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Monday, 6 November 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, 14 November 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, 13 November 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)

10 October 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. 23/00229/FUL (Pages 21 - 64)

Residential development of 57no. dwellinghouses at Land to the North of Jacksons Ley, Middleton By Wirksworth.

5.2. APPLICATION NO. 23/00447/FUL (Pages 65 - 76)

Change of use and alterations to upper floors for short-term occupancy living accommodation at 9 – 11A Market Place, Ashbourne, Derbyshire, DE6 1EU.

5.3. APPLICATION NO. 23/00448/LBALT (Pages 77 - 86)

Internal and external alterations to create short-term occupancy living accommodation, new entrance and new cellar access to basement at 9 – 11A Market, Ashbourne, Derbyshire, DE6 1EU.

5.4. APPLICATION NO. 23/00765/FUL (Pages 87 - 92)

Rebuilding and extension of outbuilding (retrospective) at 18 Little Bolehill, Bolehill, Derbyshire, DE4 4GR.

5.5. APPLICATION NO. 23/00768/FUL (Pages 93 - 102)

Erection of 4no. dwellinghouses at Land Off Thatchers Croft, Thatchers Lane, Tansley.

5.6. APPLICATION NO. 23/00912/FUL (Pages 103 - 112)

Erection of 2no. single storey dwellinghouse at Land Off Thatchers Croft, Thatchers Lane, Tansley.

5.7. APPLICATION NO. 23/00209/FUL (Pages 113 - 142)

Proposed Conversion, extensions and internal and external alterations in connection with conversion of buildings to 9no. dwellinghouses, associated erection of garages, provision of a new access, stopping up of the existing access, demolition, landscaping and associated works at Meynell Hunt Kennels, Ashbourne Road, Sudbury, Ashbourne, Derbyshire, DE6 5HN.

5.8. APPLICATION NO. 23/00210/LBALT (Pages 143 - 156)

Internal and external alterations for conversion of Stables, Kennels and Whelping Lodge to 9no. dwellinghouses, provision of new access, removal of existing access, demolition, landscaping and associated works at Meynell Hunt Kennels, Ashbourne Road, Sudbury, Ashbourne, Derbyshire, DE6 5HN.

5.9. APPLICATION NO. 23/00959/LBALT (Pages 157 - 168)

Various proposed works at Market Place and Victoria Square, Ashbourne, Derbyshire, DE6 1EX.

6. APPEALS PROGRESS REPORT (Pages 169 - 190)

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, 13 November 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.

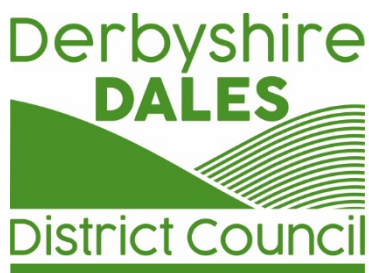
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SITE VISITS

LEAVE OFFICE		10:00
23/00768/FUL & 23/00912/FUL	Land Off Thatchers Croft, Thatchers Lane, Tansley, Derbyshire	10.10
23/00765/FUL	18 Little Bolehill, Bolehill, Derbyshire, DE4 4GR	11.00
23/00229/FUL	Land to the North of Jacksons Ley, Middleton By Wirksworth, Derbyshire	11.20
23/00959/LBALT	Market Place and Victoria Square, Ashbourne, Derbyshire, DE6 1EX	12.00
23/00447/FUL & 23/00448/LBALT	9 - 11A Market Place, Ashbourne, Derbyshire, DE6 1EU	12.15
23/00209/FUL & 23/00210/LBALT	Meynell Hunt Kennels, Ashbourne Road, Sudbury, Ashbourne, Derbyshire, DE6 5HN	12.50
RETURN		14.00

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, 10th October, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Peter O'Brien - In the Chair

Councillors: David Burton, Sue Burfoot, John Bointon, Neil Buttle, Peter Dobbs, Nigel Norman Edwards-Walker, David Hughes, Stuart Lees, Laura Mellstrom, Dermot Murphy, Peter Slack, Mark Wakeman, Nick Whitehead and Roger Shelley

Present as Substitute - Councillors: Roger Shelley

Chris Whitmore (Development Control Manager), Adam Maxwell (Principal Planning Officer), Sarah Arbon (Senior Planning Officer), Jim Fearn (Communications & Marketing Manager) and Angela Gratton (Democratic Services Officer)

Members of the Public – 33

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

156/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

Prior to the beginning of the formal meeting, the Committee were asked to take part in a moment of quiet reflection for those families experiencing difficulties in the Middle East due to the ongoing situation.

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

RESOLVED

That the minutes of the meeting of the Planning Committee held on 12 September 2023 be approved as a correct record.

Voting

14 For

0 Against

1 Abstentions

The Chair declared the motion **CARRIED**.

157/23 - INTERESTS

Councillor Peter Dobbs declared a non-pecuniary interest in Item 5.1 Application No 23/00787/FUL- Alterations to windows and doors (re-submission) at 2 Birchwood Moor Court, Roston, Ashbourne, Derbyshire DE6 2EJ.

158/23 - APPLICATION NO. 23/00787/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 Claire Critchlow (Applicant) spoke in support of the application.

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

It was moved by Councillor David Hughes, seconded by Councillor David Burton and

RESOLVED

That planning permission be approved subject to the conditions as set out below:

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.
Reason:
This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.
2. Notwithstanding the submitted details, the windows and doors hereby approved shall match in terms of design, material, colour and recess the windows and doors in the existing building.
Reason:
To ensure a satisfactory external appearance in accordance with the aims of policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

Voting:

13 For
01 Against
00 Abstentions

The Chair declared the motion **CARRIED**.

159/23 - APPLICATION NO. 20/00308/REM

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 Mark Cavell (Applicant) spoke in support of the application. Mr Richard Walker (Matlock Civic Association) spoke against the application.

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

The recommendations as set out in the report, with additional conditions relating to road construction and grey/rainwater recycling, were moved by Councillor Stuart Lees and seconded by Councillor Neil Buttle.

During debate, an amendment was moved by Councillor Peter Slack to defer consideration of this application to a future meeting to allow for the Section 106 agreement to be renegotiated by officers, this was seconded by Councillor David Burton and put to the vote as follows:

Voting

04 For
10 Against
01 Abstention

The Chair declared the amendment **LOST**.

The substantive motion was then put to the vote and

RESOLVED

That planning permission be approved subject to the conditions set out in section 8 of the report and to cover the following matters:

- Grey and rainwater recycling
- Roads being constructed up to adoptable standards

And an advisory footnote to encourage the delivery of affordable housing.

Voting

10 For
03 Against
02 Abstentions

The Chair declared the motion **CARRIED**.

160/23 - APPLICATION NO. 22/01371/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 Mark Cavell (Applicant) spoke in support of the application. Mr Richard Walker (Matlock Civic Association) spoke against the application, comments as Application 20/00308/REM.

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

The recommendations as set out in the report were moved by Councillor Stuart Lees, with three additional conditions as follows: Road and Footpaths are built to highway standard, use grey water harvesting and the Council to investigate facilitating affordable houses. This was then seconded by Councillor Dermot Murphy.

In accordance with **Rule of procedure 19d**, a recorded vote was requested by Councillor Mark Wakeman and seconded by Councillor Nick Whitehead. The motion was then put to the vote and the votes were recorded as follows:

For – 8 Councillors: John Bointon, Sue Burfoot, Neil Buttle, Peter Dobbs, Nigel Edwards-Walker, Stuart Lees, Dermot Murphy and Peter O'Brien

Against – 6 Councillors: David Burton, David Hughes, Laura Mellstrom, Peter Slack, Mark Wakeman and Nick Whitehead

Abstention – 1 Councillor: Roger Shelley

It was therefore

RESOLVED

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, and planning permission be approved subject to the conditions set out in section 8 of the report and the following to cover the following matters:

- Grey and rainwater recycling
- Roads being constructed up to adoptable standards

And an advisory footnote to encourage the delivery of affordable housing.

The Chair declared the motion **CARRIED**.

8.08 pm Councillor Mark Wakeman left the meeting.

8.08 pm – The Chair adjourned the meeting.

8.17 pm – The meeting reconvened.

161/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At 8.17pm, it was moved by Councillor David Hughes, seconded by Councillor David Burton and

RESOLVED (Unanimously)

That in accordance with Rule of Procedure 13, the meeting continues until 10pm to allow for the completion of business.

The Chair declared the motion **CARRIED**.

162/23 - APPLICATION NO. 23/00535/FUL

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

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

In accordance with the procedure for public participation, Ms Beverley Moss (Agent) spoke in support of the application. Ms Diana Woodhouse (Local Resident) spoke against the application. Ms Carol Taylor (Old Hackney Lane/Darley House Estate Group) commented on 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 Derbyshire Wildlife Trust.

During debate, Members asked that the Development Manager write to Derbyshire County Council on behalf of the Planning Committee asking them to consider 20 mile per hour highway restrictions on inadequate roads such as Hackney Lane.

It was moved by Councillor David Burton, seconded by Councillor Nick Whitehead and

RESOLVED

That planning permission be refused for the reasons set out in section 8 (excluding No 4 as this no longer applied) of the report:

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 street scene 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 Page 2 of 5 23/00535/FUL for surface water storage to accord with the SUDS hierarchy contrary to Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

That the Development Manager is to write to Derbyshire County Council on behalf of the Planning Committee asking them to consider 20 mile per hour highway restrictions on inadequate roads such as Hackney Lane.

Voting

13 For

0 Against

1 Abstentions

The Chair declared the motion **CARRIED**.

163/23 - APPLICATION NO. 23/00363/FUL - APPLICATION WITHDRAWN

164/23 - APPLICATION NO. 22/00855/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 Robert Wright (Applicant) spoke in support of the application. Mr Ian Dixon (Local Resident), Ms Sandra Dixon (Local Resident) and Mr Richard Walker (Matlock Civic Association) spoke against the application. Mr Doug Pealing (Local Resident) had a statement read on his behalf.

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 correction to a typo in the recommendation section on the front page of the report: *This application is for full planning permission and therefore the reference to 'outline' is in error and is omitted from the report.*

During debate Councillor David Hughes moved the recommendations as set out within the report and asked that consideration be given to the following issues when assessing details submitted to discharge the conditions as set out in the report:

- Plot 1; a recessive roof colour to be used.
- Emergency access to the site.

This motion was then seconded by Councillor Nigel Edwards-Walker and

RESOLVED

That authority be delegated to the Development Manager or Principal Planning Officer to grant 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.

And subject to the conditions as set out in section 8 of the report.

Voting

12 For

0 Against

2 Abstentions

The Chair declared the motion **CARRIED**.

165/23 - APPLICATION NO. 22/00856/LBALT

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 Robert Wright (Applicant) spoke in support of the application. Mr Ian Dixon (Local Resident) and Ms Sandra Dixon (Local Resident) spoke against the application.

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

It was moved by Councillor Nick Whitehead, seconded by Councillor Peter Slack and

RESOLVED

That listed building consent be approved subject to the conditions set out in section 8 of the report.

Voting

12 For

1 Against

1 Abstentions

The Chair declared the motion **CARRIED**.

166/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At 9.37pm, it was moved by Councillor David Burton, seconded by Councillor Peter Slack and

RESOLVED (Unanimously)

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

The Chair declared the motion **CARRIED**.

167/23 - APPLICATION NO. 23/00460/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 Katie Baker (Trainer for the facility) and Mr David Poyser (Applicant) spoke in support of the application.

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

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

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

RESOLVED (unanimously)

That planning permission be approved subject to the conditions set out in section 8 of the report and the additional condition below:

- That the temporary 5-year lease be reviewed before renewal.

The Chair declared the motion **CARRIED**.

9.55 pm Councillor Murphy left the meeting.

168/23 - APPLICATION NO. 23/00832/OUT

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

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

In accordance with the procedure for public participation, Mr James Filer (Agent) spoke in support of the application.

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

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

It was moved by Councillor David Burton, seconded by Councillor Peter Dobbs and

RESOLVED (unanimously)

That planning permission be refused for the reasons set out in section 8 of the report.

The Chair declared the motion **CARRIED**.

10.08 pm Councillor Nick Whitehead left the meeting.

169/23 - APPLICATION NO. 23/00830/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 Matt Hubbard (Agent) spoke in support of the application.

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

It was moved by Councillor Sue Burfoot to refuse the application, this was seconded by Councillor David Burton and put to the vote as follows:

Voting

5 For

6 Against

1 Abstentions

The Chair declared the motion **LOST**

It was then moved by Councillor Neil Buttle to approve the application subject to the conditions as set out in the report, this was then seconded by Councillor Nigel Edwards-Walker.

In accordance with **Rule of procedure 19d**, a recorded vote was requested by Councillor David Burton and seconded by Councillor Neil Buttle. The motion was put to the vote and the votes recorded as follows:

For – 6 Councillors: John Bointon, Neil Buttle, Nigel Edwards-Walker, David Hughes, Laura Mellstrom and Peter Slack

Against – 5 Councillors: Sue Burfoot, David Burton, Stuart Lees, Peter O'Brien and Roger Shelley

Abstention – 1 Councillor: Peter Dobbs

It was therefore

RESOLVED

That planning permission be approved subject to the conditions set out in section 8 of the report.

The Chair declared the motion **CARRIED**.

170/23 - APPLICATION NO. 23/00759/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 Benjamin Parker (Applicant) spoke in support of the application, and Mr Paul Kemp (Local Resident) spoke against the application.

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

It was moved by Councillor Sue Burfoot to defer consideration of the application to allow for officers to negotiate the potential adverse impact on neighbouring properties, this was seconded by Councillor Neil Buttle and put to the vote as follows:

Voting

04 For
07 Against
01 Abstentions

The Chair declared the motion **LOST**.

It was then moved by Councillor David Hughes to approve the application subject to a condition regarding the treatment of the wall between the two properties to reduce any potential adverse impact, this was seconded by Councillor Roger Shelley and put to the vote as follows:

Voting

04 For
07 Against
01 Abstentions

The Chair declared the motion **LOST**.

It was then moved by Councillor Peter Slack, seconded by Councillor Nigel Edwards-Walker and

RESOLVED

That planning permission be approved subject to the conditions set out in section 8 of the report.

Voting

07 For

02 Against

03 Abstentions

The Chair declared the motion **CARRIED**.

171/23 - APPEALS PROGRESS REPORT

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

RESOLVED (unanimously)

That the report be noted.

The Chair declared the motion **CARRIED**.

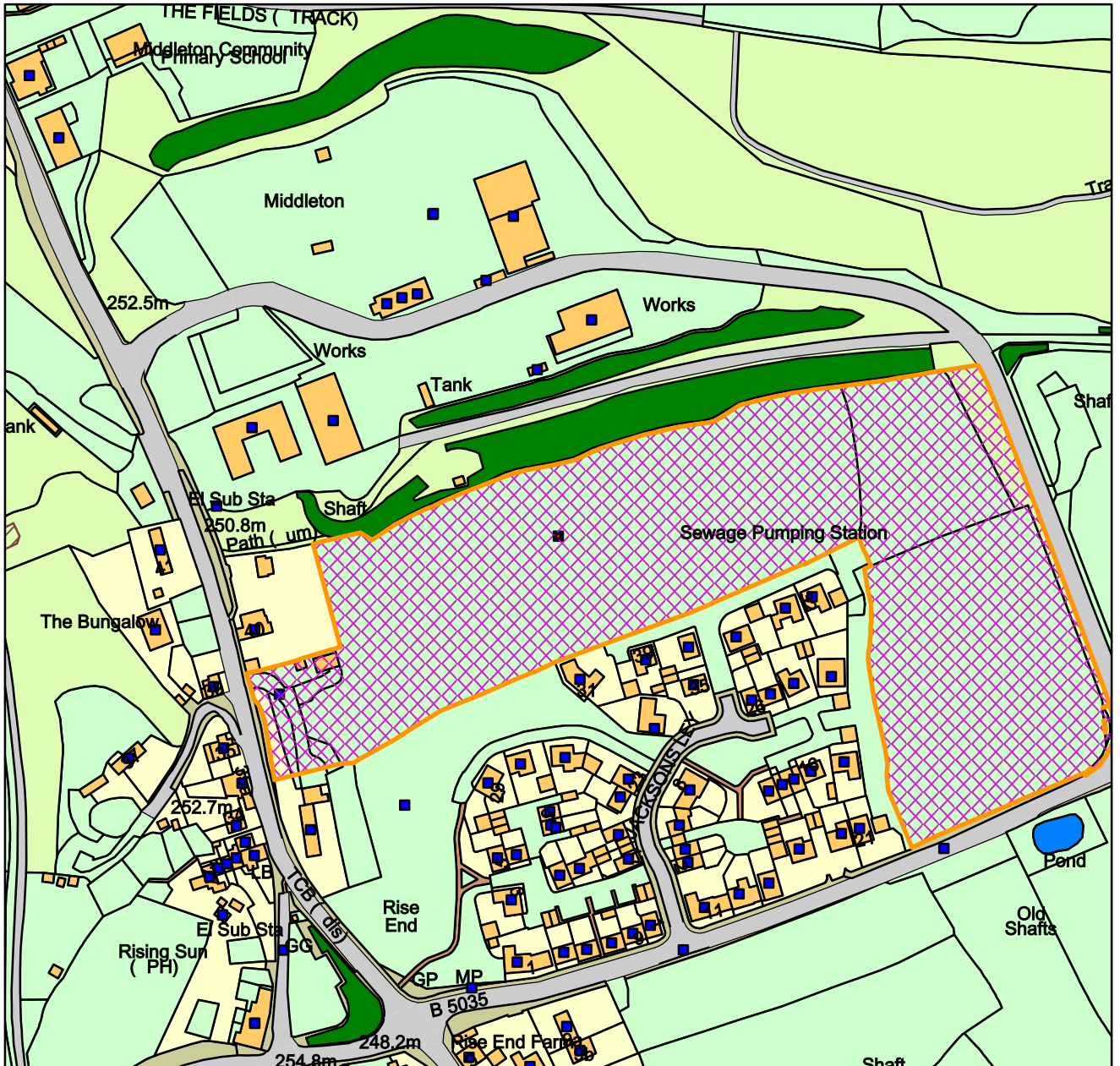
Meeting Closed: 10.58 pm

Chair

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23/00229/FUL

Land to the North of Jacksons Ley, Middleton By Wirksworth, Derbyshire



Derbyshire Dales DC

1:2,500

Date: 02/11/2023

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		23/00229/FUL	
SITE ADDRESS:		Land to the North of Jacksons Ley, Middleton By Wirksworth	
DESCRIPTION OF DEVELOPMENT		Residential development of 57no. dwellinghouses	
CASE OFFICER	Adam Maxwell	APPLICANT	Mr Darren Abbott
PARISH/TOWN	Middleton By Wirksworth	AGENT	Planning & Design Practice Ltd
WARD MEMBER(S)	Cllr Dawn Greatorex Cllr Lucy Peacock Cllr Peter Slack	DETERMINATION TARGET	17.11.2023
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 residential development on this site 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 planning permission, subject to conditions, and following the completion of a S.106 planning obligation as set out in section 8.0 of the report.</p>

1.0 THE SITE AND SURROUNDINGS

- 1.1 This site straddles the settlement boundary for Middleton-by-Wirksworth. The western most part of the site is allocated for residential development in the adopted Derbyshire Dales Local Plan (2017) with an allocation of 45 dwellings and is located within the designated Middleton-by-Wirksworth Conservation Area. The southern and easternmost part of the site is not allocated for housing.
- 1.2 The site is within an area known as Rise End which is a hamlet of dwellings and other premises centred around the cross-roads at the southern end of Middleton. The site surrounds the recent residential development known as 'Jacksons Ley' on two sides. Jacksons Ley was a former industrial site re-developed to 47 dwellings following the grant of outline planning permission at appeal.

2.0 DETAILS OF THE APPLICATION

- 2.1 The application seeks full planning permission for the erection of 57no. dwellinghouses on the site along with associated access, landscaping and drainage.
- 2.2 The amended plans show that vehicular access would be from Porter Lane (B5035) with a separate pedestrian access onto Main Street (B5023). The proposed dwellings would be of a traditional form, design and materials reflecting the development at Jacksons Ley. Dwellings would front and side onto roads and footpaths and be constructed from a mixture of coursed stone and render under clay tile roofs.
- 2.3 A number of trees and hedges within the site would be removed to facilitate the development with new hedge planting proposed along the boundary with Jacksons Ley and tree planting proposed within the site. Boundary treatments would be a mixture of stone walling and timber fencing to public areas and timber fencing to gardens.
- 2.4 A surface water attenuation basin is proposed in the open area to the south east of the site along with a children's play area (LAP).
- 2.5 The application proposes to provide 30% affordable housing on site including 8 x 1 bedroom flats, 8 x 2 bedroom houses and 1 x 3 bedroom house.





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
- S4 Development within the Countryside
- S5 Strategic Housing Development
- 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
- 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)
- Middleton-by-Wirksworth Conservation Area Appraisal (2009).

4.0 RELEVANT PLANNING HISTORY:

2012: 12/00261/OUT: Outline planning permission granted for demolition of existing industrial buildings and redevelopment of site for 47no. residential dwellings and associated access.

2013: 13/00584/REM: Reserved matters granted for demolition of existing industrial buildings and redevelopment of site for 47no. residential dwellings and associated access.

5.0 CONSULTATION RESPONSES

5.1 Middleton Parish Council: Object for the following reasons:

“The revised plans were considered at a meeting held on Monday 9th October 2023 and I am instructed to write to you on behalf of Middleton Parish Council. It was resolved to maintain the objection to the proposal on the following grounds:

It is felt that the number of dwellings proposed is excessive and represents over-development of the site. Concerns have been raised by members of the public about the capacity of the local infrastructure (schools and medical practices, for example) to cope with such a large development. Further concerns have been received regarding access and egress given the volume of traffic on B5035 Porter Lane. The Parish Council shares those concerns.

In our comments to the initial application, we felt the proposed play area was too close to Porter Lane and we urged the applicant to consider positioning it in a safer location within the site. It is welcome to see that the play area has been moved a little way back into the site. It would be useful to be able to see what play opportunities are proposed and for what ages as well as any physical boundaries to separate children from the roads.

It is suggested that Derbyshire County Council reviews the projections for school roll numbers both in the village and for the local secondary school. Should the Planning Committee be minded to permit the development the Parish Council fully supports Middleton Community Primary School's request for a s106 agreement to improve the capacity of the school.

It is suggested that a further planning gain is considered if consent is given for housing on this site, namely a much-needed safe footpath to (at least) the entrance to the Middleton Recreation Ground. This is part of a larger project for the establishment of a continuous footway to the top of Cromford Hill.”

5.2 Wirksworth Town Council

“No comment. Wirksworth Town Council has declared a Climate Emergency and therefore any development or change should seek to reduce the carbon footprint.”

5.3 Derbyshire Wildlife Trust

“Confirmation has been provided that a District Level Licensing approach will be taken for this site. The signed IACPC has been submitted. No further information is required.

The results of the reptile survey have been presented in the FPCR letter report dated 9th August 2023. No reptiles were recorded during survey, although the surveys were carried out in sub-optimal months. Given the local records of reptiles, we advise that precautionary measures should be implemented during site clearance, including an initial vegetation cut to reduce the suitability of the onsite habitats and a hand search of any refugia features. This can be secured in a Construction Environmental Management Plan (CEMP: Biodiversity).

The results of the bat survey have been presented in the FPCR letter report dated 9th August 2023. No roosts were recorded in B1 on site and no specific mitigation is required in relation to this building. A sensitive lighting plan will be required to safeguard adjacent foraging and commuting habitat for bats. This can be secured via condition.

Current proposals result in a net gain of +0.10 Habitat Units (+1.06%) and +0.96 Hedgerow Units (+132.20%). However, we note that the trading rules of the metric are not satisfied,

with a deficit in medium distinctiveness and low distinctiveness habitats (-2.01 units of other neutral grassland and -0.66 units of ruderal/ephemeral respectively).

The trading rules are a fundamental element of the metric ensuring that it functions properly. The BNG Best Practice Guidelines (CIRIA C776a, 2019) are explicit in the need for trading rules to be met, stating:

“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”.

