass. However, evidence has not been submitted to support these assertions. Consequently, I attach limited weight to this public benefit and therefore, it would be insufficient to outweigh the harm to the significance of the CA.

11. The proposed development would conflict with Policies S4 and PD2 of the LP which, amongst other things, seek to ensure that new development protects and where possible, enhances the character, appearance and integrity of the historic environment; and ensure that development proposals contribute positively to the character of the built and historic environment. It would also conflict with the Framework which seeks to conserve and enhance the historic environment.

Highway Safety

12. Uppertown Lane is a narrow, mostly single width road with no pavements and no parking restrictions. On-street parking occurs along some parts of the road. The proposed parking spaces would be adjacent to the gable wall of the existing cottage and one of the proposed retaining walls. No elevational drawings have been submitted to indicate the height of the proposed retaining wall, however, from my site visit, it was clear that it would be over 900mm in height due to the ground levels behind. Both the existing cottage and the retaining walls would therefore restrict visibility from the proposed parking spaces. Uppertown Road curves from Abel Lane along the front of the appeal site, which would also restrict visibility from the proposed parking spaces.
13. An untitled drawing has been submitted (Ref: 1139/06) with annotations that suggest visibility splays. However, no x or y dimensions are shown. Furthermore, the speed limit for this section of road is 30mph, rather than 50mph as annotated on the drawing. Insufficient information has therefore been provided to demonstrate that the required visibility splays could be achieved for the proposed development.
14. The appellant suggests that the road is not heavily trafficked and vehicle speeds along the road are low. However, this has not been substantiated with evidence. While the drivers of vehicles would use their mirrors when exiting the proposed parking spaces, this would not overcome the need for the development to accord with the necessary visibility splays.
15. In reference to the second main issue, it has not been demonstrated that the proposed development would have an acceptable impact on highway safety. It would therefore conflict with Policy S4 of the LP which, amongst other things, requires developments to have a safe access.

Conclusion

16. For the reasons outlined above, having had regard to the development plan as a whole and all other matters raised, the appeal should be dismissed.

A Berry

INSPECTOR



Appeal Decision

Site visit made on 18 September 2023

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2023

Appeal Ref: APP/P1045/C/23/3318719

Racecourse Retreat/Gorsey Bank Fields Farm, Hay Lane, Wirksworth, Derbyshire DE4 4AF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr B Britland against an enforcement notice issued by Derbyshire Dales District Council.
 - The notice was issued on 8 February 2023.
 - The breaches of planning control as alleged in the notice are: 1. Unauthorised erection of a timber chalet, a timber toilet/shower block and a water filtration shed; 2. Unauthorised engineering works to facilitate the installation of a septic tank, a water tank and ground bases for glamping pods; and 3. The change of use of land for the siting of a caravan for use as an administration office/mess facility.
 - The requirements of the notice are: a) Permanently remove the toilet/shower block (1), the filtration shed (2) and the timber chalet (3) shown in blue on the attached plan; b) Permanently remove the septic tank (4), the water tank (5) and glamping pod bases (6) shown in blue on the attached plan; and c) Permanently remove the caravan (7) shown in blue on the attached plan.
 - The period for compliance with requirements a) and b) is six months and with requirement c) is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The enforcement notice is corrected by the deletion of the breach of planning control alleged in section 3.2 of the notice and by the deletion of the requirement set out in section 5.1(b) of the notice.
2. Subject to the corrections 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.

Preliminary Matters

3. The Appellant has questioned the validity of the enforcement notice. He maintains that the notice does not specify, with regard to the first two of the three alleged breaches of planning control set out in section 3 of the notice, the periods of time during which these breaches have occurred. But the periods of time are clearly stated in section 4 of the notice which is not, for this reason, invalid.
4. The second breach of planning control alleges 'unauthorised engineering works to facilitate the installation of a septic tank, a water tank and ground bases for glamping pods' (emphasis added) but does not, as a matter of fact, allege the installation of a septic tank, a water tank and ground bases for glamping pods. The relevant requirement of the enforcement notice requires removal of the septic

tank, the water tank and the ground bases but does not, as a matter of fact, require remedial works to return the land to its former condition before the alleged engineering works were carried out.

5. The second alleged breach of planning control and the second requirement of the enforcement notice do not relate to each other. For this reason elements of the notice are invalid. This does not render the whole notice invalid because the second breach and the second requirement are severable from the other breaches and requirements. The notice can be corrected by the deletion of the second breach and the second requirement without causing injustice to either main party.

6. The address of the land to which the enforcement notice relates is taken from the notice. The Appellant maintains that it is incorrect. No claim is made that the land is not correctly identified on the plan attached to the notice, the postcode in the address is correct, the land is registered on the Council's mapping system as Gorsey Banks Field Farm and the land has been advertised as 'The Racecourse Retreat Pop Up Site'. The address does not need to be amended.

7. The third breach of planning control alleges 'the change of use of land for the siting of a caravan for use as an administration office/mess facility'. The Appellant maintains that this does not "...constitute an identifiable use". But the siting of the caravan can only be lawful if it is ancillary to the lawful use of the land, which, in the absence of any evidence to the contrary, is agriculture. The breach of planning control as stated is therefore identifiable.

Reasons

The ground (b) appeal

8. The ground (b) appeal has been made in relation to the second breach of planning control. The enforcement notice has been corrected by the deletion of the second breach. The ground (b) appeal does not therefore need to be determined.