As such, whilst the headline figures indicate a small, predicted net gain, we would advise that proposals will result in a net loss of other neutral grassland and ruderal/ephemeral vegetation. The intention of the metric is to guide the scheme design to deliver a net gain, in line with the rules of the metric and best practice guidance. Currently, this has not been delivered and we would advise that further consideration is given to fully address the trading rules.

With regards to the proposed landscaping, we recommend that liquid amber trees should be swapped for a more suitable native species, in keeping with the local landscape character. We also note that existing vegetation along the eastern boundary looks to be retained but there is nothing specified here on the detailed landscaping plans. Is it possible to strengthen / gap fill this boundary with native scrub, hedge or tree planting? We also query if the native scrub could extend around the rear of the pump station?

Notwithstanding the issue regarding the metric trading rules and the minor comments on landscaping, we advise that the following conditions area attached to any consent:”

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 post-16 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.

Primary Level

The proposed development falls within and directly relates to the normal area of Middleton Community Primary School. The proposed development of 57 (discounting 8 one bed) dwellings would generate the need to provide for an additional 6 infant and 8 junior pupils.

Middleton Community Primary School has a net capacity for 84 pupils, with 93 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 65.

An evaluation of recently approved major residential developments within the normal area of Middleton Community Primary School shows no new developments and therefore no additional primary pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 6 infant and 8 junior pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of Anthony Gell School. The proposed development of 57 (discounting 8 one bed) dwellings would generate the need to provide for an additional 16 secondary pupils including post-16.

Anthony Gell School has a net capacity for 797 pupils with 835 pupils currently on roll. The number of pupils on roll is projected to decrease to 774 during the next five years. An evaluation of recently approved major residential developments within the normal area of Anthony Gell School shows new development totalling 12 dwellings, amounting to an additional 3 secondary 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 16 secondary pupils including the post-16 pupils arising from the proposed development.

Mitigation

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.

Libraries

The County Council has included Libraries in its review of the Developer Contributions Protocol. Where a proposed development is over 50 dwellings, contributions will be requested to mitigate the additional demand on library services in order to maintain the statutory responsibility and vision for libraries.

Wirksworth Library is the nearest library to this site, however, no capital improvements to Wiksworth Library are required as a result of this development proposal.

However, where a library building is able to accommodate the extra demand created by a new development but it is known that the stock levels are only adequate to meet the needs of the existing catchment population, a “stock only” contribution will be sought.

The National Library Standard upper threshold as cited in Championing archives and libraries within local planning recommends a stock level of 1,532 items per 1,000 population, with the average price of £20.00 per stock item (based on Askews Library Services book prices at May 2019).

In this instance a stock only contribution of £4,000 is sought.”

5.5 Environment Agency

No comment.

5.6 Force Designing Out Crime Officer

“In respect of the greater site permeability there is no definition of any walkway along the shared driveway for plots 26-30, consequently inadequate definition of public/private space. The public route here should be defined and separated by a boundary fence as with the other walkways on site.

Lighting for communal parking areas and driveways is not raised. To be conditioned? This would now include the newly formed public walkways. Solar bollards may be suitable for these areas.

The boundary between plots 1, 5, 6, 12 and the neighbouring site is now shown with a fenced boundary, but there is a gap between plots 5 and 6 which needs to be enclosed. Hit and miss fencing is still proposed for all inter-boundary fencing.”

5.7 Fire Safety Inspecting Officer

“No objections subject to the following:

- Access for emergency service vehicles during the construction of the dwelling houses is provided in accordance with approved Document B (Vols 1 and 2) Section B5.
- Site details should be provided to Derbyshire Fire & Rescue Service with contact details and expected timeframes for the build.
- A Building Regulation Consultation should be submitted for the new build dwellings at the earliest opportunity.”

5.8 Highway Authority

The Highway Authority has asked for street trees to be introduced; however, the Local Planning Authority has determined that they would prefer to see landscaping addressed elsewhere in the scheme and is satisfied that this can be conditioned accordingly.

In this circumstance the Highway Authority accepts that the application is within the spirit of the NPPF. With the design matter now resolved there are no objections to the proposal subject to conditions.

5.9 Historic England

“Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers.”

5.10 Lead Local Flood Authority

“The Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 10/08/2023, with additional information received in September and October. The LLFA has no objection subject to the conditions below.”

5.11 Natural England

No objection.

5.12 NHS Derby and Derbyshire Integrated Care Board

The development is proposing 57 (A) dwellings which based on the average household size of 2.5 per dwelling and assuming 100% of the new population would come into this area for primary care health provision would result in an increased patient population of approx 142.5 (B) (2.5 x A).

It is unlikely that NHS England or NHS Derby and Derbyshire CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The closest practices to this development are;

- Hannage Brook Medical Centre
- Crich Medical Practice
- Limes Grove Medical Centre
- Imperial Road Surgery

The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger practices. The cost per sq m has been identified by a quantity surveyor experienced in health care projects. The financial contribution requested is £51,300.

5.13 DDDC Conservation Officer

“The site forms an ‘L’ shaped plot to the immediate north side and east side of the existing residential development known as Jacksons Ley (2014/15). The northern part of the site is within the Middleton Conservation Area and the eastern section is outside the Conservation Area but immediately abutting its boundary.

The site developed by Jacksons Ley was a former industrial (brownfield) site within the Conservation Area. The green field immediately to the north (only) was included in the

Derbyshire Dales Local Plan (2017) as an allocated residential housing site. The land to the eastern side was not included in that housing allocation site. The proposed development site contains some historic mining evidence and features. The application is for the erection of 57 No. residential dwelling houses and associated infrastructure and services.

As a relatively large volume housing development the layout, design, form, materials and detailing of the Jacksons Ley scheme went through many iterations resulting in the completed scheme that is seen today. As a prominent site on the eastern entry to Middleton significant design, orientation and character considerations were given to the eastern end of the development site as the interface of development forming an important edge or termination to the village settlement and its surrounding and immediate context. In the knowledge that the field to the north of Jacksons Ley had been allocated for housing, the layout of Jacksons Ley was conceived on the basis that the main axial roadway of the development would allow an access point into this northern section of land. Furthermore, the housing layout and configuration on the northern boundary of the Jacksons Ley site was carefully designed in the (future) anticipation of further development of this field to the north.

In general terms the layout of the development has been improved with an organic layout/pattern and a sense of streetscapes through the development.

The curving, new, entrance access road is the key element of the development. This overlooks an open area of land (containing an attenuation pond and new planting). This initial street scene is the public face of the new development. It is considered that the proposed layout and grouping of the properties gives a relatively tight and village-scape character and appearance.

The street scene facing the existing development, on the northern side of the existing site, is considered acceptable and retains a green space opposite the (intended) link through road to the land beyond giving a vista/view towards the tree band to the northern boundary of the site.

A further green space is included adjacent to the current green space to the north-west part of the site and the single-storey properties here will display a lessening in the mass of the built development.

In terms of the design of the properties, there is now a stronger assimilation to the existing development of Jacksons Ley and this will assist in co-ordinating and harmonising the overall development.

With regard to materials, the current Jacksons ley development provides adequate 'samples' of all materials to match/suite through to the new development. This includes the type, coursing, character and mortar etc. for the limestone cladding, quoins, window and door surrounds, render texture, type and finish (inc. colour), roof covering, brickwork and chimneystack detailing. It will be important that all the existing materials and detailing etc. from the Jacksons Ley development are continued and replicated in the new development.

With regard to landscaping the images appear to show that low hedging will be used to bound the properties along the new entrance road to the development site. This is considered wholly inappropriate and the existing drystone limestone wall (which currently terminates at No. 21 Jacksons Ley) should be continued in the same character and height and run in front of Plots 1 to 12 and Plots 13-16. The inclusion of a drystone limestone wall (with small pedestrian gates) will form a strong and hard boundary, reminiscent of the character and appearance of the area, and harmonise and connect the new development with the existing development."

5.14 DDDC Environmental Health

“The submitted noise assessment shows low impact and together with the layout should be sufficient to protect the amenity of any future occupiers.”

Recommend that conditions are attached in regard to contaminated land and construction hours.

5.15 DDDC Neighbourhood Manager

“In terms of contribution, I understand this to be:

- Parks and Gardens = £8,327.70
- Children's Play = £9,695.70
- Allotments = £3,368.70

Total £21,392.10

Please can you allocate this to Middleton Recreation Ground, Bolehill Recreation Ground, Wirksworth.”

5.16 DDDC Director of Housing

“The proposed mix of affordable homes reflects local need. The floor area of the proposed affordable homes is satisfactory.

I could not find information in the application relating to tenure of the affordable homes. I would anticipate this scheme should provide 80/20 split in favour of social rent to shared ownership.

I would recommend that 8 x 1 bed flats, 4 x 2 bed houses and 1 x 3 bed house are provided as rent and 4 x 2 bed houses are provided as shared ownership. This mix should be based on the plot numbers set out on the plan, specifically the shared ownership units should comprise one block in order to make it easier for a registered provider to make an offer to buy, market and manage the affordable homes.”

5.17 DDDC Policy

“Part of the site is allocated under Policy HC2(x) in the Derbyshire Dales (adopted) Local Plan 2017 and therefore the principle of housing development has been established on this part of the proposed site. However, there are a number of outstanding issues that need to be addressed as part of this application. The applicant has not set out any evidence to support a deviation away from the housing mix criteria of Policy HC11. Further information should be submitted by the applicant in this regard. It will be down to the applicant to justify by way of evidence that demonstrates why the prescribed housing mix in Policy HC11 is not achievable. Further advice should be sought from the District Council's housing team with regards to housing need in Middleton. The applicant has not set out any site-specific circumstances that explain why self-build plots cannot be made available as part the development in accordance with Policy S3.

Further advice should also be sought from Derbyshire Wildlife Trust regarding the extent of the area of biodiversity loss and if any mitigation measures can be implemented that achieves biodiversity net gain. Further details should be sought from the applicant with regards to a plan to address any Biodiversity Net Gain that is proposed off site and securing an off-site contribution through a S106 agreement.

There has been no developer contributions referenced as part of the proposals, which may need to be addressed as a direct impact from the development, as set out in the Derbyshire Dales Developer Contributions SPD. The Developer Contributions SPD sets out that full fibre broadband connectivity with speeds up to 1000mbps should be sought within new housing development sites, also healthcare or education provision should be addressed as part of the proposals.”

5.18 DDDC Trees and Landscape Officer

“Protected trees

The site and its immediate surroundings are not currently subject to DDDC Tree Preservation Order but do lie within a conservation area. There are no recognised veteran trees or ancient woodland close enough to the site to be adversely affected by the proposals.

Arboricultural Impact Assessment

An Arboricultural Assessment report has been submitted. The report identifies numerous tree removals would be required to accommodate the proposed site layout. While the majority of these are considered acceptable, I have concerns regarding the following tree-related issues:

H1 and G8 – this linear arboricultural feature along part of the southern boundary of the site delineates a historic field boundary within the conservation area and though some of it appears to be relatively recently planted it forms a useful landscape feature which I recommend should be retained.

T29, T30, T31, T32 – these individual trees form a linear arboricultural feature consisting of individual mature hawthorn trees running across the site. They are probably remnants of a hedgerow, along an historic field boundary in the conservation area. I recommend that these be retained along with the drystone wall alongside which they are located. The wall should be retained and repaired using local stone of the same type and in the same style. Some redesign of the proposed site layout would be required to achieve this but if it could be achieved then it would allow retention of a valuable historic and arboricultural feature in the conservation area. The significant size and maturity of the hawthorns would provide continuity of some mature tree cover within the development with the associated multiple benefits this would deliver which is not quickly replaced by new planting.

G2 – some proposed plots (12, 6, 5 and 1) are considered too close to this continuous linear group of mature trees along the boundary of the adjacent recent development. Buildings are proposed to be positioned right up to the edge of the root protection areas and canopy spreads of these trees. The trees are 17m tall and have potential for further growth in terms of both height and (particularly) canopy spread and lie to the west of the buildings and gardens. These trees are likely to cast significant shading over them, which will become more widespread and deeper in the future. I consider that the proximity of the dwellings and gardens will likely lead to pressure to prune / remove these trees to alleviate shading and real / perceived risk of damage to property or personal harm from failed branches or trees. I recommend that the proposed site layout in this area be redesigned to move the buildings significantly further from the trees to respond to these issues.

Tree Protection

The submitted Tree Protection Plan indicates proposed locations for temporary tree protection fencing. Given my concerns above, this plan should be reviewed to respond to

additional tree retentions and to ensure that the entirety of all root protection areas are enclosed within the fencing. I recommend that this should be submitted for approval pre-determination.

It is unclear whether any development or site activity would be required to encroach within the root protection areas of retained trees. I recommend that this should be clarified and if it is required then a detailed Arboricultural Method Statement should be required to be submitted for approval. This could be required to discharge a condition to any grant of planning consent.

Landscape impact

The proposed development is relatively large and within undeveloped agricultural land at the edge of a village in a conservation area. I therefore recommend that a Landscape Architect be consulted for their advice regarding impact within the landscape.

Proposed soft landscaping

This is considered to be satisfactory. The proposed tree planting adjacent the parking spaces for plots 30, 31 and 32 appears to be problematic. The rooting area available for these trees appears insufficient due to the roots likely being unable to grow in the compacted substrate under the surrounding hard surfaced car parking places. These trees would likely die or fall if simply planted into such a narrow strip of soil. I recommend that these trees be planted using appropriately specified planting soil cells (eg GreenBlue Arborsystem, or similar) to mitigate this. Details to be submitted for approval as a condition to a grant of planning consent.”

5.19 DCC Archaeologist

“The site has ample evidence for historic lead mining which is adequately summarised in the applicant’s archaeological desk-based assessment. This document provides a walkover survey and has consulted an appropriate range of historic mapping.

Shafts are visible on historic mapping for the latter part of the 19th century, with Jackson’s Mine marked just beyond the northern site boundary. Spoil mounds are also present, and a miner’s coe and probable belland yard are shown on the historic mapping, with some evidence for a walled structure identified in the walkover. Jackson’s Mine is known to have been working in the later 19th century and it is probable that the shafts and other features within this site are associated with this venture. There is no map evidence to suggest earlier activity at the site – although earlier unrecorded workings could be present – and the LiDAR suggests that the earthworks do not survive particularly well above ground, being manifest as extensive and rather diffuse mounds.

All this goes to suggest that the lead mining evidence is of local importance and relatively late date. It does nonetheless have significance as part of the extensive lead mining landscapes of the White Peak, which would be lost should the site be developed, with impacts additionally to the underground resource if grouting of voids is proposed as a means of treatment. These remains should therefore be recorded appropriately under NPPF para 205 should the application gain consent, and this should be secured by planning conditions.”

5.20 Cllr Peter Slack

“After Studying planning application for 57 dwelling north of Jackson Lees on extended area which includes an area which is in the local plan and two areas which are not in the local plan.

Also looking at the design it could be considered that 57 dwelling is over development, also there would have to be drainage sorted out, as they could be flooding next to Sandy Business Park perimeter.

The local Middleton School is successful school and I believe is very full and 57 new Dwellings, could lead to number of children going to Wirksworth North End school.

Also the proposed play area at the far corner of the site is close to Potter Lane main Matlock-Ashbourne road, could be considered in dangerous position.

Also looking at general improvements to the area at this eastern corner which is next to the Sandy Hill service road and also the next field is next to the recreation ground footpath. One suggest which could be put to Woodall Homes or DCC Highways if 1.5 meter of the field next and below potter Lane was purchased it would make good and safe access to the recreation ground for residents and children of Jackson Lees and Rise End. Also across from the recreation ground entrance is the large grass verge going all the way along the front of the Stone centre and past the entrance to Stone Centre - Mount Cook and onwards on the grass verge towards the corner were just over the fence there is a footpath which links to the old potter lane, (now service road to Steeple Grange, light railway) and this could be developed into a safe footpath from Steeple Grange to Rise end and which results in bitter bus connection. There would have to be safe crossing over Porter Lane and Extend the 30 mile an hour restrictions.

Please Consider the points I've put forward."

6.0 REPRESENTATIONS RECEIVED

6.1 14 representations have been received to date. 13 object to the application and 1 makes general comments. The material planning issues raised are summarised below:

- a) The development will result in noise, dust and disruption during the construction process.
- b) The development will result in noise once occupied which will harm the character of the area.
- c) Occupants of the development will be impacted by noise from the industrial estate.
- d) The development will result in light pollution.
- e) The development will adversely affect wildlife on the site.
- f) The development will harm trees on and adjacent to the site.
- g) The development is within close proximity to a nature reserve.
- h) The development will affect archaeology on the site related to the former use for quarrying, lead mining and processing.
- i) The valley location of the site means it is visible from the higher surrounding land and scenic areas. Access is along the route to economically valuable leisure and tourist amenities. The proposed density of the development at more than double the policy allocation could be detrimental to views from surrounding landscape.
- j) The development would result in an increase in traffic on the local highway network.
- k) The development would harm highway safety.
- l) Occupants of the development will not be able to rely on public transport to travel.
- m) There is insufficient parking within the development.
- n) The development would result in off-street parking and congestion within the site and local area.
- o) Query if the development could take access from the existing access to the industrial estate.
- p) The policy allocation is adequate.
- q) The development will result in the loss of green space.
- r) The development will harm the Conservation Area.

- s) The development will harm the character and appearance of the area.
- t) The development will harm the amenity of neighbouring properties.
- u) The development will result in the loss of Middleton of a village and will become an extension of Wirksworth.
- v) The development will result in increased pressure on local schools and facilities for children.
- w) There is insufficient availability for healthcare including local doctors and dentists.
- x) The proposed play provision is insufficient.
- y) The development will result in increased crime.
- z) The development will result in increased surface run off of water and flooding.
- aa) The development at Jacksons Ley was on previously developed land whereas the proposal is on fields.
- bb) The density of the development is not compatible to that of Jacksons Ley or other parts of Middleton.
- cc) The development is unevenly spread with most of the houses being crammed into the area north of Jacksons Ley. The density of housing at this end is therefore much higher.
- dd) The proposed design is inappropriate.
- ee) The proposed dwellings should be provided with chimneys to reflect the development at Jacksons Ley and the village.
- ff) The layout should be open and spacious throughout.
- gg) Landscaping should be phased to ensure that it is provided as soon as possible.
- hh) The proposed landscaping is not appropriate.
- ii) The properties should be provided with larger gardens.
- jj) The submitted plans do not show solar panels to the properties.
- kk) There is ground contamination on this site.
- ll) Inaccuracies in submitted application.
- mm) Question accuracy of submitted Transport Statement.
- nn) Street lighting of Middleton Road should be considered if permission is granted.
- oo) Japanese knot-weed has been sited on the land and should be dealt with as soon as possible to prevent spores spreading to adjoining land.
- pp) Query what the impact of the development upon the postal service and rubbish collection would be.
- qq) Query if electricity poles running through the site will be removed.
- rr) Diseased cattle may have been once buried on the land and there is concern that earthworks related to the development could result in a public health hazard.
- ss) A planning condition should be imposed on any permission to ensure that swift nest boxes are incorporated into the development.

7.0 OFFICER APPRAISAL

- 7.1 This application seeks full planning permission for up to 57 dwellings along with associated access, landscaping and drainage.
- 7.2 Section 38(5A and 5B) of the Planning and Compulsory Purchase Act 2004, as amended by the Levelling Up and Regeneration Act 2023, requires that where in making any determination under the planning Acts regard is to be had to the development plan, the determination must be made in accordance with the development plan and any national development management policies taken together, unless material considerations strongly indicate otherwise. Section 5C states that if, to any extent, the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.
- 7.3 The Council is unable to demonstrate a 5-year housing land supply at this time. Paragraph 11 of the NPPF 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.
- 7.4 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:
- Whether residential development on this site 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

- 7.5 The site is located partly within and partly outside the settlement boundary for Middleton-by-Wirksworth. The northern part of the site is allocated for residential development under policy HC2. The site has the reference number HC2(x) and has an allocation of 45 dwellings. The rest of the site is outside of by adjacent to the settlement boundary and is not allocated for housing.
- 7.6 The principle of housing on the allocated site is established by policy HC2. Outside of defined settlement boundaries and allocated sites policy S4 seeks to ensure 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.
- 7.7 The Council is unable to demonstrate a 5 year housing land supply at this time. In these circumstances policy S4 i) allows for residential development on non-allocated sites on the edge of defined settlement boundaries of first, second and third tier settlements. Middleton-by-Wirksworth is a tier three settlement.
- 7.8 The application site is located adjacent to the recent development known as 'Jacksons Ley' which is located east of the area known as Rise End which is the hamlet of dwellings and other premises centred around the cross-roads at the southern end of the village.
- 7.9 Therefore, in principle, residential development of the whole of the application site, including the land outside of the allocation would in the current circumstances be in accordance with policies S2 and S4 i) of the Adopted Derbyshire Dales Local Plan (2017). The main issues are the impact of the development, whether the development would meet policy requirements for affordable housing, housing mix and developer contributions and the planning balance taking into account the presumption in favour of sustainable development set out by paragraph 11 of the NPPF.

Impact on cultural heritage

- 7.10 The site comprises open fields within and adjacent to the designated Middleton-by-Wirksworth Conservation Area (CA). The site is located within Rise End which is the hamlet

at the crossroads of the two old turnpike roads. In the area around Rise End, development is broken up by open areas which include the application site.

- 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) listed buildings, conservation areas, archaeological sites or heritage features and non-designated heritage assets.
- 7.12 The site is partly within the CA and therefore is within and affects the setting of a designated heritage asset. The Local Planning Authority is obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA when determining the application.
- 7.13 A revised Heritage Impact Assessment (HIA) has been submitted with the application. The HIA acknowledges that the site is located partially within the CA along with the wider history of the settlement and its relationship with the surrounding landscape. The HIA also identifies a number of listed buildings which enjoy a setting relationship with the site including the milestone on Porter Road (Grade II), 10 and 11 Rise End (Grade II), Rise End Railway Bridge (Grade II), Middleton Church of Holy Trinity (Grade II) and Middleton Top winding engine house and wheel pit (Scheduled Monument).
- 7.14 The HIA also identifies a number of non-designated heritage assets around the site including Wirksworth Moor to Longstone Turnpike Road, Long Barn or Bedlam Barn, Mineral Railway Middleton / Steeple Grange, Limekiln Close and ridge and furrow enclosed fields to the east and south of the site.
- 7.15 The HIA states that the design of the allocated portion of the development has taken account of local distinctive character, through the 'clustered' layout of buildings, incorporation of green spaces, simple building forms and design. The eastern part of the site outside of the allocation is acknowledged to form part of the wider setting of the CA but the HIA considered that it is read in the context of the Jacksons Ley development and the allocated site.
- 7.16 The HIA concludes that a landscape buffer has been incorporated to extend the full length of the eastern boundary of the site and that a key aspect of the design approach is to provide an eastward facing development, overlooking the green space while reflecting the village edge elsewhere in Middleton. The HIA concludes that the eastern portion of the development is responsive to local character and will essentially appear as an extension to the Jacksons Ley development and will not harm the setting of the CA.
- 7.17 The Jacksons Ley development was laid out to provide access to the land to the north. However, the applicant has indicated that there is no right of access from the site from Jacksons Ley hence the proposed access. In any case this application must be considered on its own merits.
- 7.18 The application site comprises open fields which are acknowledged as providing breaks between existing development and views into and out of the CA. The northern part of the site has been allocated for housing and therefore the principle of 45 dwellings on this part of the site has been accepted by the District Council. The eastern part of the site is not allocated, and this field is open with mature tree and hedge planting along the boundary with Jacksons Ley providing a buffer and edge to the settlement.
- 7.19 The development of the eastern part of the field would allow built development beyond the existing settlement boundary and into the open field. This will inevitably impact upon the

open rural character of the area, the setting of the CA and the transition from the village to the surrounding countryside.

- 7.20 As originally submitted, there were significant concerns with the proposed design and layout which included an inappropriate layout which did not reflect the form or character of buildings within the village or the local area. Officers have therefore worked positively with the applicant on the layout, form and design of the development. The revised layout better reflects traditional forms found within the village and the development at Jacksons Ley. The revised layout has a more organic pattern and sense of street scape through the development and would not be dominated by the private car.
- 7.21 The proposed layout has been designed to be viewed as an extension of the development at Jacksons Ley. The form, detailing and massing of the proposed buildings reflects those at Jacksons Ley and the proposed roads, paths and open spaces continue out from Jacksons Ley. Hard and soft landscaping have also been carefully considered to reflect traditional boundary treatments and provide a sense of enclosure and separation between public and private space.
- 7.22 Notwithstanding the improved layout and design the development of the easternmost field will change the character of the settlement by extending it significantly to the east and away from the north south axis of the village. The development would also extend the edge of the village beyond the established tree and hedge planting at Jacksons Ley up to the access to the industrial estate.
- 7.23 The open fields which comprise the site break up Rise End and the proposed development will change this character. The development therefore will result in a degree of harm to the CA and its setting. The setting of affected listed buildings, scheduled monument and non-designated heritage assets would not be harmed given the distance of the site and the way in which they are experienced in relation to the development.
- 7.24 The harm identified would not result in substantial harm to or total loss of the CA. Therefore, in accordance with paragraph 202 of the NPPF the harm should be weighed against the public benefits of the proposal. It should be noted that the CA is a protected asset for the purpose of paragraph 10 d) of the NPPF. Therefore, if the impact of the development upon the CA provides a clear reason for refusing the development then the presumption in favour of sustainable development does not apply.
- 7.25 The development would not conserve the CA, however, the design of the development has been carefully considered to reflect and respect the character of the village and the development at Jacksons Ley while providing a high quality design and urban form. The development would in effect create a new built edge to this part of the settlement. In this respect the impact of the development upon the CA and its setting has been minimised as far as practicable.
- 7.26 Nevertheless, while harm would low and mitigated by the design, the development would not conserve the significant of the CA. This impact must be taken into account and weighed in the planning balance bearing in mind the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
- 7.27 The County Archaeologist advises that the site has ample evidence for historic lead mining which is adequately summarised in the submitted archaeological desk-based assessment. The lead mining evidence is of local importance and relatively late date. It does nonetheless have significance as part of the extensive lead mining landscapes of the White Peak, which would be lost should the site be developed, with impacts additionally to the underground resource if grouting of voids is proposed as a means of treatment.

7.28 The application is supported by an archaeological assessment, and this is sufficient for implications of the development to be understood in accordance with policy PD2 and the NPPF. Having regard to advice from the County Archaeologist if planning permission is granted a pre-commencement planning condition would be reasonable and necessary to ensure that the development is carried out in accordance with an approved Written Scheme of Investigation (WSI) to mitigate impacts upon and record archaeology, as appropriate.

Landscape impact and impact upon the character and appearance of the area

7.29 Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) 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.

7.30 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.

7.31 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.

7.32 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.

7.33 The application site, is located within the White Peak Landscape Character Area (LCA) and within the Limestone Plateau Pastures Landscape Character Type (LCT).

7.34 This is a gently rolling upland plateau with limestone outcrops on hill summits and steeper slopes, small shelter blocks on plantation woodland and tree groups around villages and farmsteads with medium to large fields enclosed by dry-stone walls. In this landscape there are nucleated limestone villages with isolated farmsteads, historic lead mining, isolated field barns and expansive views over the open landscape.

7.35 The application is supported by a Landscape and Visual Appraisal (LVA). The LVA identifies the relevant LCA and LCT, examines the value of the landscape and the impact of the proposed development.

7.36 The Landscape Sensitivity Study (2015) assessed the sensitivity of the landscape to accommodate new housing development. The majority of the landscape around Rise End and Middleton is judged to be of high sensitivity, however, the application site is located within an area of medium sensitivity. The site and the immediate surroundings while open fields that are important for the setting of the village do not make any significant contribution to scenic beauty nor wildness or tranquillity.

7.37 The LVA also demonstrates that the site is visually well contained in the wider landscape and local area through screening by mature woodland to the north of the site, rising land to

Middleton Moor to the west, the existing development at Jacksons Ley. The main visual impact of the development would be from Porter Lane and in all views the development would largely be read as an extension or against the backdrop of the development at Jacksons Ley. There are expansive views from Middleton Moor and from here the development would be seen extending into the fields around Jacksons Ley. Nevertheless, the development would be viewed as an extension to that development and the fields, trees and former quarries beyond would remain providing a break between Middleton and Wirksworth.

- 7.38 Concern has been raised about the density of the development in relation to Middleton and the development at Jacksons Ley. Middleton is a traditional nucleated village characteristic of the limestone plateau. Properties within the village are generally tightly knit with small gardens with a dense urban form. The development at Jacksons Ley is also high density reflecting this character with properties forming traditional ranges and fronting the highway, internal roads and open spaces.
- 7.39 The allocated part of the application site reflects this with a relatively high density, the intention being that any development would reflect and respect Jacksons Ley. This application proposes more dwellings than the allocation but on a significantly larger site. The proposed development is laid out so that the denser elements are adjacent to Jacksons Ley with open areas within the site and on the eastern edge. The form and density of the development therefore reflects and respects the character of the village, landscape character and the character of the development at Jacksons Ley.
- 7.40 The site is sensitive in landscape terms and in terms of the setting of the CA. The development would result in less than substantial harm to the setting of the CA as outlined above and would result in a visual impact in the landscape. The visual impact of the development would be mitigated by the fact that the development would be viewed against and as an extension to the development at Jacksons Ley. The development would have a more limited impact upon landscape character given the location and visibility of the site.
- 7.41 Therefore, while the development would result in a visual impact in conflict with the requirements of policies S1, S4 and PD5 it would not result in harm to either the local distinctiveness of the landscape or landscape character. This impact must be taken into account and weighed in the planning balance.

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 application is supported by a Transport Statement (TS) which concludes that site is located in close proximity to Middleton and Wirksworth and that occupants would have several options to travel by non-car sustainable modes. This includes close proximity to bus stops and local bus services, walking and cycling. The TS states that there has been 3 recorded accidents within the most recent 5 year period. Two accidents were classified as slight and one was fatal. None of the accidents were related to highway infrastructure and the TS concludes that there is no existing safety issue that could be exacerbated by the proposed development.
- 7.44 The TS includes speed surveys and concludes that the proposed access would be provided with sufficient visibility such that the development would not result in harm to highway safety. The level of additional traffic related to the development would not be significant and would not result in a severe impact upon the road network.

- 7.46 The Highway Authority have been consulted and have provided comments on the submitted application and TS. The Highway Authority requested further information and that the access be moved slightly to ensure separation from the existing accesses to Jacksons Ley and the industrial estate. These amendments have been made. The Highway Authority therefore raise no objection to the application either on highway safety or sustainable travel grounds subject to the imposition of planning conditions.
- 7.47 Having visited the site and had regard to the submitted TS, representations and consultation response from the Highway Officer, the application has demonstrated that safe access could be provided and that the development would not harm highway safety in accordance with policies S4 r) and HC19.

Impact on amenity of neighbouring properties

- 7.48 The nearest neighbouring residential properties are within the development at Jacksons Ley and on the east side of Main Street.
- 7.49 The development would result in the erection of 57 dwellings on site along with associated gardens, open space, roads noise, lighting and activity. The development therefore would result in a change to the outlook of neighbouring properties, particularly those on the edge of the Jacksons Ley development who have aspects to the open fields. Nevertheless, the submitted drawings show that there would be satisfactory relationships and separation distances from all neighbouring properties.
- 7.50 Therefore while the development would affect outlook the development would not materially harm the amenity, privacy or security of any neighbouring property due to overbearing, overlooking or loss of light. The concerns raised in regard to impact on views are understood, however, it is normal for residential properties to be sited close to each other provided that satisfactory privacy and amenity can be achieved. Impact upon private views are not a material planning consideration.
- 7.51 The development would result in some impact in terms of noise, dust and disturbance during construction. However, this is the case with any development and can be satisfactorily controlled subject to planning conditions.
- 7.52 The application is supported by a noise assessment which demonstrates that noise from the industrial estate would not harm the amenity of occupants of the proposed development or cause a statutory nuisance. The Environmental Health Officer has confirmed that the submitted report is acceptable and that no noise mitigation is required.
- 7.53 Therefore, subject to conditions the application does demonstrate that the development can 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

- 7.54 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.

- 7.55 The application is supported by a climate change statement (CCS). The statement concludes that the development is sustainable in terms of promoting sustainable transport. The proposed dwellings have been orientated such that they provide good internal lighting and can be adequately ventilated with natural shading through orientation and trees. The dwellings are designed to incorporate solar panels and would be built with high levels of insulation, efficient heating systems and high efficiency windows. The development would also incorporate locally sourced and sustainable building materials. Each dwelling would be provided with a 22kW charging point for an electric vehicle.
- 7.56 The site is sustainably located in terms of distance from the town centre and availability of public transport. The application also demonstrates that the development could be delivered in a manner that would reduce carbon emissions and energy consumption thereby mitigating the impacts of climate change in accordance with policies S1 and PD7. The applicant has indicated the intention to install microgeneration as part of the development but that the precise nature and location these measures is unknown at this point and will depend upon the best available technology at the time. If permission is granted therefore a planning condition would be recommended to ensure that a detailed scheme is agreed and installed.

Flood risk and drainage

- 7.57 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.
- 7.58 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.
- 7.59 The FRA includes a drainage strategy and has been amended following discussions with the Lead Local Flood Authority (LLFA). The drainage strategy concludes that surface water would drain to surface water sewers within the site and then to storage assets on the site. Hydro-brake flow controls would be installed to ensure that the storage assets fill up simultaneously. The on-site storage would then discharge to an existing highway drain along Porter Lane at a controlled rate. The proposed surface water network has been designed up to the 1 in 100 year storm event, plus a 40% allowance for climate change and a 10% allowance for urban creep.
- 7.60 Foul water would be to the main sewer which is acceptable and in accordance with Planning Practice Guidance. This would mitigate risk of pollution of the water environment in accordance with policy PD9.
- 7.61 The Environment Agency (EA) and Lead Local Flood Authority (LLFA) have been consulted. The EA raise no objection to the development. The LLFA have requested amendments to the submitted drainage strategy and additional information which has been provided. The LLFA raise no objection to the amended drainage scheme subject to planning conditions to ensure approval of a detailed scheme, implementation and validation.
- 7.62 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 floor 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 by a SuDS scheme. Surface water would be dealt with in accordance with national planning guidance.

7.63 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

7.64 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.

7.65 The application is supported by an ecological assessments, biodiversity net gain assessment an Arboricultural Assessment and Statement.

7.66 The Arboricultural Assessment identifies a number of category A, B, C and U individual and tree groups within the site (including hedgerows). None of the trees are ancient or veteran trees or subject to a tree preservation order (TPO) but the trees within the Conservation Area are protected by that designation.

7.67 The report identifies that no category A trees would be removed, 1 category B tree would be removed along with 3 category B groups. All 23 category C trees would be removed and one category C group. All category U trees would be removed. The application proposes replacement tree and hedge planting.

7.68 The Tree and Landscape Officer raises no objection to the removal of the majority of the identified trees concern has been raised in regard to some elements including H1 and G8 which form a linear feature along part of the southern boundary and T29 - T32 which together form a linear feature running across the site. Concern has also been raised in regard to the impact of development upon G2 which is located on the eastern boundary of Jacksons Ley.

7.69 Officers have discussed the linear features with the agent, however, these would need to be removed to facilitate the proposed layout. Replacement tree and hedge planting will be carried out along this boundary, and this is considered to be acceptable. The group G2 would be retained and is important running along the eastern boundary of Jacksons Ley. Officers have discussed the impact of development within the root protection area (RPA) of these trees with the agent and minor amendments to layout have been made to mitigate impacts further.

7.70 Concerns have been raised in representations in regard to the impacts upon trees and hedgerows. The application does propose to remove a number of individual and group trees, but these are reasonably necessary to facilitate the development. The majority of high and moderate value trees and groups would be retained, and the application proposes a high quality scheme of landscaping, including replacement tree and hedge planting, which once established will mitigate impacts. If permission is granted planning conditions would be recommended to ensure the development is carried out in accordance with the submitted assessment, tree protection and retention measures along with landscaping.

7.71 There are multiple sites with national and international level designations identified within 2km and 5km of the site respectively. Most notably of these is Gang Mine Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Local Nature Reserve

(LNR) within 250m of the site to the east. The potential for effects on Gang Mine SAC arising as a result of traffic derived air quality effects was considered in the adoption of the Local Plan. The Appropriate Assessment identified that the effect on nitrogen deposition would not be significant. The development would therefore not result in adverse effects of increased traffic on air quality on Gang Mine SAC. It is also concluded that the development would not lead to any adverse effects in regard to urban effects.

- 7.72 In addition to Gang Mine, Colehill Quarries and Rose End Meadows SSSI are located within 1km of the site. However, no potential impacts are identified in relation to residential development. Several non-statutory designated sites are also identified within 1km the closest of which is Anvil fields LWS. Derbyshire Wildlife Trust (DWT) and Natural England have been consulted on the application and raise no objection in regard to designated sites. Given the proximity of the development to multiple sites it is considered necessary to require a Construction and Environment Management Plan (CEMP) to ensure that there are no direct or indirect impacts to sites.
- 7.73 The application demonstrates that there are no features of high nature conservation value or designations at the application site. The application would result in an overall biodiversity net gain of 0.10 Habitat Units on site (1.06%) and 0.96 Hedgerow Units (132.20%). DWT advise that biodiversity net gain (BNG) trading rules would not be satisfied because there would be a deficit in medium distinctiveness habitats and low distinctiveness habitats. However, the development would result in an overall biodiversity net gain on the site in accordance with the requirements of policy PD3 and the NPPF. The provisions for BNG and the trading rules have not yet been secured through either policy or legal provision and therefore can not be a requirement at this point in time. Therefore, the development demonstrate compliance with policy PD3.
- 7.74 Potential impacts on protected species are assessed within the submitted application and DWT have requested further information in regard to Great Crested Newts (GCN), reptiles and bats. Overall impacts on protected species are likely to be limited, but some measures will be required to ensure that protected species are not adversely affected.
- 7.75 Having regard to the advice from Derbyshire Wildlife Trust (DWT) the application has demonstrated that, subject to planning conditions to secure avoidance measures 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.

Affordable housing, housing mix and developer contributions

- 7.76 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.
- 7.77 A health contribution to improve local GP services has been sought by the CCG in this case. The Education Authority has not requested any contribution towards education facilities for the reasons set out in their analysis set out at paragraph 5.4 of this report. The contribution requested by the CCG is reasonable, specific and proportionate and therefore would need to be secured through prior entry into a planning obligation.
- 7.78 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 proposes to meet this policy requirement by providing affordable housing on site. This is supported by the Council’s Housing Team. Therefore, 17 units of affordable housing would be delivered on site, of which 5 would be First Homes in accordance with national planning guidance. This is considered to constitute acceptable provision. If permission is granted a scheme would need to be agreed and secured through prior entry into a planning obligation.

7.79 Policy HC11 prescribes a housing mix to meet the Council’s housing needs and to create a sustainable, balanced and inclusive communities. The mix prescribed by policy HC11 and the proposed mix is set out in the table below.

	1 - bed	2 – bed	3 - bed	4+ bed
Market HC11	5%	40%	50%	5%
Market proposed	0%	0%	43%	58%
Affordable HC11	40%	35%	20%	5%
Affordable proposed	47%	41%	12%	0%
All dwellings HC11	15%	40%	40%	5%
All dwellings proposed	14%	12%	33%	40%

7.80 The development would not provide for the mix set out by policy HC11. Therefore, in accordance with the policy the application is required to demonstrate how the development contributes to meeting the long terms needs of the district. This should be informed by the location, nature and size of the development site, character of the area, evidence of local housing conditions, turnover of properties and local housing market conditions.

7.81 The affordable housing mix broadly complies with the requirements of policy HC11 and the Housing Manager has confirmed that the mix is acceptable. The market housing presents a significant under provision of 1 and 2 bedroom properties and overprovision of 4+ bedroom properties. The proposed mix is comparable to that at Jacksons Ley and having regard to the desire to reflect the character of that development there is a justification in design terms for the proposed housing mix.

7.82 The applicant considers that the development will attract families, couples and the retired and refers to the updated Housing Needs Assessment (HNA) prepared by Icen in September 2021. The applicant has sought independent advice from an estate agent which does provide some evidence of a local demand for bungalows and larger family homes and lack of availability of these types of properties in Middleton.

7.83 Given submitted application does demonstrate therefore how the development would meet the needs of the district having regard to the character of the area, evidence of local housing and market conditions. The proposed housing mix is therefore considered to be acceptable and in accordance with policy HC11.

7.84 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. This 2018 study concluded that whilst the quantity and quality of open space and recreation facilities across the District are in most cases sufficient the following deficiencies were identified as likely to occur by 2033

- Parks and Gardens – 2.42ha
- Natural and semi natural greenspaces – 16.16ha
- Amenity greenspace – 2.54ha

- Provision for children and young people – 0.13ha
- Allotments – 0.45ha

7.85 The SPD sets out the provision per dwelling that is required to meet this identified deficiency. In this rural location natural greenspace would be more appropriate than formal parks and gardens as they would reflect the character of the area and bring biodiversity benefits. A contribution of £8,327.70 is required on sites identified in Middleton and Wirksworth by the Neighbourhood Manager. Allotments would also not be appropriate on this site, therefore a contribution of £3,368.70 is required. A play area is proposed on site (LAP) and therefore a further financial contribution is not required in this regard.

7.86 Therefore, subject to conditions and prior entry into a planning obligation to secure affordable housing provision and development contributions for healthcare, parks and allotments the application does demonstrate that the development is in accordance with policies S10, HC4, HC11 and HC14.

The Planning Balance

7.87 The Council is unable to demonstrate a 5 year housing land supply at this time. The development plan makes provision for new housing on the edge of tier 1 – 3 settlements in these circumstances. Paragraph 11 of the NPPF says that in these circumstances the Local Planning Authority should grant planning permission for sustainable development unless:

- the application of policies in the NPPF that protect areas or assets of particular importance (including designated heritage assets) provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

7.88 The development would result in a significant visual change to the site and the development would project out into the countryside into open fields which make a positive contribution to the Conservation Area and the character and appearance of the area. While the development would be read in the context of the development at Jacksons Ley and have a limited impact upon landscape character it would result in a degree of harm to the Conservation Area and its setting.

7.89 The design, form and layout of the development has been carefully considered to reflect the development at Jacksons Ley, the character of Middleton and provide an attractive transition to the open countryside. The high quality of the design mitigates the impact of the development as far as possible in accordance with policy PD2 but an impact upon the open character of the site would be inevitable. The harm to the Conservation Area and its setting would be less than substantial therefore in accordance with Paragraph 202 of the NPPF the harm must be weighed against public benefits.

7.90 The harm identified is considered to be at the lower end of less than substantial. Weighed against this the development would deliver 57 dwellings at a time where the Council is unable to demonstrate a 5 year housing land supply and this must be given significant weight. The development therefore would make a positive contribution to housing delivery. Furthermore, the development would deliver 17 affordable homes on site. The development would provide economic benefits during construction and occupation, however these benefits would not be exceptional and would be commensurate with any residential development.

7.91 In determining this application the Local Planning Authority is obliged to give great weight to and pay special attention to the desirability of preserving the Conservation Area. However,

it is acknowledged that the part of the site within the Conservation Area is allocated for housing. The harm arising from the development of the rest of the application site would be limited and further mitigated by the quality of the proposed design. It is therefore concluded that the harm identified to the Conservation Area would be outweighed by public benefits arising from the delivery of market and affordable housing having regard to the requirements of paragraphs 11d) and 202 of the Framework. The application is therefore considered to be in accordance with relevant policies in the adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

7.93 All other matters raised have been considered but do not indicate that permission should otherwise be refused. The application is therefore recommended for approval.

8.0 RECOMMENDATION

8.1 That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to the following conditions, and following the completion of a S.106 planning obligation to secure 17 affordable homes (including 5 first homes), a contribution of £51,300 for healthcare, a contribution of £8,327.70 for parks and gardens and a contribution of £3,368.70 for allotments.

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 documents, subject to the following conditions:

Location Plan - 001

Planning Layout – 008 Rev M

Adoptable Areas Plan – 400 Rev D

Materials Plan – 600 Rev D

Boundary Treatment Plan – 700 Rev D

General Arrangement – 11009-FPCR-XX-XX-DR-L-0001 P06

Detailed Onplot Planting Plan (Sheet 1 of 4) - 11009-FPCR-XX-XX-DR-L-0002 P06

Detailed Onplot Planting Plan (Sheet 2 of 4) - 11009-FPCR-XX-XX-DR-L-0003 P06

Detailed Onplot Planting Plan (Sheet 3 of 4) - 11009-FPCR-XX-XX-DR-L-0004 P06

Detailed Onplot Planting Plan (Sheet 4 of 4) - 11009-FPCR-XX-XX-DR-L-0005 P06

Beeley (Corner) Floor Plans and Elevations – 100-01

Beeley (R) Floor Plans and Elevations – 100-02

Beeley Floor Plans – 100-03

Beeley (R) Floor Plans and Elevations – 100-04

Beeley Floor Plans – 100-05

Hassop Elevations and Floor Plans – 100-06

Bamford Elevations – 100-07

Bamford Floor Plans – 100-08

Calver Elevations – 100-09

Calver (R) Elevations – 100-10

Calver Floor Plans – 100-11

Grindleford Elevations – 100-12

Grindleford Floor Plans – 100-13

Birchover Elevations - 100-14

Birchover Floor Plans - 100-15

Cromford – Variant 1 Elevations – 100-16
Cromford – Variant 1 Floor Plans – 100-17
Cromford – Variant 2 Elevations – 100-18
Cromford – Variant 2 Floor Plans – 100-19
Hathersage Elevations – 100-20 Rev A
Hathersage Floor Plans – 100-21 Rev A
Middleton (Corner) Elevations – 100-22
Middleton Elevations – 100-23
Middleton Floor Plans – 100-24
Curbar Elevations – 100-25
Curbar Floor Plans – 100-26
Eyam Elevations – 100-27
Eyam Floor Plans – 100-28
Barlow Floor Plans and Elevations – 100-29
Single Garage Floor Plans and Elevations – 100-30
Single Garage 1 Floor Plans and Elevations – 100-31
Shared Garage Floor Plans and Elevations – 100-32
Biodiversity Net Gain Technical Note – 11009 dated 09.08.2023
Arboricultural Assessment – Rev D
Arboricultural Statement – Ref 11009
Tree Retention Plan – 11009-T-02 Rev C
Tree Protection Plan – 11009-T-03 Rev A
Flood Risk Assessment – PLM-DCE-XX-XX-RP-X-0001 Rev P06
Proposed Drainage Strategy – PLM-DCE-XX-XX-DR-C-5000 Rev P03
Framework Travel Plan – 600422-HEX-00-TP-RP-X-0002 V03
Phase 1 & 2 Geo-Environmental Report – 100767 V4.0
Initial Lead Mine Entry Mitigation Strategy – EAL.253.22.Rev1

Reason:

For clarity and in the interests of the proper planning of the area.

3. No development shall take place until sections A and B have been complied with:

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall have first been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted in electronic format. The written report shall be submitted to and approved in writing by the Local Planning Authority. Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination;
- ii. an assessment of the potential risks to:-
 - human health;
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments.
- iii. an appraisal of remedial options and proposal of the preferred option(s)

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and proposals for how the remediation works will be verified once completed. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

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

These details go to the heart of the planning permission and are required before the commencement of any development.

4. No part of the development hereby permitted shall be occupied until sections A and C have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until section B has been complied with in relation to that contamination.

A. Implementation and Validation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

B. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with section A.

C. Importation of soil to site

In the event it is proposed to import soil onto site in connection with the development or remediation the proposed soil shall be sampled at source and analysed in a UKAS accredited laboratory. The results of the analysis, and an interpretation, shall be submitted to the Local Planning Authority for consideration prior to importation. Imported topsoil shall comply with British Standard 3882:2007 - Specification for topsoil and requirements for use. Only the soil approved in writing by the Local Planning Authority shall be used on site.

Reason:

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

These details go to the heart of the planning permission and are required before the commencement of any development.

5. A) No development 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, and until any pre-start element of the approved scheme has been completed to in accordance with the approved (WSI). 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 WSI approved under part 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 WSI approved under part A and the provision to be made for publication and dissemination of results and archive deposition has been secured.

Reason:

To ensure any archaeology on site is satisfactory recorded in accordance with the requirements of policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework.