The ground (c) appeal

9. The ground (c) appeal has been made in relation to the third breach of planning control; the siting of a caravan. The Appellant has exercised permitted development rights, afforded by Class B of Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, to use the land for a purpose for not more than 28 days in total in any calendar year. The purpose in this case being a 'caravan and camping' use. The permitted development right also allows for the provision on the land of any moveable structure for the purposes of the permitted use. The caravan is a moveable structure and, given the map of the Racecourse Retreat Pop Up Site, it has been used as a reception building for the caravan and camping use.

10. But the moveable structure sited on the land for the purposes of the permitted use must only be on the land for the 28 days that the land is in use for that use. It cannot be on the land permanently or for any time outside the 28 days. Outside those 28 days the caravan, for the purposes of supporting the use that existed during the 28 days, is in breach of planning control. The Appellant maintains that the use of the caravan as an administrative office/mess facility is ancillary to the agricultural use of the land. Whilst agriculture is the lawful use of the land this is not the use to which the land has been put in recent years. Evidence, including submissions by residents of Wirksworth living near the land,

indicates that the land has only been used briefly for grazing sheep and that the land has principally been used for the permitted temporary use during the summer.

11. It was noted at the site visit that the character of the land is not agricultural. The land is set up for caravan and camping use and there is an absence of machinery and other farming paraphernalia that would be expected if the land is in agricultural use. The caravan is not, as a matter of planning judgement, ancillary to the agricultural use of the land. The caravan is not permitted development and planning permission is required for it to be sited on the land. The ground (c) appeal thus fails.

The ground (d) appeal

12. The ground (d) appeal has been made in relation to the third breach of planning control; the siting of a caravan. The Appellant maintains that the caravan was brought onto the land in November 2018, more than four years before the date of issue of the enforcement notice, and that it is therefore immune from enforcement action. He maintains that the four-year time limit rule applies because "...the caravan has a degree of permanence with a timber structure attached to it". The timber structure could be easily removed and, otherwise, the caravan has no degree of permanence. It is not a building but a moveable structure to which the ten-year rule applies. The caravan has not been on the land for in excess of ten years and it is not therefore immune from enforcement action. The ground (d) appeal therefore fails.

The ground (a) appeal

13. The ground (a) appeal relates to the first and third breaches of planning control. The main issue is the effect of the timber chalet, the toilet/shower block, the water filtration shed and the caravan on the character and appearance of the rural landscape.

14. The appeal site is on the north-east side of Hay Lane on high ground in the Derbyshire Dales. On the opposite side of the road is a farm complex of traditional stone and modern buildings, Hardhurst Farm, and to the north, around the junction of Hay Lane with St Helens Lane and Breamfield Lane, is a group of traditional and modern residential and farm buildings. The loose group of built development is surrounded by open farmed countryside that is mainly grazing land. Access into the site off Hay Lane leads directly to a hard surfaced and level yard. To the east of the yard is a large modern, mainly metal clad, storage building.

15. The caravan is on the north side of the yard, the timber chalet is on the south side of the yard, the toilet/shower block is at the rear of the storage building, and the water filtration shed is alongside a track that leads to the upper parts of the appeal site. The caravan and the timber chalet, which do not serve any agricultural function or purpose, are visible from Hay Lane. They are modern in design and construction and are visually unappealing in this countryside location. They are intrusive features that undermine and cause harm to the character and appearance of the rural landscape.

16. The toilet/shower block is a timber clad structure that is visible in views from Hay Lane over the dry stone boundary wall at the rear of the highway verge. It is claimed that the building is "...used to provide washing and toilet facilities for persons undertaking agricultural work..." but toilet facilities are available in the storage building and the comment that "...these are not always convenient or

available..." is unexplained. The structure is a permanent feature that cannot be justified to support, under permitted development rights, the temporary use of the land as a caravan and camping site. The toilet/shower block does not serve any necessary agricultural function and it is an incongruous and visually intrusive feature that causes harm to the character and appearance of the rural landscape.

17. The water filtration shed is timber clad and about two metres high. It is claimed that the shed cannot be anywhere else because it is located over a "...borehole which provides the only source of water for livestock on the land". There is no reason why filtering of water sourced from the borehole could not be carried out in the nearby storage building. Filtering of water for livestock is not common and it has not been explained why it is necessary in this location, and there has been almost no grazing of livestock on the land in recent years. The shed can be glimpsed in views across the yard from Hay Lane. It is incongruously small and is a visually intrusive feature that causes harm to the character and appearance of the rural landscape.

18. The timber chalet, the toilet/shower block, the water filtration shed and the caravan are, individually and collectively, visually intrusive in this countryside location and cause harm to the character and appearance of the rural landscape. They conflict with policies S1, S4, PD1 and PD5 of the Derbyshire Dales Local Plan. The ground (a) appeal thus fails.

The ground (f) appeal

19. The ground (f) appeal relates to the second breach of planning control which has been deleted from the enforcement notice. The ground (f) appeal does not therefore need to be considered.

The ground (g) appeal

20. The ground (g) appeal relates to the caravan and is solely based on the compliance period for its removal being inconsistent with the compliance period for the removal of the structures that are the subjects of the first breach of planning control. This is not a reason to vary the compliance period for removal of the caravan. Once the timber structure attached to it has been removed, which could be achieved in hours rather than days, the caravan could be towed off the land. Three months is a reasonable period for compliance with the requirement to remove the caravan from the land. The ground (g) appeal thus fails.

John Braithwaite

Inspector

BACKGROUND PAPERS

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

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

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

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

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