These details go to the heart of the planning permission and are required before the commencement of any development.

6. No development shall commence until details of finished floor levels and ground levels throughout the site have been submitted to and approved in writing by the Local Planning

Authority. The development shall not be carried out than in accordance with the approved details.

Reason:

To minimise the impact of the development upon the site and the wider landscape and in the interests of the proper planning of the area.

These details go to the heart of the planning permission and are required before the commencement of any development.

7. No development shall commence (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 especially consider reptiles and amphibians, in addition to badgers and nesting birds.
 - 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 (Biodiversity) shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason:

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

These details go to the heart of the planning permission and are required before the commencement of any development.

8. No development shall commence 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 approved Biodiversity Metric ‘Biodiversity Net Gain Technical Note – 11009 09.08.2023’ and to achieve no less than a [+1.06%] net gain. 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 wildlife kerbs and drop kerbs in the road network to safeguard amphibians, where necessary, especially close to the attenuation basin.
- l) Detailed specifications for attenuation basins 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 development shall not be carried out other than in accordance with the approved details.

Reason:

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

These details go to the heart of the planning permission and are required before the commencement of any development.

9. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA, to reduce lightspill to adjacent habitats likely to be used by foraging and commuting bats, and also badgers. The Strategy should 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 e.g. the adjacent miniature rail line corridor. 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.

Reason:

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

10. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

a. Dice. (14/02/2023). Proposed Drainage Strategy, PLM-DCE-XX-XX-DR-C-5000 Rev P02, received via email 17/10/2023, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team

b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

The development shall not be carried out other than in accordance with the approved details.

Reason:

To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

These details go to the heart of the planning permission and are required before the commencement of any development.

11. Prior to commencement of the development, 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.

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

Reason:

To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

13. Prior to commencement of the development hereby permitted (other than the creation of the access hereby permitted) a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan/statement shall include but not be restricted to:

- a) 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);
- b) Advisory routes for construction traffic;
- c) Any temporary access to the site;
- d) Locations for loading/unloading and storage of plant, waste and construction materials;
- e) Method of preventing mud and dust being carried onto the highway;

- f) Arrangements for turning vehicles;
- g) Arrangements to receive abnormal loads or unusually large vehicles;
- h) Joint Highway Condition survey;
- i) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The development shall thereafter not be carried out other than in accordance with the approved details throughout the construction period.

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.

14. No part of the development hereby permitted shall 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.

15. 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 in accordance with the approved plans and according to the approved specification (or as specified by British Standard 5837:2012).

The fencing shall 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:

- 1. no ground level change,
- 2. excavation,
- 3. underground services installations/removals,
- 4. surfacing, or
- 5. construction

shall take place within the fenced areas.

Furthermore, unless agreed in writing in advance by the Local Planning Authority there shall be:

- 1. no access to the fenced areas for pedestrians/plant/vehicles;
- 2. no waste/equipment/materials/consumables/spoil storage in the fenced areas;
- 3. no fires in the fenced areas or within 10m of them;
- 4. no fuel, oil, cement, concrete, mortar or washings shall be allowed to flow into the fenced areas.

Reason:

To protect retained trees during the development phase in accordance with policies PD3 and PD7 of the Adopted Derbyshire Dales Local Plan.

16. Notwithstanding the approved plans, 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) soil preparation, cultivation and improvement;
- b) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- c) grass seed mixes and sowing rates;
- d) gates, walls, fences and other means of enclosure;
- e) hard surfacing materials;
- f) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units and signs);
- g) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- h) retained landscape features and proposed restoration, where relevant; and
- i) timescale for implementation.

The development shall not be carried out other than in accordance with the approved details.

Reason:

To secure a high-quality landscaping scheme which conserves the setting and character of the buildings and implementation as soon as reasonably practicable in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

17. All hard and soft landscaping comprised in the approved details of landscaping shall be carried out in accordance with the approved timescale. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

Reason:

To secure a high-quality landscaping scheme which conserves the setting and character of the buildings and implementation as soon as reasonably practicable in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

18. Prior to the commencement of conversion works, a detailed scheme of measures to mitigate the effects of and adapt to climate change at the site 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 measures 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).

19. No part of the development hereby permitted shall be occupied until play equipment for the Local Area for Plan (LAP) has been installed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The play equipment shall thereafter be retained and maintained throughout the lifetime of the development hereby permitted.

Reason:

To ensure that play equipment is provided in a manner which conserves the character of the area and maintained throughout the development.

20. No part of the development hereby permitted shall be occupied until the pedestrian path / access to Main Street (B5023) has been fully laid out and constructed and available for use in accordance with the approved plans. The path and access shall thereafter remain open and available for its designated use throughout the lifetime of the development hereby permitted.

To ensure that the pedestrian access is provided and retained throughout the lifetime of the development.

21. Prior to first occupation of any dwelling, details of the legal and funding mechanism for the maintenance and management of all landscaped areas (excluding privately owned gardens), including the play equipment, highways / footways and areas of hardstanding and the delivery and monitoring of units of habitat to deliver a Biodiversity Net Gain shall be submitted to and approved in writing by the Local Planning Authority. The management and maintenance of these areas shall then be carried out in accordance with the approved details.

Reason:

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

22. No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 13.00 Saturday and at no time on Sundays, Bank or Public Holidays.

Reason:

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

23. 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).

24. All stonework for external walls, boundary walls and retaining walls shall be natural limestone in accordance with a sample which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

25. A 2 square metre sample panel of limestone walling materials and type of pointing (mortar mix and method of application) to be used for the exterior walls of the buildings shall be erected on site for inspection before works commence on the construction of the exterior walls of the building. The development shall thereafter 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 of the Adopted Derbyshire Dales Local Plan (2017).

26. Notwithstanding the approved plans, prior to installation full detail of all windows, roof lights and doors (including materials, construction, recess and external finish) 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 satisfactory external appearance of the development in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

27. Notwithstanding the approved plans, each dwelling house / building shall be provided with a chimney / chimneys in accordance with detailed designs which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

28. Notwithstanding the approved plans, the dwellings shall have plain verges with gutters on brackets with no fascias, soffits or exposed or projecting timberwork in accordance with detailed designs which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

29. No external metre boxes shall be installed other than in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

30. Notwithstanding the provisions of Part 1, Part 2 and Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no alterations, extensions, buildings, hard surfaces, gates, fences or any other means of enclosure or solar or photovoltaic panels shall be erected within the curtilage of plot 1, 2, 3, 4, 9 or 10 without the prior written permission of the Local Planning Authority on an application submitted to it.

Reason:

To conserve the character and appearance of the development in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

31. Notwithstanding the provisions of Part 1 or Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no extensions, buildings, hard surfaces, gates, fences or any other means of enclosure shall be erected within the curtilage of plot 5, 6 or 12 without the prior written permission of the Local Planning Authority on an application submitted to it.

Reason:

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

32. Notwithstanding the provisions of Class A and Class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no enlargement of a dwellinghouse by construction of additional storeys or additions to the roof of a dwellinghouse shall be carried out to any dwelling hereby permitted without the prior written permission of the Local Planning Authority on an application submitted to it.

Reason:

To conserve the character and appearance of the development in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

This planning permission shall be read in conjunction with the accompanying legal agreement under Section 106 of the Town and Country Planning Act 1990 dated 22.02.2023.

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a revised scheme.

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.

Highways

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Implementation team allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

Highway to be adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980. Contact the Highway Authority's Implementation Team at development.implementation@derbyshire.gov.uk You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

Construction Management Plan (CMP)

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression and promoting the Code.

The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation.

LLFA

Advisory/Informative Notes (It should be noted that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the LPA):

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

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

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

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

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

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

G. Surface water drainage plans should include the following:

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

H. On Site Surface Water Management;

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

Peak Flow Control

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

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

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

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

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

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

- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.
- Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE
- Digest 365.

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

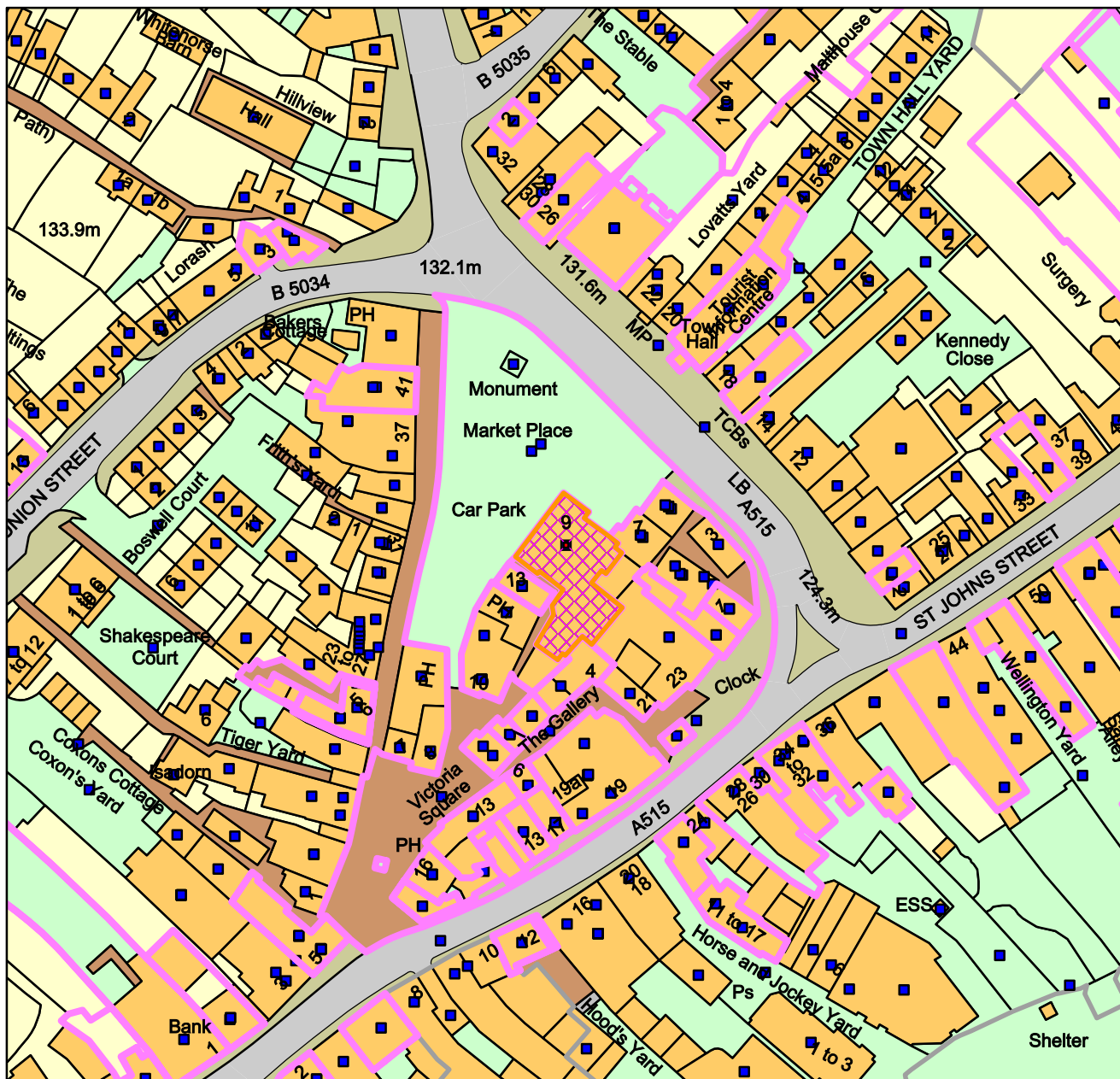
K. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

L. The applicant should manage construction activities in line with the CIRIA Guidance on the Construction of SuDS Manual C768, to ensure that the effectiveness of proposed SuDS features is not compromised.

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23/00447/FUL

9-11A Market Place, Ashbourne, Derbyshire



Derbyshire Dales DC

1:1,250

Date: 01/11/2023

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

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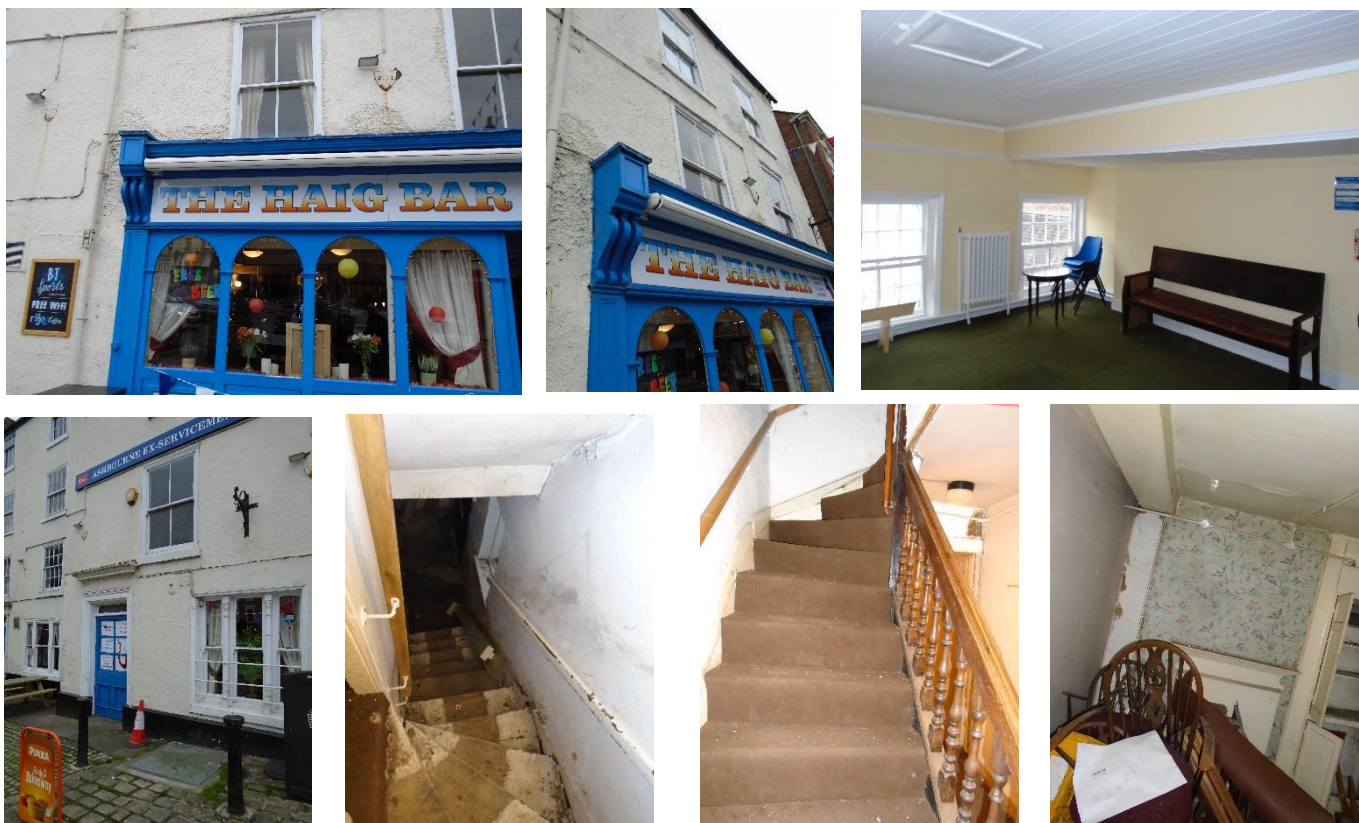
APPLICATION NUMBER		23/00447/FUL	
SITE ADDRESS:		9 - 11A Market Place, Ashbourne, Derbyshire, DE6 1EU	
DESCRIPTION OF DEVELOPMENT		Change of use and alterations to upper floors for short-term occupancy living accommodation	
CASE OFFICER	Mr J Baldwin	APPLICANT	Mr S. Lees
PARISH/TOWN	Ashbourne North	AGENT	Mr J. Imber
WARD MEMBER(S)	Cllr S. Lees Cllr P. Dobbs	DETERMINATION TARGET	01.09.2023
REASON FOR DETERMINATION BY COMMITTEE	Applicant is currently a serving ward member.	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context and the impacts to heritage assets arising from the proposal.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of development - Impact upon heritage assets - Impact upon highway safety - Impact upon amenity of neighbouring occupants.

RECOMMENDATION
That planning permission be granted subject to conditions.

1.0 THE SITE AND SURROUNDINGS

1.1 The application property, Ashbourne Ex-Servicemen's Club (9-11A Market Place) comprises of two con-joined grade II listed buildings (listed 1970 and 1974) set within the Ashbourne Conservation Area. Both buildings date from the late 18th/early 19th century and are of brick construction but rendered and painted to the principal elevations. Currently the ground floor areas are a bar and a series of function rooms, toilets, kitchen etc. The first floor is a series of offices and store rooms, and the second floor has two large snooker rooms and a series of store rooms. The third floor (only over part of the building) is used for storage.



2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for the change of use of the upper floors of the building to short-term living accommodation and associated alterations as set out within the submitted plans and documents received by the Local Planning Authority on 7th July 2023. The submitted planning statement outlines that the proposed 10 self-catering units would be occupied by holiday makers and seasonal workers. The income from these units would help to ensure the long-term viability of the club.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017):
 - Policy S1: Sustainable Development Principles
 - Policy S3: Development Within Defined Settlements
 - Policy S8: Ashbourne Development Strategy
 - Policy PD1: Design and Place Making
 - Policy PD2: Protecting the Historic Environment
 - Policy PD7: Climate Change
 - Policy HC1: Location of Housing Development
 - Policy HC15: Community Facilities and Services
 - Policy HC19: Accessibility and Transport
 - Policy HC21: Car Parking Standards68

Policy EC6: Town and Local Centres
Policy EC7: Primary Shopping Frontages

2. Ashbourne Neighbourhood Plan (2021):
Policy ACA1: Ashbourne Central Area
Policy HOU1: Housing Mix
Policy DES1: Design
Policy AH1: Ashbourne Heritage
Policy TRA1: Transport
2. National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

13/00504/FUL	Installation of retractable awning	PERC	03/09/2013
13/00505/LBALT	Alterations to listed building - Installation of retractable awning	PERC	03/09/2013
15/00144/LBALT	External and internal alterations including removal of staircase	PERC	06/07/2015
17/00145/LBALT	External alteration	PERC	13/04/2017
17/00424/FUL	Installation of external extractor unit and cowl (retrospective)	PERC	21/07/2017
17/00425/LBALT	Installation of external extractor unit and cowl (retrospective)	PERC	21/07/2017

5.0 CONSULTATION RESPONSES

Ashbourne Town Council

- 5.1 No Objection. Members stated that they thought the building was 'Listed' and had no objections if the Conservation Officer was in agreement.

Cllr Stuart Lees

- 5.2 I wish to declare an interest in this application as I am the chairman and applicant.

Derbyshire County Council (Highways)

- 5.3 The application site has no dedicated off-street parking provision, but there is public parking available within the nearby Market Place car park.

Give the town centre location of the application site and the proposed change of use which is fully accessible by all means of transport especially walking is considered sustainable. In short, the site is sustainably located within a good walking distance of a wide range of town centre services and facilities, accessibility is therefore considered good meaning that visitors need not be dependent upon the private car during their stay.

To conclude there are no objections to the proposal from a traffic and highway point of view.

Design and Conservation Officer (Derbyshire Dales)

- 5.4 The proposed developments are commented on as follows –

Internal Alterations –

As a club and community building there have been a large number of internal changes to layout and circulation (horizontally and vertically) throughout the building over the last 50-70 years. Whilst this has been the case, a number of historic elements/features have survived and as a consequence of the modern alterations these survivals now have added significance & importance to the character and appearance of the listed building.

The proposed layout plans (all floors) for the building are generally considered to be acceptable with the removal of modern staircases and substitution with new staircases to different orientation/form etc, new partitions to subdivide rooms and the removal of some existing partitions to open-up rooms, together with the installation of small kitchenettes and bathroom & w/c facilities to each unit.

However, there are some areas of proposed alteration that give cause for concern. Pre-application advice included comment and recognition on the significance and retention of the historic staircases, ground to first and first to second floors (to No. 11). It is, therefore, disappointing to see that the historic staircase from ground to first is to be entirely removed (and the external door and window blocked up). On the first floor the proposed drawings indicate that the balustraded staircase (first to second floor) is to be retained but a new partition to Unit 5 will cut across/block the access to the staircase. Whilst the proposals will retain this part of the historic staircase in-situ it will become unusable and redundant. The presence of historic features & elements of a listed building have equal significance in their use and functionality. In that regard, to retain a historic feature but to make it unusable diminishes its reason for being and significance. There should, therefore, be a presumption in favour of the repair and retention of historic fabric/elements and features (and their functionality etc.) to a listed building.

On the first floor (of No. 11) there is a room which contains a surviving historic fireplace and an associated, adjacent, fitted cupboard. It is proposed to remove the existing partitioning between this room and the current landing and form a new, larger, landing with a new open-well staircase to the second floor. Furthermore, the external window to this particular room is to be altered to form a doorway which will link through into the attached building. Whilst the chimneybreast (and historic fireplace) are assumed to be retained the historic fitted cupboard is to be removed to provide a shower area for Unit 4. It is considered that the obliteration of this historic room, its features/elements and its layout and spatial qualities etc. is considered to diminish significance. Again, if the historic fireplace is retained on the chimneybreast but loses its spatial context and associated features then it becomes an anomalous element with no historic context. There should be a presumption in favour of the repair and retention of historic fabric/elements and features to a listed building.

On the third floor (Unit 10) the propose drawing note 'steel truss'. It appears that the existing truss, the base of which forms a down stand into the room, is an historic timber truss (possibly a King Post Truss?) synonymous with the original build of this part of the listed building. The note on the drawing appears to suggest that the current historic truss is to be removed and replaced with a new steel truss. If this is the case then this would constitute the loss of an historic element and a diminishment of significance to this part of the listed building. There should be a presumption in favour of the repair and retention of historic fabric/elements and features to a listed building.

Alterations to shopfront –

The existing 'shopfront' to No.11 comprises of a painted timber surround (pilasters, fascia and cornice etc.) with a fixed 4-bay window (with arched heads) and a part glazed door to the right hand side. The entire 'shopfront' is a later 20th century addition/replacement.

It is proposed to remove the 4-bay fixed glazed window and door and replace it with a 5-bay, bi-folding set of painted timber door (with arched heads). No detailed construction or affixing details have been submitted, however, it is considered that the proposal would be an acceptable alteration to the modern shopfront. Full constructional drawings, depth of recess and affixing details should be required, via a condition, on any approval.

There is no reference to any proposed re-painting of the 'shopfront' and it will be assumed, therefore, that it is to be re-painted the same colour as existing (and the new elements also painted in the same colour). If there is a proposal to re-paint the 'shopfront' in a different colour(s) then this should be controlled via a condition on any approval.

Other alterations –

On the side elevation to No.11 it is proposed to block up a door and a window to the ground floor. These are historic openings set within a painted brickwork wall. In this regard, their blocking (with painted brickwork?) is considered inappropriate, and a method should be detailed whereby the window and door are blocked on the inner face of the wall only and the window and door etc. left in-situ (following re-decoration). This will preserve the historic features/elements to this part of the side elevation and allow (at any future date) both door and window to be re-opened/used.

On the side elevation to No.11 it is proposed to alter an existing window opening to provide a smoke ventilation aperture. This is an historic window opening but has a modern timber glazed window frame within it. It is considered that the removal of the modern window frame would be acceptable. No detailed construction or affixing details have been submitted for the smoke ventilation aperture/apparatus; however, it is considered that the proposal may be an acceptable alteration to the historic opening subject to the design, detailing, appearance and finish of the new ventilation apparatus. Full constructional drawings, depth of recess, affixing details and finish etc. should be required, via a condition, on any approval.

Conclusions –

Whilst in general terms the proposed alterations are likely to be acceptable the above noted issues and matters remain a strong concern. It is opined that these issues/matters should be re-considered in order to safeguard those identified elements/features etc. of heritage significance and value to the listed building.

Environmental Health (Derbyshire Dales)

5.11 No objections.

6.0 REPRESENTATIONS RECEIVED

6.1 None received.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact upon heritage assets
- Impact upon Highway safety
- Impact upon amenity of neighbouring occupants.

Principle of Development

- 7.1 Section 38(5A and 5B) of the Planning and Compulsory Purchase Act 2004, as amended by the Levelling Up and Regeneration Act 2023, requires that where in making any determination under the planning Acts regard is to be had to the development plan, the determination must be made in accordance with the development plan and any national development management policies taken together, unless material considerations strongly indicate otherwise. Section 5C states that if, to any extent, the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.
- 7.2 The application site is located within the defined settlement boundary of Ashbourne which is designated as a first-tier settlement within Policy S2 in the Adopted Derbyshire Dales Local Plan (2017).
- 7.3 Tier 1 settlements are identified as the District's main towns which are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres. They will continue to provide significant levels of jobs and homes, together with supporting community facilities and infrastructure to meet their economic potential in the most sustainable way, consistent with maintaining or enhancing key environmental attributes.
- 7.4 The submitted planning statement sets out that the accommodation proposed would be occupied by holiday makers and seasonal workers. Each room of accommodation provided includes an en-suite and small kitchen and could functionally be operated as individual flats/dwellings and it is considered that the development should be assessed on this basis. Policy S2 and HC1 of the Adopted Derbyshire Dales Local Plan would support the provision of new residential flats within a tier 1 settlement. In this case however, the self-contained units would fall well below the Nationally Described Space Standards of 50m² per 1 bedroom, 2-person unit. It is therefore considered that the units would not be suitable for use as a permanent residential dwelling and a condition restricting the occupancy of the units up to a maximum time frame of 1 year would be necessary in this case.
- 7.5 On the basis of the above, the location of the property within the defined settlement boundary of Ashbourne is considered appropriate for the use of the upper floors as residential units (subject to the condition outlined above) and the proposal would therefore be in accordance with policy S3 and HC1 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on Heritage Assets

- 7.6 The application property comprises two conjoined grade II listed buildings located within the Ashbourne Conservation Area. In this case there are a number of alterations proposed to the property to facilitate the change of use. The internal alterations do not require planning permission and are instead considered under the concurrent application for listed building consent ref. code 23/00448/LBALT. The external alterations proposed include alterations to the existing shopfront, the blocking up of an existing door and window and alterations to a first-floor window.
- 7.7 Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) seeks to protect the historic environment and advises that the District Council will conserve heritage assets in a manner appropriate to their significance. Policy AH1 of the Ashbourne Neighbourhood Plan seeks to maintain the quality of the historic environment. The District Council also has an Adopted Supplementary Planning Document which specifically relates to Shopfronts and Commercial Properties (2019) which recognises the important contribution of traditional frontages to the character and appearance of a property and in this case, the wider Ashbourne Conservation Area.

- 7.8 The consultation response received from the District Council's Design and Conservation Officer outlines that the existing shopfront of the building is a later 20th century replacement, the frontage is however considered to continue to contribute positively to the character of the Conservation Area. It is proposed to remove the 4-bay fixed glazed window and door and replace it with a 5-bay, bi-folding set of painted timber door (with arched heads). The existing fascia and pilasters which surround the windows would be retained. It is considered that subject to conditions securing appropriate constructional details of the new windows and securing an appropriate finish paint colour of the shopfront the amendments to the shopfront are considered to be acceptable.
- 7.9 As the first floor window which is to be replaced is a modern timber framed window, the replacement of the window with a new window which includes smoke ventilation features which are presumably required in order to comply with relevant building regulations is considered to be acceptable (subject to constructional details). The District Council's Design and Conservation Officer has highlighted more significant concerns with the bricking up of an existing window and door behind the location of the proposed door. As the openings are historic openings it is considered to be more appropriate to retain the visual openings from the outside and instead carry out any blocking up of the openings internally only. It is therefore considered that the external bricking up of these openings shall be omitted by condition.
- 7.10 Subject to the conditions outlined above securing appropriate details for the works, there is not considered to be any harm to the significance, character or appearance of the grade II listed buildings or the character and appearance of the wider Ashbourne Conservation Area and would be in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

Impact upon Highway Safety/Car Parking

- 7.11 Whilst the proposed development seeks to introduce a further 10 residential units with no private vehicular parking facilities available to the occupants, the application property is located in the centre of a tier 1 settlement. Ashbourne has good public transport links closely located to the site and a number of public car parks which would be available to occupants of the new units. This is reflected in the consultation response received from the Local Highway Authority which raise no objections to the proposed development.

Impact upon amenity of neighbouring occupants

- 7.12 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.
- 7.13 The application seeks to convert the upper floors of the building from office and storage space to 10 residential units. Having regard to the use of the premises below as a pub/club and similar neighbouring users within the centre of a main market town, the additional noise generated from the proposed development is unlikely to be significant and would not harm to amenity of any other residential occupants in the vicinity. There are also no concerns regarding overlooking/loss of privacy.
- 7.14 The development is considered to retain a satisfactory relationship with surrounding development and therefore would be in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

Other Issues

7.15 Policy HC15 relates to Community Facilities and Services and would likely include the existing use of the building as a social club/pub. The submitted planning statement outlines that the income generated from proposed development of the upper floors of the building would help to secure the long-term viability of the pub use of the ground floor. Whilst some floor space associated with the community facility such as a snooker room and storage would be lost, it does not appear that these spaces have been fully utilised some time and the redevelopment of the upper floors would help to underpin the main community use of the building as a pub/social club at ground floor level.

Conclusion

7.16 Taking the above into consideration and subject to conditions the application satisfies the relevant provisions of the Adopted Derbyshire Dales Local Plan (2017), Ashbourne Neighbourhood Plan (2021) and the policies within the National Planning Policy Framework (2023). A recommendation of approval is put forward on this basis.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason:

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

2. The development hereby approved shall not be carried out except in accordance with the following approved plans received by the Local Planning Authority on 7th July 2023:
2022-5019-011 (P3) – Proposed Basement Floor Plan, Location and Block Plan
2022-5019-012 (P1) – Proposed Ground Floor Plan
2022-5019-013 (P2) – Proposed First Floor Plan
2022-5019-014 (P1) – Proposed Second and Third Floor Plan
2022-5019-015 (P4) – Proposed Elevations
2022-5019-016 – Proposed Sections
2022-5019-019 – Staircase Section and Details

Reason:

For the avoidance of doubt.

3. The accommodation hereby approved shall be used solely for the purposes of temporary accommodation and shall not at any time be occupied as permanent residential accommodation. No person shall occupy the holiday accommodation for a continuous period of more than 1 calendar year and it shall not be re-occupied by the same person/s within 6 months following the end of that period. A register of all occupiers of the accommodation, detailing dates of occupation, names and usual addresses, shall be maintained by the owner(s) and a copy shall be provided to Local Planning Authority upon written request.

Reason:

For the avoidance of doubt, given the nature of the development applied for and on the basis that the units do not provide a sufficient level of living accommodation / space to be

occupied as permanent dwellings in accordance with aims of policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) and nationally prescribed space standards.

4. Constructional details of the proposed shopfront alterations including the materials, treatment and/or colour of the window and door frames, depth of recess and affixing details shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The shopfront shall then be altered in accordance with the approved details and so retained.

Reason:

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

5. Constructional details of the new smoke ventilation windows including the materials, ventilation details and treatment and/or colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The windows shall then be installed in accordance with the approved details and so retained.

Reason:

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

6. Notwithstanding the approved plans, this consent does not extend to include the external bricking up of the window and door opening shown on elevation C-C of the approved plans.

Reason

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

9.0 NOTES TO APPLICANT:

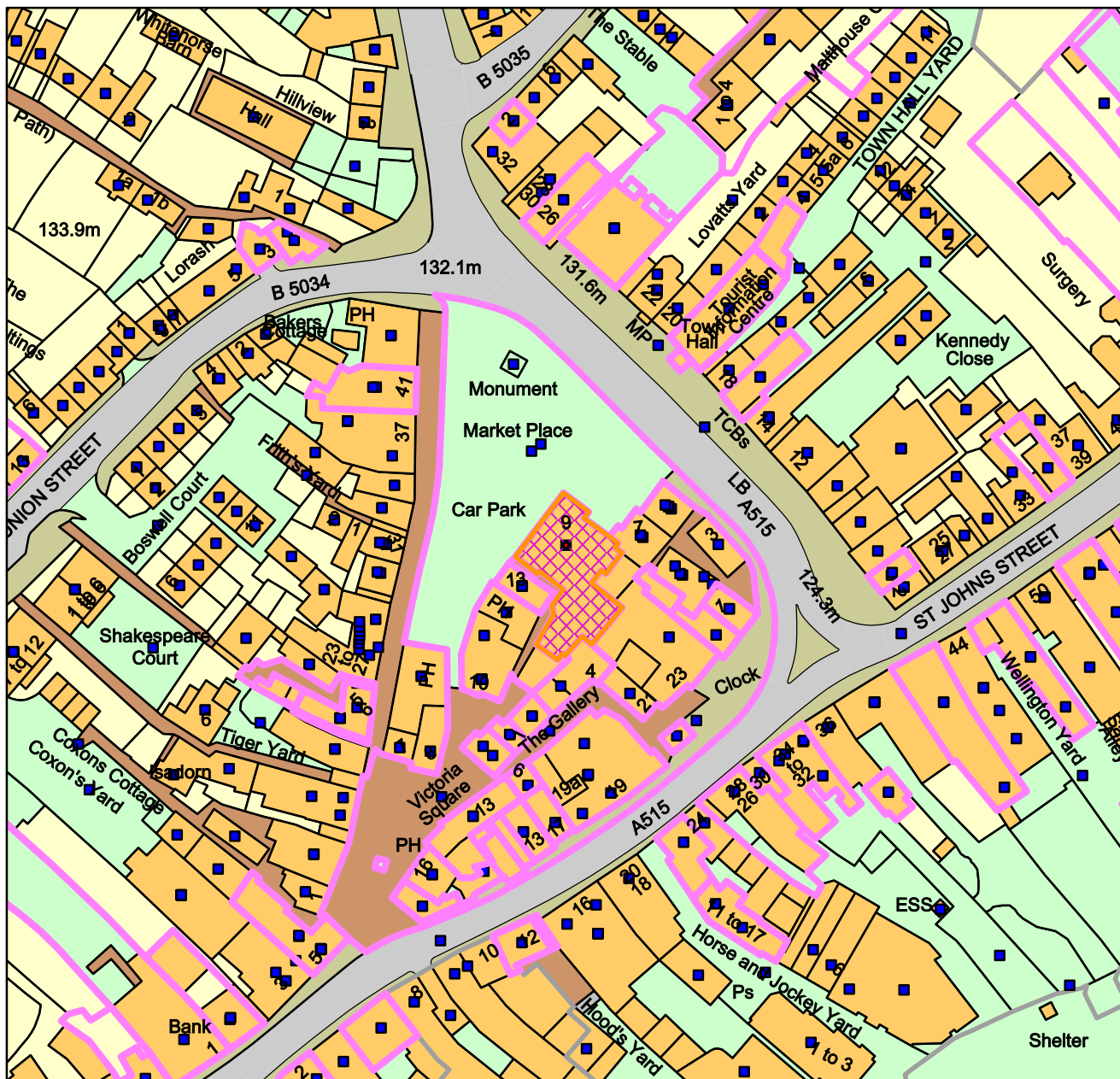
The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the impact of the proposed development on the significance, character and appearance of the grade II listed building.

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.

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23/00448/LBALT

9-11A Market Place, Ashbourne, Derbyshire



Derbyshire Dales DC

1:1,250

Date: 01/11/2023

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

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APPLICATION NUMBER		23/00448/LBALT	
SITE ADDRESS:		9 - 11A Market Place, Ashbourne, Derbyshire, DE6 1EU	
DESCRIPTION OF DEVELOPMENT		Internal and external alterations to create short-term occupancy living accommodation, new entrance and new cellar access to basement	
CASE OFFICER	Mr J Baldwin	APPLICANT	Mr S Lees
PARISH/TOWN	Ashbourne North	AGENT	Mr J Imber
WARD MEMBER(S)	Cllr S. Lees Cllr P. Dobbs	DETERMINATION TARGET	09.10.2023
REASON FOR DETERMINATION BY COMMITTEE	Applicant is currently a serving ward councillor.	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context and the impacts to heritage assets arising from the proposal.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> – Impact upon heritage assets

RECOMMENDATION
That Listed Building Consent be Granted subject to conditions.

1.0 THE SITE AND SURROUNDINGS

1.1 The application property, Ashbourne Ex-Servicemen's Club (9-11A Market Place) comprises of two con-joined grade II listed buildings (listed 1970 and 1974) set within the Ashbourne Conservation Area. Both buildings date from the late 18th/early 19th century and are of brick construction but rendered and painted to the principal elevations. Currently the ground floor areas are a bar and a series of function rooms, toilets, kitchen etc. The first floor is a series of offices and store rooms, and the second floor has two large snooker rooms and a series of store rooms. The third floor (only over part of the building) is used for storage.



2.0 DETAILS OF THE APPLICATION

2.1 Listed building consent is sought for various internal and external alterations to the building as set out on the submitted plans received by the Local Planning Authority on 14th August 2023. The alterations are associated with the change of use of the upper floors of the building to form residential units for short term occupation. The change of use of the upper floors will be considered under the concurrent application for planning permission under application ref code. 23/00447/FUL. This application relates solely to the internal and external alterations to the grade II listed building.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. National Planning Policy Framework (2021) - Conserving and Enhancing the Historic Environment
2. National Planning Practice Guide (2014)
3. Historic England Advice Note 2 - Making Changes to Heritage Assets (2016)

4.0 RELEVANT PLANNING HISTORY:

13/00504/FUL	Installation of retractable awning	PERC	03/09/2013
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13/00505/LBALT	Alterations to listed building - Installation of retractable awning	PERC	03/09/2013
15/00144/LBALT	External and internal alterations including removal of staircase	PERC	06/07/2015
17/00145/LBALT	External alteration	PERC	13/04/2017
17/00424/FUL	Installation of external extractor unit and cowl (retrospective)	PERC	21/07/2017
17/00425/LBALT	Installation of external extractor unit and cowl (retrospective)	PERC	21/07/2017

5.0 CONSULTATION RESPONSES

Ashbourne Town Council

5.1 No Objection.

Design and Conservation Officer (Derbyshire Dales):

5.2 The proposed developments are commented on as follows –

Internal Alterations –

As a club and community building there have been a large number of internal changes to layout and circulation (horizontally and vertically) throughout the building over the last 50-70 years. Whilst this has been the case, a number of historic elements/features have survived and as a consequence of the modern alterations these survivals now have added significance & importance to the character and appearance of the listed building.

The proposed layout plans (all floors) for the building are generally considered to be acceptable with the removal of modern staircases and substitution with new staircases to different orientation/form etc, new partitions to subdivide rooms and the removal of some existing partitions to open-up rooms, together with the installation of small kitchenettes and bathroom & w/c facilities to each unit.

However, there are some areas of proposed alteration that give cause for concern. Pre-application advice included comment and recognition on the significance and retention of the historic staircases, ground to first and first to second floors (to No. 11). It is, therefore, disappointing to see that the historic staircase from ground to first is to be entirely removed (and the external door and window blocked up). On the first floor the proposed drawings indicate that the balustraded staircase (first to second floor) is to be retained but a new partition to Unit 5 will cut across/block the access to the staircase. Whilst the proposals will retain this part of the historic staircase in-situ it will become unusable and redundant. The presence of historic features & elements of a listed building have equal significance in their use and functionality. In that regard, to retain a historic feature but to make it unusable diminishes its reason for being and significance. There should, therefore, be a presumption in favour of the repair and retention of historic fabric/elements and features (and their functionality etc.) to a listed building.

On the first floor (of No. 11) there is a room which contains a surviving historic fireplace and an associated, adjacent, fitted cupboard. It is proposed to remove the existing partitioning between this room and the current landing and form a new, larger, landing with a new open-well staircase to the second floor. Furthermore, the external window to this particular room is to be altered to form a doorway which will link through into the attached building. Whilst the chimneybreast (and historic fireplace) are assumed to be retained the historic fitted

cupboard is to be removed to provide a shower area for Unit 4. It is considered that the obliteration of this historic room, its features/elements and its layout and spatial qualities etc. is considered to diminish significance. Again, if the historic fireplace is retained on the chimneybreast but loses its spatial context and associated features then it becomes an anomalous element with no historic context. There should be a presumption in favour of the repair and retention of historic fabric/elements and features to a listed building.

On the third floor (Unit 10) the propose drawing note 'steel truss'. It appears that the existing truss, the base of which forms a down stand into the room, is an historic timber truss (possibly a King Post Truss?) synonymous with the original build of this part of the listed building. The note on the drawing appears to suggest that the current historic truss is to be removed and replaced with a new steel truss. If this is the case then this would constitute the loss of an historic element and a diminishment of significance to this part of the listed building. There should be a presumption in favour of the repair and retention of historic fabric/elements and features to a listed building.

Alterations to shopfront –

The existing 'shopfront' to No.11 comprises of a painted timber surround (pilasters, fascia and cornice etc.) with a fixed 4-bay window (with arched heads) and a part glazed door to the right hand side. The entire 'shopfront' is a later 20th century addition/replacement.

It is proposed to remove the 4-bay fixed glazed window and door and replace it with a 5-bay, bi-folding set of painted timber door (with arched heads). No detailed construction or affixing details have been submitted; however, it is considered that the proposal would be an acceptable alteration to the modern shopfront. Full constructional drawings, depth of recess and affixing details should be required, via a condition, on any approval.

There is no reference to any proposed re-painting of the 'shopfront' and it will be assumed, therefore, that it is to be re-painted the same colour as existing (and the new elements also painted in the same colour). If there is a proposal to re-paint the 'shopfront' in a different colour(s) then this should be controlled via a condition on any approval.

Other alterations –

On the side elevation to No.11 it is proposed to block up a door and a window to the ground floor. These are historic openings set within a painted brickwork wall. In this regard, their blocking (with painted brickwork?) is considered inappropriate, and a method should be detailed whereby the window and door are blocked on the inner face of the wall only and the window and door etc. left in-situ (following redecoration). This will preserve the historic features/elements to this part of the side elevation and allow (at any future date) both door and window to be re-opened/used.

On the side elevation to No.11 it is proposed to alter an existing window opening to provide a smoke ventilation aperture. This is an historic window opening but has a modern timber glazed window frame within it. It is considered that the removal of the modern window frame would be acceptable. No detailed construction or affixing details have been submitted for the smoke ventilation aperture/apparatus; however, it is considered that the proposal may be an acceptable alteration to the historic opening subject to the design, detailing, appearance and finish of the new ventilation apparatus. Full constructional drawings, depth of recess, affixing details and finish etc. should be required, via a condition, on any approval.

Conclusions –

Whilst in general terms the proposed alterations are likely to be acceptable the above noted issues and matters remain a strong concern⁸² It is opined that these issues/matters should

be re-considered in order to safeguard those identified elements/features etc. of heritage significance and value to the listed building.

6.0 REPRESENTATIONS RECEIVED

6.1 None received.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Impact upon heritage assets

External Alterations

- 7.1 The external alterations to the building include alterations to the existing shopfront, the blocking up of an existing door and window and alterations to a first-floor window.
- 7.2 The consultation response received from the District Council's Design and Conservation Officer outlines that the existing shopfront of the building is a later 20th century replacement, the frontage is however considered to continue to contribute positively to the character of the Conservation Area. It is proposed to remove the 4-bay fixed glazed window and door and replace it with a 5-bay, bi-folding set of painted timber door (with arched heads). The existing fascia and pilasters which surround the windows would be retained. It is considered that subject to conditions securing appropriate constructional details of the new windows and securing an appropriate finish paint colour of the shopfront the amendments to the shopfront are considered to be acceptable.
- 7.3 As the first floor window which is to be replaced is a modern timber framed window, the replacement of the window with a new window which includes smoke ventilation features which are presumably required in order to comply with relevant building regulations is considered to be acceptable (subject to constructional details). The District Council's Design and Conservation Officer has highlighted more significant concerns with the bricking up of an existing window and door behind the location of the proposed door. As the openings are historic openings it is considered to be more appropriate to retain the visual openings from the outside and instead carry out any blocking up of the openings internally only. It is therefore considered that the external bricking up of these openings shall be omitted by condition.

Internal Alterations

- 7.4 As set out in the consultation response from the Design and Conservation Officer (Derbyshire Dales), the proposed internal layouts of the building which includes the replacement of modern staircases with new staircases to different orientation/form etc, new partitions to subdivide rooms and the removal of some existing partitions to open-up rooms, together with the installation of small kitchenettes and bathroom & w/c facilities to each unit are considered to be acceptable. Concerns have however been raised with a number of specific alterations which will be set out below.
- 7.5 The proposals include the removal of part of a historic staircase which runs from between the ground floor and first floor and the formation of a new partition wall which would block access to the retained part of the staircase. Whilst part of the staircase is proposed to be retained it would no longer be a functional staircase and would therefore diminish its significance as part of the grade II listed building.
- 7.6 The proposals also include the removal of a historic, fitted cupboard adjacent to a chimney breast on the first floor to allow for the formation of a shower area to unit 4. Whilst the

chimney breast and fireplace are to be retained, the opening up of this room and the removal of historic features such as the fitted cupboard are would result in the fireplace appearing as an anomalous feature in its new setting and would further diminish its significance.

- 7.7 Concern is also raised by the District Council's Design and Conservation Officer regarding the replacement of an existing timber truss with a steel truss within this floor of the building. This would also constitute the loss of a historic feature within the building.
- 7.8 Paragraph 202 of the National Planning Policy Framework states "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".
- 7.6 In this case, with specific regard to the removal of part of the historic staircase, removal of a historic fitted cupboard and the replacement of an existing timber truss with a new steel truss at third floor level, the works are deemed to result in harm to the significance of the grade II listed building. Having regard to the wider significance of the building, this harm is considered to be less than substantial and likely be at the lower end of less than substantial harm. This less than substantial harm should therefore be weighed against the public benefits to be derived from the proposed works.
- 7.7 There are wider public benefits to be derived from the proposed works in this case. The re-development of the currently unused upper floors of the building would provide additional living accommodation within a sustainable location. Additional residents within the units would also result in wider benefits to the viability of the town centre and local economy. As set out in the submitted planning statement the income generated from the proposed residential units would also support the ongoing viability of the pub/social club on the ground floor which is a valuable community facility within the town.

Conclusion

- 7.8 On balance, having regard to the above, the proposed works are considered to result in less than substantial harm to the character, appearance and consequently the significance of the Grade II listed building. This harm is deemed to be at the lower end of less than substantial harm. The level of harm identified is considered to be outweighed by the significant public benefits to be derived from the proposed works which are outlined above, and the development would therefore comply with guidance contained within the National Planning Policy Framework (2023) and a recommendation of approval is made on this basis.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason:

This is a statutory period which is specified in Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The works hereby approved shall not be carried out other than in accordance with the following approved plans received by the Local Planning Authority on 14th August 2023:
2022-5019-011 (P3) – Proposed Basement Floor Plan, Location and Block Plan
2022-5019-012 (P1) – Proposed Ground Floor Plan
2022-5019-013 (P2) – Proposed First Floor Plan

2022-5019-014 (P1) – Proposed Second and Third Floor Plan
2022-5019-015 (P4) – Proposed Elevations
2022-5019-016 – Proposed Sections
2022-5019-017 – Enlarge Door Details
2022-5019-017 – Typical Construction Upgrade Details
2022-5019-019 – Staircase Section and Details
Bi-Fold Door Sections

Reason:

For the avoidance of doubt.

3. Constructional details of the proposed shopfront alterations including the materials, treatment and/or colour of the window and door frames, depth of recess and affixing details shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The shopfront shall then be altered in accordance with the approved details and so retained.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

4. Constructional details of the new smoke ventilation windows including the materials, ventilation details and treatment and/or colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The windows shall then be installed in accordance with the approved details and so retained.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

5. Notwithstanding the approved plans, this consent does not extend to include the external bricking up of the window and door opening shown on elevation C-C of the approved plans.

Reason

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

9.0 NOTES TO APPLICANT:

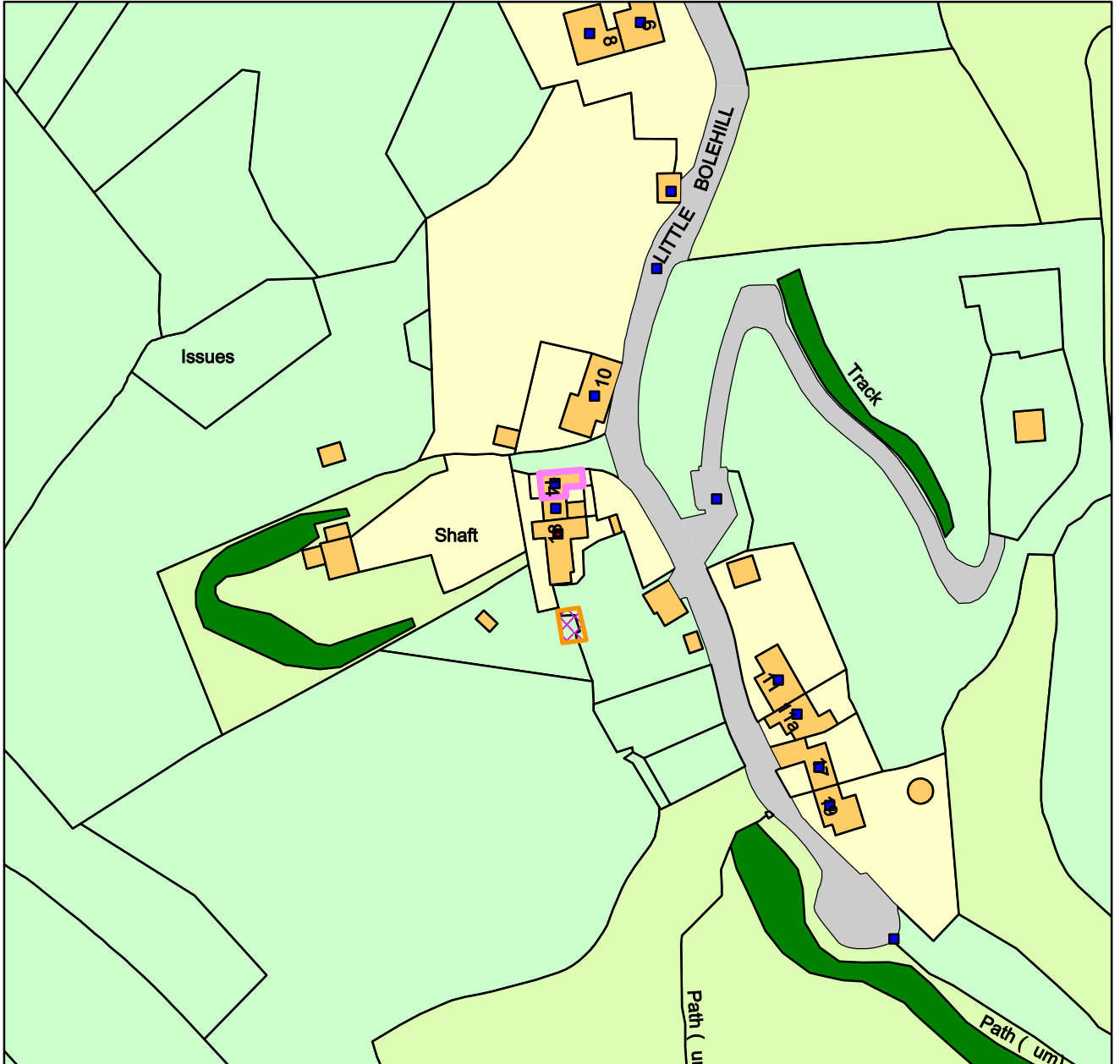
The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the impact of the proposed development on the significance, character and appearance of the grade II listed building.

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.

23/00765/FUL

18 Little Bolehill, Bolehill, Derbyshire



Derbyshire Dales DC

Date: 01/11/2023

100019785

1:1,250

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

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APPLICATION NUMBER		23/00765/FUL	
SITE ADDRESS:		18 Little Bolehill, Bolehill, Derbyshire, DE4 4GR	
DESCRIPTION OF DEVELOPMENT		Rebuilding and extension of outbuilding (retrospective).	
CASE OFFICER	Mr. Ecclestone	APPLICANT	Ms. Cook
PARISH / TOWN	Wirksworth	AGENT	None.
WARD MEMBER(S)	Cllr. Slack Cllr. Greatorex Cllr. Peacock	DETERMINATION TARGET	18 th September 2023
REASON FOR DETERMINATION BY COMMITTEE	Called in by Ward Member.	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the impact that the building has on the surrounding area.

MATERIAL PLANNING ISSUES

The impact of the rebuilding works and extensions on the character and appearance of the original building and the character, appearance and significance of this part of Bolehill Conservation Area.

RECOMMENDATION

That the application be refused.

1. THE SITE AND SURROUNDINGS

- 1.1 18 Little Bolehill, is the end house, in a small terraced row. It is situated in a rural area, to the north-east of Wirksworth and towards the southern end of Bolehill Road. It lies within Bolehill Conservation Area.



2. DETAILS OF THE APPLICATION

- 2.1 This is a retrospective planning application, for the re-building, refurbishment and extension of stone-built outbuilding / pigsty, which had fallen into disrepair and lies approximately 10m to the south of the house.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):

S4: Development in the Countryside
PD1: Design and Place Making
PD2: Protecting the Historic Environment

- 3.2 Other:

National Planning Policy Framework (2023)
National Planning Practice Guidance
Derbyshire Dales District Council Supplementary Planning Document: The Conversion of Farm Buildings January (2019)

4. RELEVANT PLANNING HISTORY

12/00127/FUL	Erection of lean to store and installation of 10 photovoltaic panels to roof.	Approved
11/00812/FUL	Installation of 16 ground mounted photovoltaic solar panels.	Approved
10/00371/FUL	Erection of timber shed.	Approved
1093/0751	Incorporation of land within residential curtilage and extension to dwelling.	Approved
0293/0114	Erection of garage.	Approved

5. CONSULTATION RESPONSES

- 5.1 Derbyshire Wildlife Trust:
No objection.

- 5.2 Town Council:
No comment.

- 5.3 Design and Conservation Officer (DDDC):
Considers the development to result in harm. Comments incorporated in the officer appraisal section of this report.

6. REPRESENTATIONS RECEIVED

- 6.1 Four representations of support have been received.

7. OFFICER APPRAISAL

- 7.1 The main issues to assess is the impact that the rebuilding, extension and alteration works have had on the character and appearance of the former pigsty and the character and appearance of this part of the Conservation Area.
- 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 Policy PD2 of the Adopted Derbyshire Dales Local Plan states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Particular protection will be given to designated and non-designated heritage assets and their setting. This will be achieved by requiring proposed developments that affect a heritage asset and / or its setting, including alterations and extensions to demonstrate how the proposal has taken account of design, form, scale, mass, use of materials and detailing.
- 7.5 Historic outbuildings are an important and significant part of the fabric, grain, character and appearance of an area and particularly a Conservation Area. They relate to the agricultural and horticultural narrative of a settlement and its historic development. In this regard, they are an intrinsic part of the fabric and built environment of a village.
- 7.6 It is considered that the proposed alterations and enlargement of this diminutive, former, agricultural building, are excessive and relate little to the original architectural form and narrative of the building and its small-scale and form, within the landscape.
- 7.7 Pages 4 and 5 of the Council's Supplementary Planning Document (SPD), on the conversion of farm buildings states that roofs of farm buildings are generally of the simplest form and shape (double-pitched or mono-pitched) and covered with traditional roofing materials such as stone slate, slate and clay tile (appropriate to the part of the Dales area they occupy). Some farm buildings retain their original stone ridge tiles. A common and characteristic form or shape of the buildings usually includes long uninterrupted roofs with no chimneystacks, dormers or roof-lights. The often simple configuration and juxtaposition of roofs is also an important and characteristic element of farm buildings.

- 7.8 The proposed inclusion of a small-scale ‘Dutch’ barn curved roof (also referred to in the application form as emulating a ‘shepherds hut / railway carriage’), is considered an anomalous and inappropriate roofing type and form, for this particular building.
- 7.9 The proposed works, both individually and cumulatively, present a significant change to original form, shape, character and appearance, that is contrary to the Council’s Supplementary Planning Document on the conversion of farm buildings. In this regard, the proposed alterations and enlargements etc. would be considered to be harmful to the building’s vernacular and diminutive origins and therefore, would be harmful to the character and appearance of the Conservation Area.
- 7.10 Section 72(1) of the 1990 Act, imposes a general duty on Local Planning Authorities, in respect of Conservation Areas, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Furthermore, Paragraph 199 of the NPPF (2023) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation.
- 7.11 It is considered that the proposed alterations and enlargement etc. of the former, diminutive, pigsty, would fail to preserve the character, appearance and significance of the original building and consequentially the character, appearance and significance of the Conservation Area. In this regard, there is a finding of harm. It is considered that the level of harm would be less than substantial and in that regard, paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset (Conservation Area), that harm should be weighed against the public benefits of the proposal.
- 7.12 In this case, it is considered that there is no public benefit of the building and so a recommendation of refusal is put forward on this basis.

8. RECOMMENDATION

- 8.1 Planning Permission be refused for the following reason:

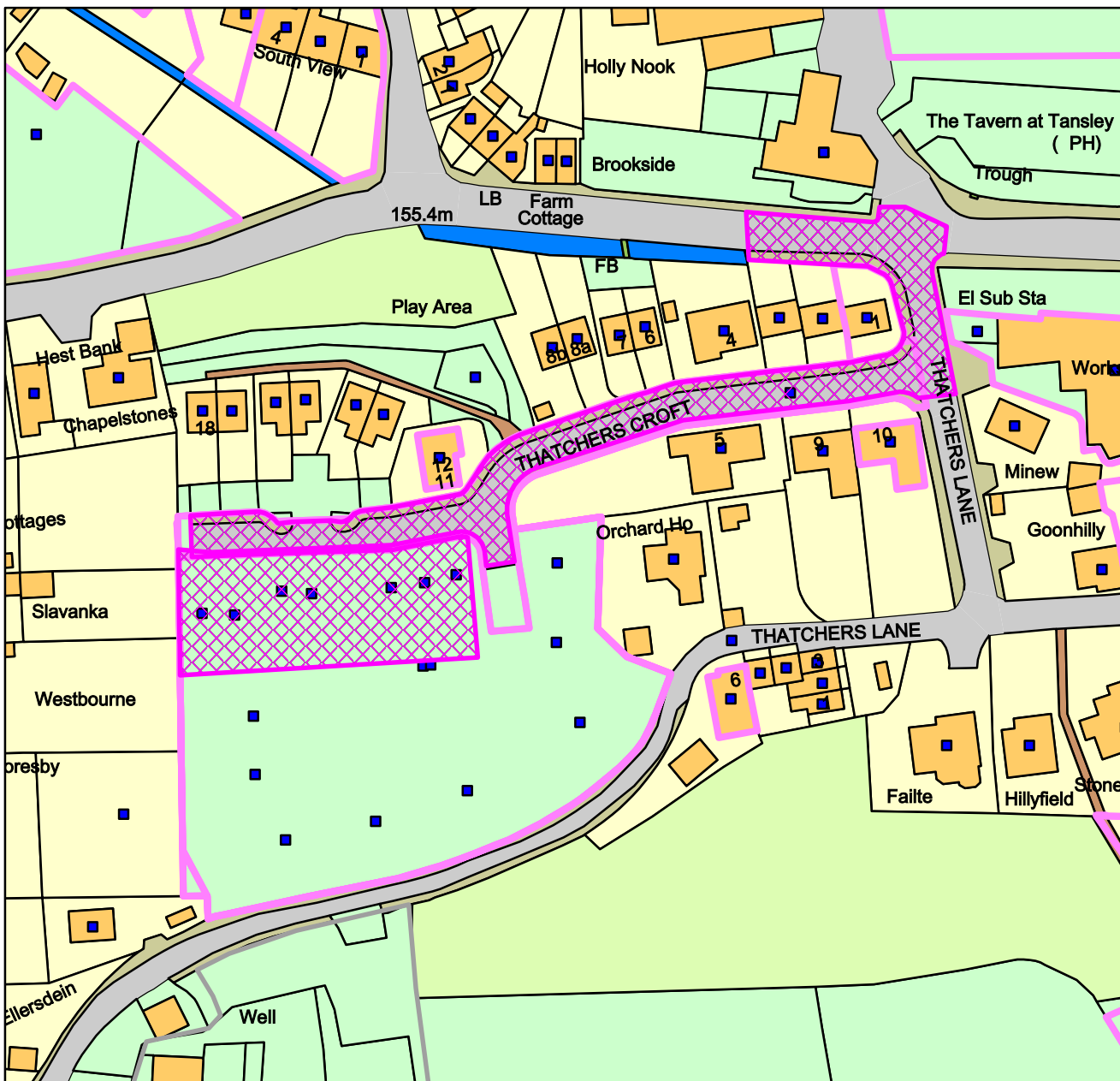
The scale, form and appearance of the rebuilding works, extensions and alterations harm the character, appearance and significance of the original building and consequentially the character, appearance and significance of this part of Bolehill Conservation Area. This harm is not outweighed by any public benefits to be derived and the development is contrary to policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017), Derbyshire Dales District Council Supplementary Planning Document: The Conversion of Farm Buildings January (2019) and policy contained within the National Planning Policy Framework (2023).

9. NOTES TO APPLICANT:

- 9.1 This Decision Notice relates to the following documents:
Planning application form and drawings, received by the Council on 24th July 2023.
- 9.2 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.

23/00768/FUL

Land off Thatchers Croft, Thatchers Lane, Tansley, Derbyshire



Derbyshire Dales DC

1:1,250

Date: 01/11/2023

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website :www.derbyshiredales.gov.uk

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APPLICATION NUMBER		23/00768/FUL	
SITE ADDRESS:		Land Off Thatchers Croft, Thatchers Lane, Tansley	
DESCRIPTION OF DEVELOPMENT		Erection of 4no. dwellinghouses	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr James Neville
PARISH	Tansley	AGENT	
WARD MEMBERS	Cllr. S. Flitter Cllr. D. Hughes Cllr. J. Linthwaite	DETERMINATION TARGET	13 th October 2023
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the development under construction

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

RECOMMENDATION
Approval subject to conditions and that the application be linked to the S106 legal agreement pertaining to hybrid planning permission 20/00037/FUL.

1. THE SITE AND SURROUNDINGS

- 1.1 The site was a field on the southern outskirts of the village of Tansley to the south of the A615, between Thatchers Lane and Alders Lane. The field is currently being developed with dwellinghouses, further to the granting of a hybrid planning permission (ref: 20/00037/FUL) the erection of 5 no. dwellinghouses, which also includes an outline planning permission for the erection of 12 no. dwellinghouses. This current application site forms one of the plots.
- 1.2 The housing development will be primarily accessed off Thatchers Croft, again a relatively recently built residential development, and is situated within the Settlement Framework Boundary for Tansley as identified in the Adopted Derbyshire Dales Local Plan (2017).



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the dwellinghouses (Plots 1-4) further to their approval in terms of siting and layout under hybrid planning permission (ref: 20/00037/FUL. The reason for this submission is because the dwellinghouses are currently under construction with the reserved matters of the external appearance of these dwellinghouses not having not been submitted. The dwellings are also set in line with each other, as opposed to Plots 1 and 2 being stepped back from Plots 3 and 4, as detailed with the hybrid application.
- 2.2 The proposal is that the dwellinghouses would be two storey and semi-detached. The accommodation is proposed to comprise a kitchen/dining room, living room and wc on the ground floor. A two bedroomed dwelling is proposed to be attached to a one bedroomed dwelling (Plots 1 and 2). A two bedroomed dwelling is also proposed to be attached to a three bedroomed dwelling (Plots 3 and 4). All would have first floor bathrooms. At the request of the Case Officer, an amended plan has been submitted in order that the bathroom to Unit 1 is moved to the rear and the bedroom put to the front to avoid obscure glazing on the front elevation.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1 Sustainable Development Principles
 - S2 Settlement Hierarchy
 - S3 Development within Defined Settlement Boundaries
 - S7 Matlock, Wirksworth, Darley Dale Development Area Strategy
 - S10 Local Infrastructure Provision and Developer Contributions
 - PD1 Design and Place Making
 - 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
 - HC1 Location of Housing Development
 - HC2 Housing Land Allocations
 - HC4 Affordable Housing
 - HC11 Housing Mix and Type
 - HC14 Open Space and Outdoor Recreation Facilities
 - HC15 Community Facilities and Services
 - HC17 Promoting Sport, Leisure and Recreation
 - HC18 Provision of Public Transport Facilities
 - HC19 Accessibility and Transport
 - HC20 Travel Demand Management
 - HC21 Car Parking Standards
- 3.2 Derbyshire Dales District Council - Landscape Character and Design Supplementary Planning Document (2018)
- 3.3 Derbyshire Dales District Council – Developer Contributions Supplementary Planning Document (2020).
- 3.4 Derbyshire Dales District Council – Climate Change Supplementary Planning Document (2021).

3.5 National Planning Policy Framework

3.6 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

20/00037/FUL Hybrid planning application comprising of a full application for the erection of 5no. dwellinghouses and an outline planning application for the erection of 12no. dwellinghouses with approval being sought for access, layout, scale and landscaping Granted

5. CONSULTATION RESPONSES

Parish Council

- 5.1 - object to the parking area which runs the length of the front of the home
- the movement of vehicles which will have to either reverse in or out of the designated spaces will be a hazard for residents living in the adjacent social homes - there appears to be no thought for the safety of the children on the development, many who play in the street owing to the lack of garden space
 - design of the development fails to provide little green infra structure or amenity space for families
 - no indication within the application of the maintenance of the access road or surface water drains
 - request this application goes to Committee, as there is inadequate information related to the maintenance of infra structure and too many issues for delegation.

Local Highway Authority

- 5.2 - no objections to the proposed development from a traffic and highway point of view.

Derbyshire Wildlife Trust

- 5.3 - site has been significantly cleared under hybrid planning reference 20/00037/FUL and do not consider that update ecological surveys would be necessary or proportionate in this instance
- precautionary measures for wildlife during construction remain applicable, including a nesting bird condition, for any trimming of the trees towards the western boundary of the site
 - biodiversity enhancement measures are recommended.

6. REPRESENTATIONS RECEIVED

6.1 None.

7. OFFICER APPRAISAL

Policy Principle

- 7.1 The wider site is currently under construction as a development of 17 dwellinghouses. The proposal does not alter the number of dwellings approved; it merely seeks full planning permission for the 4 dwellinghouses instead of submitting a reserved matters application. Having established the general siting of the dwellinghouses and their scale as part of the

hybrid planning permission, the matters for assessment are the character and appearance of the proposed dwellinghouses and any impacts that they may have on amenity by way of their design detail.

- 7.2 The wider residential development is subject to a Section 106 Agreement, for affordable housing provision, open space/play area provision and a financial contribution towards education provision. Whilst the proposal does not increase or reduce the number of dwellings approved, it is nevertheless considered that the dwellinghouses should be similarly subject to the legal agreement, for the avoidance of doubt, and this can be subject to a linking legal agreement.

Impact on the Character and Appearance of the Area

- 7.3 In terms of its character and appearance, the dwellinghouses are proposed to reflect on the materials, scale and form of other dwellings approved in full, some of which are now completed and occupied on the wider site. To this end, it is considered that the character and appearance of the dwellinghouses is acceptable.

Impact on Residential Amenity

- 7.4 The proposed dwellinghouses are not considered to have an impact on the amenity of existing properties around the application site, as assessed with the layout approved under the hybrid application, and the positioning of windows and doors do not cause a loss of amenity with respect to the overlooking and privacy of neighbouring properties. Within the site, the interrelationship and scale of the dwellinghouses is not considered to significantly harm the amenity of the dwellinghouses under construction, or to be constructed on the wider development site.
- 7.5 The Parish Council consider that the design of the development provides little green infra structure or amenity space for families. Each property has a rear garden space and there is an equipped play facility within the wider residential development.

Highway Matters

- 7.6 The Parish Council object to the parking area, which runs the length of the front of the homes and there are three double bays of parking to the east of Plots 1-4. However, frontage parking was previously approved and the revised scheme has enabled the dwellinghouses to be moved further away from the boundary to the west by taking away parking to the side of dwellings. There is some break between the parking areas with the front garden to Plot 4. The parking arrangement has also allowed for the dwellings to the east to be brought forward as a screen to the parking spaces to the side when approaching the development along Thatchers Croft.
- 7.7 The Parish Council also raise concern that the movement of vehicles which will have to either reverse in or out of the designated spaces and will be a hazard for residents living in the adjacent social homes and that there appears to be no thought for the safety of the children on the development, many who play in the street owing to the lack of garden space. However, such a general arrangement for parking has been previously approved and the Local Highway Authority has assessed the proposals and advised of no objection and a reason for refusal could not be substantiated in this respect.

Trees and Landscaping

- 7.8 The original proposals were assessed by the District Council's Arboriculture and Landscape Officer in the consideration off the hybrid planning application. It was advised that all native hedgerows around the site should be retained and these, together with retained trees,

should receive appropriate protection during development to protect their aerial parts and their rooting systems within root protection areas as defined by BS5837:2012.

- 7.9 It was recommended that an appropriate specialist engineer should prepare the specification for the foundations of buildings, within influencing distance of the trees, to ensure that they are designed to resist potential root growth damage. Root barriers may need to be installed to prevent tree root growth damaging surfacing of access roads and paths and a scheme of appropriately designed root barrier systems will need to be submitted for approval.
- 7.10 To this end, the applicant has advised that there are two mature pine trees, but that are relatively small in height, within the garden adjacent to Plot 1 and that these are located to the other side of a culvert which has limited root growth towards the dwelling. It is also advised that a mains electricity cable was previously dug to a depth of approximately 1.2m along the boundary of the site some 14 years ago and would have cut through roots growing in the direction of Plot 1.
- 7.11 The applicant advises that the diameter of the trunks would necessitate a root protection area of 5.4m and Plot 1 is located outside of this area and no roots were located. The applicant advises that his arboriculturalist visited the site on two occasions and no concerns were raised.

Ecology

- 7.12 Derbyshire Wildlife Trust has assessed the application and have requested that a Biodiversity Enhancement Plan be submitted, as a condition of any planning permission, to achieve a net gain in biodiversity in accordance with the NPPF 2023 and conditions with regard to protected species. However, it is considered that such matters controlled under Conditions 7, 8 and 9 of the hybrid planning permission to which any grant of planning permission would need to be linked.

Conclusion

- 7.13 Given the above, it is recommended, subject to a legal agreement linking the plot to the existing Section 106 Agreement and planning permission for the wider site (ref: 20/00037/FUL, that planning permission be granted subject to conditions with respect to the materials of the proposed buildings matching those approved in the discharge of conditions under the hybrid planning application, and currently being used in the construction of the development. There is also a need to secure the parking provision and to highlight that the internal layout of Plot 1 should be in accordance with the amended plan. It is again considered reasonable to remove permitted development rights, as was the case with the hybrid planning permission, given that uncontrolled alterations may have an impact on the character and appearance of the buildings and the amenity of neighbouring properties. However, it is not considered necessary to attach all the conditions attached to the hybrid planning permission, given that these will need compliance under that permission.

8. RECOMMENDATION

Subject to the dwellings being linked to the Section 106 Legal Agreement attached to hybrid planning permission 20/00037/FUL, that planning permission be granted subject to the following conditions:

1. This planning permission relates to Drawing Nos. P336 and 37 received on 18th August 2023, except as amended by Drawing No. P14 received on 11th October 2023 and except insofar as required by other conditions to which this permission is subject.

Reason:

To define the planning permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

2. The facing and roofing materials, doors and windows (to include their materials, colour and depth of recess from the face of the building), all gutters and downpipes and hardstanding, shall match those approved for the development approved under hybrid planning permission 20/00037/FUL.

Reason:

To ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

3. The dwellings, the subject of the permission, shall not be occupied until the space has been provided within the application site, in accordance with the application drawings for the parking of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason:

To ensure the provision of adequate off road parking in the interests of highway safety to comply with Policy HC21 of the Adopted Derbyshire Dales Local Plan (2017).

4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no extensions or alterations shall be carried out to the dwelling, and no outbuildings, sheds or other structures erected within the curtilage, without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

Given the proximity of the dwellings to those existing and proposed neighbouring properties, in order to preserve the character and appearance and amenity of the area in accordance with Policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to the position of the bathroom window on the front elevation to Plot 1.
- 1.
2. This decision notice relates to the following documents:

Drawing Nos. P33, 35, 36 and 37 received on 18th August 2023

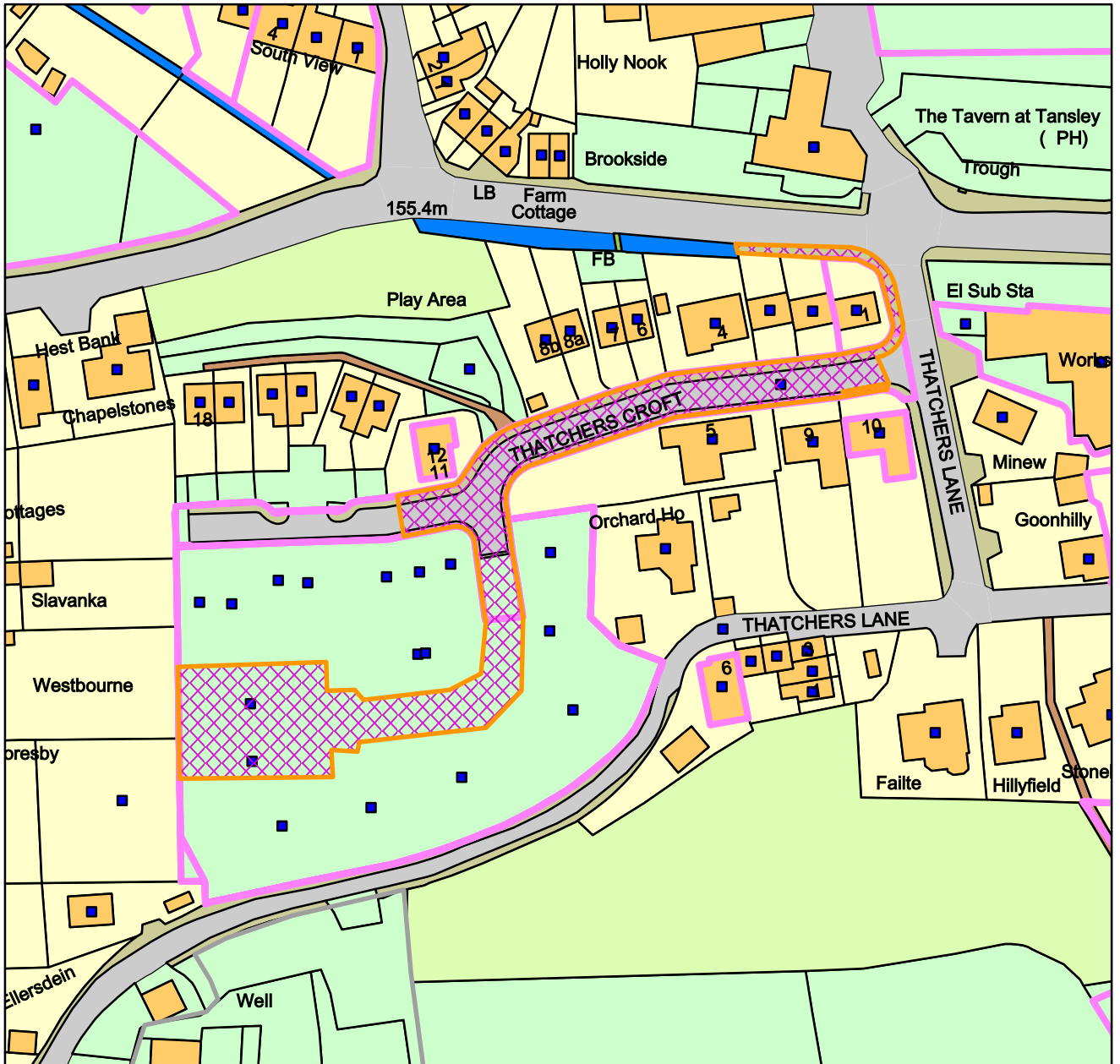
Amended Drawing No. P14 received on 11th October 2023

Additional Information received on 11th October 2023.

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23/00912/FUL

Land off Thatchers Croft, Thatchers Lane, Tansley, Derbyshire



Derbyshire Dales DC

1:1,250

Date: 01/11/2023

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		23/00912/FUL	
SITE ADDRESS:		Land Off Thatchers Croft, Thatchers Lane, Tansley	
DESCRIPTION OF DEVELOPMENT		Erection of 2no. single storey dwellinghouses	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr James Neville
PARISH	Tansley	AGENT	
WARD MEMBERS	Cllr. S. Flitter Cllr. D. Hughes Cllr. J. Linthwaite	DETERMINATION TARGET	18 th October 2023
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Members	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the proposed development in its context

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

RECOMMENDATION
Approval subject to conditions and that the application be linked to the S106 legal agreement pertaining to hybrid planning permission 20/00037/FUL.

1. THE SITE AND SURROUNDINGS

- 1.1 The site was a field on the southern outskirts of the village of Tansley to the south of the A615, between Thatchers Lane and Alders Lane. The field is currently being developed with dwellinghouses, further to the granting of a hybrid planning permission (ref: 20/00037/FUL) the erection of 5 no. dwellinghouses, which also includes an outline planning permission for the erection of 12 no. dwellinghouses. This current application site forms one of the plots.
- 1.2 The housing development will be primarily accessed off Thatchers Croft, again a relatively recently built residential development, and is situated within the Settlement Framework Boundary for Tansley as identified in the Adopted Derbyshire Dales Local Plan (2017).



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought to provide detail of two dwellings (Plots 14 and 15) approved under hybrid planning permission (ref: 20/00037/FUL), to address matters of appearance. The reason for this submission is because the dwellings are currently under construction with the reserved matters of the external appearance of these dwellinghouses not having not been submitted. In addition, the proposed dwellings are of a different layout to that approved with the hybrid permission.
- 2.2 The proposal is that the dwellinghouses would be detached bungalows. The accommodation is proposed to comprise a kitchen/dining room, living room, hallway, bathroom, a master bedroom with ensuite, a second bedroom and a third bedroom/study. The bungalows essentially have a front to back gabled element with gable projection off to the side and a gable projection extending forward off that. Plot 15 is a handed version of Plot 14.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1 Sustainable Development Principles
 - S2 Settlement Hierarchy
 - S3 Development within Defined Settlement Boundaries
 - S7 Matlock, Wirksworth, Darley Dale Development Area Strategy
 - S10 Local Infrastructure Provision and Developer Contributions
 - PD1 Design and Place Making
 - 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
 - HC1 Location of Housing Development
 - HC2 Housing Land Allocations
 - HC4 Affordable Housing
 - HC11 Housing Mix and Type
 - HC14 Open Space and Outdoor Recreation Facilities
 - HC15 Community Facilities and Services
 - HC17 Promoting Sport, Leisure and Recreation
 - HC18 Provision of Public Transport Facilities
 - HC19 Accessibility and Transport
 - HC20 Travel Demand Management
 - HC21 Car Parking Standards
- 3.2 Derbyshire Dales District Council - Landscape Character and Design Supplementary Planning Document (2018)
- 3.3 Derbyshire Dales District Council – Developer Contributions Supplementary Planning Document (2020).
- 3.4 Derbyshire Dales District Council – Climate Change Supplementary Planning Document (2021).
- 3.5 National Planning Policy Framework
- 3.6 National Planning Practice Guidance 107

4. RELEVANT PLANNING HISTORY

20/00037/FUL Hybrid planning application comprising of a full application for the erection of 5no. dwellinghouses and an outline planning application for the erection of 12no. dwellinghouses with approval being sought for access, layout, scale and landscaping

5. CONSULTATION RESPONSES

Parish Council

- 5.1
- would like to see plans which give a true representation of plans passed at Committee
 - object to the piecemeal development which Officers are enabling at this location
 - the two proposed homes appear larger than the original, taking up more of the land and providing less amenity space
 - appear very cramped, with no garages or outdoor storage
 - proposed properties overlook and overshadow the proposed social homes taking away any privacy in the gardens of the proposed adjacent dwellings
 - DCC Highways question/have concerns related to the proposed driveways which they say appear to be using space from the cul de sac (eating into the highway)
 - have concerns related to the lack of parking and the fact cars will not be able to turn within their own curtilage meaning to exit driveways cars will have to reverse into the cul de sac
 - a swept path plan for the cul de sac is still not available on-line
 - question where visitors will park
 - front gardens appear to be non-existent
 - there is no maintenance agreement which covers highways and drainage
 - assume the Section 106 agreement will cover these proposed dwellings
 - requests that because of so many unresolved issues the application goes to Committee.

Local Highway Authority

- 5.2
- application site forms part of a previous application 20/00037 and is on land which was shown for 2 smaller dwellings
 - the parking looks like it may overlap the turning head
 - assuming this is an oversight on the drawing, there are no highway objections to the proposal
 - the proposed parking will need to be constructed prior to the dwellings being occupied and maintained as such throughout the life of the development.

6. REPRESENTATIONS RECEIVED

6.1 None

7. OFFICER APPRAISAL

Principle of Development

- 7.1 The wider site is currently under construction as a development of 17 dwellinghouses. The proposal does not alter the number of dwellings approved; it merely seeks full planning permission for the two bungalows instead of submitting a reserved matters application. Having established the general siting of the dwellings and their scale as part of the hybrid planning permission, the matters for assessment are the changes to the size of the

bungalows, the character and appearance of the proposed dwellings and any impacts that they may have on amenity by way of their design detail.

- 7.2 The wider residential development is subject to a Section 106 Agreement, for affordable housing provision, open space/play area provision and a financial contribution towards education provision. Whilst the proposal does not increase or reduce the number of dwellings approved, it is nevertheless considered that the dwellinghouses should be similarly subject to the legal agreement, for the avoidance of doubt, and this can be subject to a linking legal agreement.

Impact on the Character and Appearance of the Area

- 7.3 In terms of character and appearance, the bungalows are proposed to reflect on the materials, scale and form of other dwellings approved in full, some of which are now completed and occupied on the wider site.
- 7.4 Concern has been raised with regard to the bungalows appearing cramped on the site. However, these are single storey buildings which would be suitable for elderly persons or persons with mobility difficulties and the extent of curtilage in relation to the size of the dwelling is considered acceptable in this respect. These bungalows are also set within a housing development that has quite closely interrelated properties in part. To this end, it is considered that the character and appearance of the bungalows is acceptable.

Impact on residential amenity

- 7.5 The proposed dwellinghouses are not considered to have an impact on the amenity of other proposed properties around the application site, as assessed with the layout approved under the hybrid application. Whilst the positioning of windows on the north elevation to Plot 14 will look directly towards the house to the north of the plot, it is considered, with an appropriate boundary fence height, of up to 2m, that overlooking and a loss of privacy will not result from looking out of the kitchen/dining room window and would not cause a loss of amenity with respect to the overlooking and privacy of the neighbouring properties.

Highway Matters

- 7.6 The Local Highway Authority has assessed the application and raised initial concerns with regard to the layout not corresponding to the layout plan approved with the hybrid planning application; the layout plan has been amended accordingly.

Conclusion

- 7.7 Given the above, it is recommended, subject to a legal agreement linking the plot to the existing Section 106 Agreement and planning permission for the wider site (ref: 20/00037/FUL, that planning permission be granted subject to conditions with respect to the materials of the proposed buildings matching those approved in the discharge of conditions under the hybrid planning application and currently being used in the construction of the development. It is again considered reasonable to remove permitted development rights, as was the case with the hybrid planning permission, given that uncontrolled alterations may have an impact on the character and appearance of the building and the amenity of neighbouring properties. However, it is not considered necessary to attach all the conditions attached to the hybrid planning permission, given that these will need compliance under that permission.

6. RECOMMENDATION

Subject to the dwelling being linked to the Section 106 Legal Agreement attached to hybrid planning permission 20/00037/FUL, that planning permission be granted subject to the following conditions:

1. This planning permission relates to the Block Plan Drawing Nos. P33, P41 and P42 received on 23rd August 2023 and Amended Drawing No. P2A received on 6th October 2023 except insofar as required by other conditions to which this permission is subject.

Reason:

To define the planning permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

2. The facing and roofing materials, doors and windows (to include their materials, colour and depth of recess from the face of the building), all gutters and downpipes and hardstanding, shall match those approved for the development approved under hybrid planning permission 20/00037/FUL.

Reason:

To ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

3. The dwellings, the subject of the permission, shall not be occupied until the space has been provided within the application site, in accordance with the application drawings for the parking of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason:

To ensure the provision of adequate off road parking in the interests of highway safety to comply with Policy HC21 of the Adopted Derbyshire Dales Local Plan (2017).

4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no extensions or alterations shall be carried out to the dwelling, and no outbuildings, sheds or other structures erected within the curtilage, without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

Given the proximity of the dwellings to those existing and proposed neighbouring properties, in order to preserve the character and appearance and amenity of the area in accordance with Policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to the position of the layout of the site and turning area. 110

2. This decision notice relates to the following documents:

Drawing Nos. P33, P41 and P42 received on 23rd August 2023

Amended Drawing No. P2A received on 6th October 2023

Additional information received on 11th October 2023.

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23/00209/FUL & 23/00210/LBALT

Meynell Hunt Kennels, Ashbourne Road, Sudbury, Ashbourne, Derbyshire



Derbyshire Dales DC

1:2,500

Date: 01/11/2023

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		23/00209/FUL	
SITE ADDRESS:		Meynell Hunt Kennels, Ashbourne Road, Sudbury, Ashbourne, Derbyshire DE6 5HN	
DESCRIPTION OF DEVELOPMENT		Proposed conversion, extensions and internal and external alterations in connection with conversion of buildings to 9no. dwellinghouses, associated erection of garages, provision of a new access, stopping up of the existing access, demolition, landscaping and associated works	
CASE OFFICER	Adam Maxwell	APPLICANT	Trustees of the Meynell and South Staffordshire Hunt
PARISH/TOWN	Sudbury	AGENT	Mr Scott O'Dell
WARD MEMBER(S)		DETERMINATION TARGET	17.11.2023
REASON FOR DETERMINATION BY COMMITTEE	The number of dwellings proposed	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 and developer contributions

RECOMMENDATION
That planning permission be granted subject to planning conditions set out in section 8.0 of the report.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site is located in open countryside north of Sudbury and west of the A515. The site comprises the Meynell Hunt Kennels a pair of cottages, associated land and a whelping lodge. The stables and cottages are all Grade II listed buildings.
- 1.2 The entire complex was part of a new build project by the Vernon family of Sudbury Hall who engaged the services of George Davey to design the complex which was built circa. 1874-77. There have been some later alterations during the 20th century, but the overall ensemble of buildings and the level of survival of original plan form / layout and fabric is comparatively intact.
- 1.3 Access to the site is from the A515 which is shared with the cottages to the south and east of the site which are the nearest neighbouring properties. Parkside Farm South is located towards the north of the whelping lodge.

2.0 DETAILS OF THE APPLICATION

- 2.1 Full permission is sought for the conversion of the stables, kennels and whelping lodge to 9 dwellinghouses along with the erection of garages, provision of a new access and associated demolition and landscaping. The three existing dwellings within the stables would be incorporated into the development resulting in a net additional 6 dwellinghouses on the site.
- 2.2 The plans show that the stable block and existing cottages would be converted to 6 dwellinghouses with communal internal storage space and external amenity areas within the internal courtyard and outside areas. Parking would be provided for these dwellings around the building as shown on the submitted plans and within two detached new build garages to the north west of the site.
- 2.3 The kennels would be converted to 2 dwellinghouses with private amenity spaces provided within the enclosed courtyards. Parking would be provided for these dwellings within two detached new build garages to the north west of the site.
- 2.4 The whelping lodge would be converted to a dwellinghouse with private amenity space within the curtilage of the building. A single storey lean-to extension to the whelping lodge is proposed. Parking would be provided to the east of the building on a hardstanding enclosed by post and rail fencing.
- 2.5 The existing vehicular access would be closed off with a timber post and rail fence and grass verge re-instated. A new vehicular access is proposed to the north with limestone surfaced tracks to the main building group and whelping lodge.





3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan 2017

- S1 Sustainable Development Principles
- 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
- 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)
- Conversion of Farm Buildings SPD (2019)
- Historic England Advice Note 2 - Making Changes to Heritage Assets (2016)

4.0 RELEVANT PLANNING HISTORY:

05/00129/FUL	Change of use and conversion of stables and kennels to 6 no. residential/office units and associated access	WDN	18/11/2010
05/00130/LBALT	Alterations to listed building - Conversion of buildings to form 6 no. residential/office units	PERC	14/11/2005

13/00060/FUL	Conversion of committee room and kitchen to form residential apartment	PERC	28/05/2013
13/00061/LBALT	Alterations to listed building - Conversion of committee room and kitchen to form residential apartment	PERC	28/05/2013
22/00399/FUL	Conversion of and extensions to stable building, kennel buildings and whelping lodge to form 10no. dwellinghouses and associated erection of garages	WDN	27/09/2022
22/00400/LBALT	Proposed extensions and internal and external alterations in connection with conversion of buildings to 10no. dwellinghouses	WDN	27/09/2022

5.0 CONSULTATION RESPONSES

5.1 Sudbury Parish Council: No response to date.

5.2 Derbyshire Wildlife Trust: No objection subject to conditions.

5.3 Education Authority:

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.

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.

5.4 Environment Agency: No comment

5.5 Highway Authority: No objection subject to conditions.

5.6 Lead Local Flood Authority: No response to date.

5.7 DDDC Conservation Officer:

"The Meynell Hunt Stables, Kennels and pair of cottages are all (separately) grade II listed (listed 1985). The complex is located on the western side of main road and is outside the Sudbury Conservation Area.

The entire complex was a new build project by the Vernon family of Sudbury Hall who engaged the services of George Davey (1820-1886) to prepare designs for the complex and they were built circa.1874-77. At the same time Devey was designing a new east wing for the Hall and this was built between 1876 & 1883. George Devey is an important Victorian architect whose life and works have been extensively researched & published. The original drawings for the complex are kept at the RIBA Library in London.

As a complex and large scale design of a particular building type & function(s), coupled with their design and detailing by an important 19th century architect their significance is considered to be high. Whilst there have been some 20th century alterations and changes these are relatively minimal and the overall ensemble of buildings and the level of survival of original plan-form/layout and fabric/elements is comparatively intact.

Applications from 2022 (22/00399/FUL & 22/00400/LBALT) were withdrawn. The proposed scheme of conversion has been reviewed and the current application has been made.

The current proposal is to undertake internal & external alterations (including extensions) to form 9No. dwelling houses from the stables, kennels and Whelping Lodge (6 No. to the stables complex, 2No. to the kennel complex and 1No. to the Whelping Lodge).

A Heritage Impact Assessment (HIA) has been undertaken relating to the proposals under the application. The HIA acknowledges the significance and distinctiveness of the building ensemble and describes the survival of the large amount of original fabric, fittings, features and details to the stables complex and their contribution to the character and appearance of the building interiors. With regard to the kennels complex it acknowledges the significance & distinctiveness of the ventilation windows, lattice windows and metal work. In part of the kennels is an original raised sleeping area. In both the stables complex and kennels complex the HIA notes the survival of the original staircases.

The submitted HIA states, in connection with the external envelope of the buildings complex, that “the residential conversion has been carefully designed to minimize the external visual impact on the existing historic building” and that “the existing door openings that are proposed to be infilled externally, have been retained in an open position, with a glazed screen set within the existing reveals behind the existing historic door to retain the external aesthetics of the building, whilst providing necessary natural light into the rooms”.

Furthermore it is stated that “to the east elevation a simple lightweight glazed link extension is proposed to allow circulation around the existing stable range and a link to the external elevation. The glazed link allows views through the structure to the simple historic brickwork behind, reducing the impact of the extension and maintaining the visual architecture to that elevation” and that “no rooflights are proposed to the main complexes, in order to maintain the agricultural styling of the buildings”.

With regard to internal alterations/changes the HIA states that “internally the residential units have been designed to accommodate the existing and largely historic rooms and partitions, this has resulted in some rather unorthodox room sizes and shapes, which add to the unique nature of these buildings” and that “the majority of the historic stall partitions and doors have been retained forming part of the room perimeter walling and where the partitions and/or doors have been removed, the aim is to reuse, where possible, within the building or the external amenity space in order to maintain the continuity of the site”.

Furthermore the HIA states that “the new partitions are of lightweight construction, complete with the retention and re-use of the historic timber boarding and stall partitions wherever possible” and that “the existing staircases within the kennel and stable complexes have been carefully considered and retained where possible, in their original location, with new staircases being of sensitive design and location”.

Comments on the proposals –

Externally, to the building envelope and roofs there is to be little alteration. All chimneystacks are to be retained and there are to be no new openings formed and no rooflights. Windows and doors are to be retained and repaired and in some instances, openings with boarded doors are to be fitted with glazed windows. The diamond lattice metal windows to the kennels are to be formed into shutters with double-glazed new window frames behind.

It is considered, therefore, that the minimal changes to the exterior envelope of the buildings complex (stables and kennels) are generally considered to be acceptable and will not constitute adverse harm to the overall character and appearance of the building complex, subject to approval of details etc. via conditions.

Internally, five doorways are to be locked up (in order to separate the various units) – details of the proposed blocking to each doorway/opening should be approved via a condition. All of the existing staircases are to be retained as part of the conversion proposals – this is considered a positive proposals and will retain these historic elements/structures in-situ. A new internal staircase is to be installed into the ground floor of Unit 03. The proposed alterations on a unit by unit basis are set out in the submitted Design & Access Statement.

As set out above the HIA states that the majority of the historic stall partitions & doors have been retained. Whilst the proposed plans indicate the retention of the majority of the stalls etc. some (modern ones) are to be removed and those that are to be retained are to serve as, for example, kitchens, bedrooms, en-suites, offices etc. Proposed works to ceilings, walls and floors are set out in the submitted Design & Access Statement.

It is considered that the proposed retention of many of the key features of the interiors of the stable/kennel buildings is a positive proposal and will retain significance & heritage value to the conversion scheme. That said, the conversion to residential units will bring about a significant change in character and appearance to the interiors of the building complex in the form of kitchen, bathrooms, en-suites, bedrooms and other domestic spaces and uses. Those changes will inevitably alter existing character.

Sections 16(2) and 66(1) of the 1990 Act require that when considering whether to grant Listed Building Consent/Planning Permission for any works/development affecting a listed building, or its setting, special regard must be had to the desirability of preserving or enhancing the building, or its setting, or any features of architectural or historic interest it possesses. Furthermore, Paragraph 199 of the NPPF (2021) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation.

It is considered that externally the proposed alterations to the buildings complex are minimal and will not constitute adverse harm to the significance, character and appearance of the listed buildings. The internal alterations have attempted to retain existing spatial volumes and the existing layout and plan-form of the building as much as possible. In this regard, the significance of the original plan-form & layout will be retained and will be readable and understandable. Inevitably, the domestic paraphernalia of a residential conversion will have an impact on the interiors and this may constitute a degree of harm to the buildings interiors. It is considered that the level of harm identified would not be substantial and, in that regard, paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset(s), that harm should be weighed against the public benefits of the proposal.

Other Works –

At the western end of the site the HIA states that “there is a single 19th Century facing brick agricultural building to the north west boundary of the site, in a poor dilapidated condition, which is to be retained, whilst the modern 20th Century timber storage buildings are to be demolished and replaced in similar locations with simple rectangular garaging, of brickwork construction set under dual pitched roofs, all located to the north west of the kennel complex”. The retention of the 19th century building is a positive proposal, however, its repair and proposed use etc. will need to be identified and approved under a condition.

The removal of the 20th century structures is considered acceptable. The proposed garaging may be acceptable subject to conditions on materials, design and detailing etc.

To the north of the main complex is an isolated building ('Whelping Lodge'). This appears to be of early 20th century date. It is a relatively plain and diminutive building in its landscape setting. It is proposed to erect a single-storey extension to the side elevation, in matching brickwork and roof covering etc. A mezzanine floor is to be inserted to provide two bedrooms. The following comments are made –

- The proposed extension will extend beyond the walled and railed enclosure to the southern side of the building and in this regard will appear odd and encroaching to the land surrounding the building,
- The proposed rooflights should be on the north roof slope of the building,
- The proposed new window to Bedroom 02 should be omitted and light/ventilation provided by the rooflight,
- The proposed three new windows to the rear elevation should be reduced to two,
- The end gable to the new extension should only have one (centralised) window.

Subject to the above it is considered that the proposed alterations to the building would not constitute adverse harm to the host building or on the setting of the listed buildings to the south.”

5.8 DDDC Director of Housing:

1. provision of affordable housing in Sudbury is very challenging.
2. it is my understanding that the district has now been designated a rural area within the definition of the Housing Acts. As such the Council should seek an affordable contribution from schemes of 5 or more homes.
3. such contribution should be in the form of an offsite contribution to support the provision of affordable homes in the nearby locality.

5.9 DDDC Environmental Health: No objection.

5.10 DDDC Trees and Landscape Officer:

1. “Potential impact to existing trees

The site is not within a conservation area though the land on the opposite side of the main road is. The trees on-site and nearby are not currently subject to DDDC Tree Preservation Order. No ancient woodland is close enough to be affected by the proposed works.

The proposed demolition and development works are close to existing trees, some of which are large mature specimens which are prominent from the road. It is important that as many of the existing trees as possible are retained, appropriately protected during development works and successfully incorporated into the development for the long-term.

It is foreseeable that trees rooting systems may be negatively affected by proposed development close to them which could potentially lead to death of the trees and/or their stability being compromised. This could result from demolition works, removal or installation of surfacing, ground level change, services installations, construction, development site activity, etc.

The proposed development may also necessitate or lead to pruning or removal of tree branches and/or pressure for tree removals due to real or perceived risk of failure onto the development and/or excessive shading.

I recommend that an Arboricultural Impact Assessment (AIA) prepared according to the guidelines of BS 5837 (2012) be submitted for approval pre-determination. This should include:

1. a tree schedule,
2. a scale tree constraints plan on a plan of the site as existing and include canopy spread, root protection area, BS5837 tree quality category and species for each tree,
3. a scale tree retentions and removals plan on a plan on the site as proposed and include canopy spread, root protection area, BS5837 tree quality category and species for each tree,
4. a scale plan to show the positioning and specification of any temporary tree protection fencing / temporary ground protection in the vicinity of retained trees on a plan of the site as proposed – this should include offset distances between tree stems and fencing to facilitate correct positioning on-site, and
5. a tree shading plan.

I recommend that if the AIA indicates that the development would encroach the canopy spread or root protection area of retained trees than a detailed site- specific Arboricultural Method Statement (AMS) should be required to be submitted for approval as a condition to any grant of planning consent. This should demonstrate how the proposals could be implemented without harm to retained trees.

2. Potential visual impact in the landscape

Given that the proposed development would be clearly associated with an existing built complex, and that the new buildings would be relatively small and located a significant distance from the road, I consider that the proposals would not have a significant negative visual impact in the local landscape. This assumes that:

1. any necessary tree removals are considered reasonable and not detrimental to the character and appearance of the local landscape or the setting of the existing buildings on and around the site (to be informed by the AIA),
2. appropriate replanting proposals are approved to replace any trees that would be removed (to be informed by landscaping proposals),
3. there would be no impact to retained trees in terms of their health and stability (to be informed by the AIA and AMS), and
4. the Planning Officer for the application is satisfied with the design, size, positioning, etc of the proposed.”

I am satisfied that the amended information provides sufficient detail to allow assessment of the impact of the proposals on the existing trees on and around the site. They also provide appropriate guidance to the developer on methods to be used to prevent significant harm to the trees during development.

The documents and drawings indicate that no significant trees would be removed to facilitate the proposals.

I suggest that if planning consent were to be granted then a condition should require that all guidance contained within the submitted Tree Survey and Arboricultural Method Statement, and the Tree Protection Plan (Rev A), should be followed.

I also suggest that the oak trees on and close to the site are suitable to be made subject to a new Tree Preservation Order. If this were confirmed than it would encourage the developer to take care not to damage the trees.”

No objection subject to condition to secure archaeological monitoring and recording.

6.0 REPRESENTATIONS RECEIVED

6.1 Three letters of representation have been received to date. The material planning issues raised are summarised below:

- a) The proposed conversion of the Whelping Lodge will harm the amenity of neighbouring properties. The windows and rooflights would look down the garden of the neighbouring property to the north and occupants of Parkside Farm South would be able to see lights from the windows.
- b) Query if new mains system will be installed for the development.
- c) The proposed closure of the existing access will affect the ability of the neighbouring property to maintain their land and hedge.
- d) Question accuracy of submitted Transport Statement.
- e) Request that consideration is given to reducing the speed limit of the A515 at the site to 40mph.
- f) There is an existing issue with surface water drainage from the current driveway. Request that the new driveway is correctly drained and that drainage is put in to the paddock.

7.1 OFFICER APPRAISAL

7.1 Section 38(5A and 5B) of the Planning and Compulsory Purchase Act 2004, as amended by the Levelling Up and Regeneration Act 2023, requires that where in making any determination under the planning Acts regard is to be had to the development plan, the determination must be made in accordance with the development plan and any national development management policies taken together, unless material considerations strongly indicate otherwise. Section 5C states that if, to any extent, the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.

7.2 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. These are matters that go to the principle of the development and therefore must be considered at the outline stage.

- 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

Principle

7.3 The application site is located in open 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. New housing is only appropriate here in exceptional circumstances such as where justified for conversion of existing buildings in accordance with policy HC8.

- 7.4 The application buildings are clearly of substantial construction and make a very significant positive contribution to the landscape. Therefore, in principle, conversion to housing would be in accordance with policies S4 and HC8.
- 7.5 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.
- 7.6 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. There is also provision for where development would re-use redundant or disused buildings and enhance its immediate setting.
- 7.7 The application buildings are Grade II listed and therefore are heritage assets of national significance. The key issues in the assessment of this application therefore is whether the proposed development would be in accordance with local and national policies in regard to housing and conservation of heritage assets, 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

- 7.8 The Meynell Hunt Stables, Kennels and pair of cottages are all (separately) grade II listed (listed 1985). The complex is located on the western side of main road and is outside the Sudbury Conservation Area.
- 7.9 The entire complex was a new build project by the Vernon family of Sudbury Hall who engaged the services of George Davey (1820-1886) to prepare designs for the complex and they were built circa.1874-77. At the same time Devey was designing a new east wing for the Hall and this was built between 1876 & 1883. George Devey is an important Victorian architect whose life and works have been extensively researched and published. The original drawings for the complex are kept at the Royal Institute of British Architects (RIBA) Library in London.
- 7.10 As a complex and large-scale design of a particular building type & function(s), coupled with their design and detailing by an important 19th century architect their significance is considered to be high. Whilst there have been some 20th century alterations and changes these are relatively minimal and the overall ensemble of buildings and the level of survival of original plan-form/layout and fabric/elements is comparatively intact.
- 7.11 Policies 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 buildings are located outside but adjacent to the Sudbury conservation area and Grade II listed gardens associated with Sudbury Hall to the west. 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 possess. 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.
- 7.13 A Heritage Impact Assessment (HIA) has been submitted with the application which meets the requirements of policy PD2 and the NPPF. The HIA concludes that the majority of the impact of the conversion is limited to the internal spaces without compromising the historic character of the buildings, their setting or architectural details.
- 7.14 The applicant has provided information in support of the application. The kennels as originally designed employed nearly 30 people and housed many of them. There are now 2 people employed and two of the cottages are let out and the flat is leased. The District Council resolved to grant planning permission in 2006 for the conversion of the buildings into 6no. dwellings however the sale process was halted following the financial crash of 2008 and the application withdrawn.
- 7.15 The applicant considers that the building complex is no longer fit for purpose in terms of size and the unaffordable costs of significant maintenance requirements. Therefore, the applicant agreed to vacate the kennels earlier this year with a view to seeking alternative accommodation arrangements for the hunt.
- 7.16 The Conservation and Design Officer has been consulted on the application and has provided detailed comments on the scheme.
- 7.17 The HIA states that “the residential conversion has been carefully designed to minimize the external visual impact on the existing historic building” and that “the existing door openings that are proposed to be infilled externally, have been retained in an open position, with a glazed screen set within the existing reveals behind the existing historic door to retain the external aesthetics of the building, whilst providing necessary natural light into the rooms”. Furthermore, that that “to the east elevation a simple lightweight glazed link extension is proposed to allow circulation around the existing stable range and a link to the external elevation. The glazed link allows views through the structure to the simple historic brickwork behind, reducing the impact of the extension and maintaining the visual architecture to that elevation” and that “no rooflights are proposed to the main complexes, in order to maintain the agricultural styling of the buildings”.
- 7.18 With regard to internal alterations the HIA states that “internally the residential units have been designed to accommodate the existing and largely historic rooms and partitions, this has resulted in some rather unorthodox room sizes and shapes, which add to the unique nature of these buildings” and that “the majority of the historic stall partitions and doors have been retained forming part of the room perimeter walling and where the partitions and/or doors have been removed , the aim is to reuse, where possible, within the building or the external amenity space in order to maintain the continuity of the site”. Furthermore, that “the new partitions are of lightweight construction, complete with the retention and re-use of the historic timber boarding and stall partitions wherever possible” and that “the existing staircases within the kennel and stable complexes have been carefully considered and retained where possible, in their original location, with new staircases being of sensitive design and location”.
- 7.19 Externally, to the building envelope and roofs there is to be little alteration. All chimneystacks are to be retained and there are to be no new openings formed and no rooflights. Windows and doors are generally to be retained and repaired. In some instances, existing openings

with boarded doors are to be glazed. The diamond lattice metal windows to the kennels are to be formed into shutters with double-glazed new window frames behind.

- 7.20 The alterations to the exterior of the buildings are considered to be minimal and generally acceptable. The alterations will not result in harm to the overall character and appearance of the building complex, subject to approval of details by planning condition.
- 7.21 Internally, five doorways are to be blocked (to separate the proposed units). All of the existing staircases are to be retained as part of the conversion proposals. This is a positive proposal and will retain these historic elements in-situ. A new internal staircase is to be installed into the ground floor of Unit 3 with the proposed alterations set out on a unit-by-unit basis in the submitted Design and Access Statement.
- 7.22 The application proposes to retain the majority of the historic stall partitions and doors. Some modern stalls are proposed to be removed and those that are to be retained are to serve as habitable rooms for the proposed dwellings (for example, kitchens, bedrooms). Proposed works to ceilings, walls and floors are set out in the submitted Design & Access Statement.
- 7.23 The conversion of stables and kennels to domestic spaces will inevitably result in change to the character of the buildings (as is the case with many conversions from non-domestic uses). However, the proposed retention of many of the key features of the interiors of the stable/kennel buildings is a positive proposal and will retain significance & heritage value to the conversion scheme.
- 7.24 Sections 16(2) and 66(1) of the 1990 Act require that when considering whether to grant Listed Building Consent/Planning Permission for any works/development affecting a listed building, or its setting, special regard must be had to the desirability of preserving or enhancing the building, or its setting, or any features of architectural or historic interest it possesses. Furthermore, Paragraph 199 of the NPPF (2021) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation.
- 7.25 Overall, the proposed alterations to the building complex are the minimal and will not result in harm to the significance, character and appearance of the listed buildings. Internally the proposed use will result in a change in character, however the internal alterations have retained existing spatial volumes and the existing plan form and layout as far as possible. Therefore, the significance of the original plan form and layout will be retained and read. The proposed conversion taken as a whole would conserve the significance of the buildings.
- 7.26 The development also proposes works within the site which affect the setting of the buildings. The development generally retains existing features such as the open courtyard and kennels. If permission is granted planning conditions would be necessary to agree domestic curtilages, landscaping and to remove permitted development rights to ensure that the development does not lead to unacceptable domestication of the setting of the buildings.
- 7.27 At the western end of the site modern timber storage buildings are to be demolished and replaced with simple garage buildings of brick construction with pitched roofs. There is no objection to the proposed garages subject to appropriate details and materials being agreed by planning condition. The retention of the 19th century brick agricultural building is welcomed subject to details in regard to its repair and re-use.
- 7.28 To the north of the main complex is an isolated building known as the Whelping Lodge. This appears to be of early 20th century date. It is a relatively plain and diminutive building in its landscape setting. It is proposed to erect a single-storey extension to the side elevation and convert the building to a two-bedroom dwelling. Initially there were concerns about the proposed extension and conversion details. However, amended plans have been received

showing a simple lean-to extension, appropriate openings and the roof lights moved to the rear elevation. Furthermore, the parking area and access track has been amended to minimise visual impact. The amended plans are acceptable and would not harm the character of the building or the setting of the listed buildings.

- 7.29 Finally, it is proposed to close the existing access and create a new access to the north in the interests of highway safety. The existing access has very poor visibility onto the A515 with the proposed access providing improved visibility splays for occupants of the development. This is a public benefit. There is no objection to the proposed limestone track as shown on the amended plans which would reflect the character of the area nor the proposed closure of the existing access which would appear as verge and still readable as a former access.
- 7.30 It is therefore concluded that the development will conserve the significance of the affected listed buildings and the setting of the Sudbury Conservation Area. The development would not harm the significance of any other heritage asset and is therefore in accordance with policies PD2, HC8 and the NPPF.

Landscape impact and impact upon the character and appearance of the area

- 7.31 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.
- 7.32 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.
- 7.33 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.
- 7.34 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.
- 7.35 The site is located within the Needlewood and South Derbyshire Claylands Landscape Character Area (LCA) and within the Settled Farmlands (LCT).
- 7.36 This is a gently undulating to rolling lowland dissected by minor stream valleys with localised steep slopes. Land is largely permanent pasture with dairy farming and localised arable cropping with small woodland blocks and copses and scattered oak and ash trees along hedgerows. There is a network of winding lanes often sunken on steeper slopes and small clusters of red brock and blue clay tile farms and cottages.
- 7.37 The landscape around the site reflects this character and the range of buildings at the site make a significant positive contribution to landscape character. The proposed development

would secure the buildings without any significant alterations or additions and therefore would conserve landscape character in accordance with policies S1, S4, PD1 and PD5.

Transport and Impact on Highway Safety

- 7.38 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.
- 7.39 The proposal is for new residential development in a relatively unsustainable location within the countryside. However, policies support development in principle in circumstances such as this where development would conserve buildings which make a positive contribution to the landscape. The application is supported by a Transport Statement (TS) which assesses impacts upon highway safety and sustainable transport. There are limited options for this site for connections to public transport, particularly on foot, however, there are opportunities for cycling to nearby settlements, bus services at Doveridge and Sudbury and rail at Uttoxeter.
- 7.40 Therefore while there are limited public transport options in the locality there is the opportunity for the development to provide facilities for cycling. Secure storage for cycles would be available for residents in the shared storage space and garages. If permission were granted conditions would be recommended to agree a travel plan. This can be secured by an appropriate planning condition.
- 7.41 The TS demonstrates that the new access would have sufficient visibility and offers an improvement over the existing access which would be closed. Sufficient off-street parking would be provided in accordance with local requirements. The application therefore demonstrates that the development would be served with safe access and would not harm highway safety or the local highway network. No objection from the Highway Authority has been received subject to conditions. The application is therefore in accordance with policies S1, S4, HC19, HC20 and HC21.

Impact on amenity of neighbouring properties

- 7.42 The proposed dwellings would be located away from neighbouring properties. Concern has been raised by occupants of the property to the north, particularly in regard to loss of privacy. However, the proposed conversion of the Whelping Lodge would be some distance from that property and set alongside the established planting on the boundary. 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 result in vehicle movements during occupation, but these would not result in any significant noise or other disturbance which could harm the amenity of neighbouring properties.
- 7.43 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.
- 7.44 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

- 7.45 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.
- 7.46 The submitted application does not propose any specific mitigation measures. The conversion of heritage buildings to a use which secures their conservation is an inherently sustainable form of development. The buildings and wider site are sensitive to alterations associated with enhanced insulation, glazing and microgeneration. There may however be opportunities within conservation constraints to minimise the energy and water consumption of the development thereby mitigating the impacts of climate change.
- 7.47 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 appropriate 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

- 7.48 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. A Flood Risk Assessment (FRA) has been submitted with the application.
- 7.49 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.
- 7.50 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 to soakaways.
- 7.51 Foul water would be to an on-site package treatment plant. Discharge to the main sewer is not practicable or viable given the distance and therefore a package treatment plant 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.
- 7.52 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.
- 7.53 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 a package treatment plant. The drainage strategy demonstrates that surface water would be dealt with appropriately and in accordance with national planning guidance.

7.54 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

7.55 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.

7.56 The application is supported by an Ecological Impact Assessment (EclA), Preliminary Ecological Appraisal (PEA) and an update bat survey.

7.57 The application site is not close to any statutory conservation sites. All sites are well removed and isolated from the development and therefore there would be no significant adverse impacts upon designated sites either directly or indirectly.

7.58 The submitted surveys identify 12-day roosts for bats comprising whiskered/brant's, common pipistrelle, soprano pipistrelle, brown long-eared bats and natterer's. The application proposes appropriate mitigation within the buildings including retaining and recreating roost locations and using appropriate lining in all roof works. A full European Protected Species (EPS) licence from Natural England will be required for the proposed works.

7.59 Having had regard to the submitted survey report and advice from DWT it is concluded that there are overriding public interest reasons for the works which would secure the conservation of the listed buildings. As the proposal is for conversion there are no satisfactory alternatives available. From the evidence submitted it is considered likely that a licence would be granted by Natural England and that the favourable conservation status of the species would be maintained.

7.60 The development therefore could be carried out in a manner that would conserve EPS on and around the site. Impacts upon other species could also be satisfactorily mitigated and measures could be installed to secure biodiversity net gain. Therefore, subject to conditions recommended by DWT the proposed development is in accordance with policies S1 and PD3.

7.61 The proposed development is close to existing trees, some of which are large mature specimens which are prominent from the road and make a positive contribution to the setting of the buildings and wider landscape. The application is supported by a tree survey and Arboricultural Method Statement (AMS). The submitted information demonstrates that existing trees would be retained and protected during construction and through the lifetime of the development in accordance with the requirements of policy PD6. If permission is granted conditions would be recommended to require the development to be carried out in accordance with the submitted AMS and mitigation measures.

Affordable housing and contributions

7.62 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.

- 7.63 No health contribution has been sought by the CCG. The Education Authority state that there is no need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. No financial contribution is therefore requested.
- 7.64 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. This application is for 9 dwellings (6 net additional dwellings) and therefore the requirement for affordable housing under policy HC4 does not apply.
- 7.65 The Director of Housing has requested a financial contribution for affordable housing off-site, citing the fact that the district has been designated as a Rural Area for the purposes of S.157 of the Housing Act 1985. This designation is relevant because paragraph 64 of the NPPF states that in designated Rural Areas policies may set out a lower threshold for affordable housing of 5 units or fewer.
- 7.66 Following the designation the District Council resolved to revise policy HC4 by reducing the threshold for affordable housing to all residential developments of 5 dwelling or more. The application of the revised policy would mean that this development would need to make provision for affordable housing. In this case an off-site financial contribution.
- 7.67 The application does not propose any affordable housing and the applicant has indicated that they will not agree to make any financial contribution to affordable housing off site. The applicant has instructed Counsel opinion on the lawfulness of the District Council's policy approach and submitted the opinion to Officers. The Counsel opinion states that the District Council's approach to amending policy HC4 is unlawful because it involved the amendment or introduction of a development plan document without compliance with the statutory requirements of the Planning and Compulsory Purchase Act 2024.
- 7.68 Officers have consulted the Policy Manager on the Counsel opinion and concluded that the opinion is correct. It would therefore be unlawful to apply the lower threshold. The relevant planning policy is HC4 as adopted which sets a requirement for affordable housing on all developments of 11 dwellings or more. The NPPF provides scope for areas with a Rural Area designation to apply a lower threshold but through the adoption of a policy. No such policy has been lawfully adopted and therefore the lower threshold does not apply.
- 7.69 Furthermore, the supporting text to paragraph 64 of the NPPF states that in all cases to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution should be reduced by a proportionate amount. In this case the whole of the development comprises re-use of vacant buildings on brownfield land. Therefore, provision of affordable housing would be contrary to paragraph 64 of the NPPF in any event.
- 7.70 In general terms the need for affordable housing within the District and the Rural Area designation is acknowledged. However, current local plan policies do not require affordable housing within a development of this scale. Furthermore, the Council is currently unable to demonstrate a 5-year housing land supply and therefore there is a presumption in favour of sustainable development. Housing policies in the NPPF would not support the provision of affordable housing in this development.
- 7.71 It is therefore concluded that the proposal is in accordance with the requirements of policy HC4 and that it is not necessary for the development to provide affordable housing or a

contribution for affordable housing to meet the requirements of the development plan. Other material considerations do not indicate otherwise.

The Planning Balance

- 7.76 The principle of residential development on this site is in accordance with policies S4 and HC8 of the Adopted Derbyshire Dales Local Plan (2017).
- 7.77 The application proposes the conversion of buildings on site to dwellings. The proposals have been carefully considered by the Conservation and Design Officer and it is concluded that the development would conserve the significance of the affected listed buildings and would not result in any harm to the setting of heritage assets associated with Sudbury Hall including the parkland in accordance with policies PD1 and PD2.
- 7.78 The development would not harm the landscape or landscape character 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.
- 7.79 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.
- 7.80 The development is in accordance with the relevant provisions of the development plan, national and local planning guidance and is considered to be a sustainable development in that it would re-use historic buildings in a manner which conserves significance thereby securing their conservation for future generations. The NPPF is clear that in these circumstances the Local Planning Authority should grant planning permission.
- 7.81 The application is therefore recommended for approval subject to the imposition of planning conditions.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall 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 & Country Planning Act 1990.

2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans, documents and subject to the following conditions:

Location Plan – LP01 Rev B
Proposed Site Plan – PSP01 Rev C
Proposed Block Plan – PBP01

Proposed Unit 01 + 02 – PP01 Rev B
Proposed Unit 03 – PP03 Rev B
Proposed Unit 04 + Communal – PP04 Rev A
Proposed Unit 05 – PP05 – Rev B
Proposed Unit 06 – PP06
Proposed Details 02 – PD02
Stables Proposed Plans and Elevations – PPSA
Room Schedule Stables Unit 01 – 06 – Issue 02

Proposed Unit 07 + 08 - PPK01 – Rev A
Proposed Details – PD01 Rev A
Room Schedule Kennels and Whelping Lodge Unit 07 – 09 – Issue 02

Proposed Unit 09 (Whelping Lodge) – PPW01 Rev C

Drainage Strategy & Flood Risk Assessment – PR-01 Rev A
Drainage Strategy – 15578-ABA-22-XX-ZZ-D-500 Rev P03
Ecological Impact Assessment – BG21.229 Rev2
Preliminary Ecological Appraisal – BG21.229
Emergence Survey Results – BG21.229 letter dated 21.09.2023
Transport Statement – 039 V8
Tree Survey and Arboricultural Method Statement – 25.04.2023
Tree Protection Plan – Rev A

Reason:

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

3. A. No development shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved in writing by the Local Planning Authority, until all on-site elements of the approved scheme have been completed, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured. The Written Scheme of Investigation shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording;
 2. The programme and provision for post-investigation analysis and reporting;
 3. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 4. Provision to be made for archive deposition of the analysis and records of the site investigation; and
 5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- B. No development shall take place other than in accordance with the Written Scheme of Investigation for historic building recording approved under part A.

Reason:

To ensure that any archaeological significance associated with the buildings is

appropriately recorded in accordance with policy PD2 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

4. No works shall take place to Buildings 1, 2 and 3 until an appropriate licence has been obtained from Natural England, plus any additional survey work considered necessary to inform the licence application has been undertaken. 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 Section 6.2.5.3 of the Ecological Impact Assessment (Brindle and Green, January 2022) and amended as necessary based on the results of any additional surveys or correspondence from 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 Local Planning Authority within one month of being granted.

Reason:

To ensure that the development conserves protected species in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

5. Prior to the installation of any external lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bat roosting features on site. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, 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. The development shall not be carried out other than in accordance with the approved details and shall be so maintained throughout the lifetime of the development.

Reason:

To ensure that lighting associated with the development conserves protected species in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

6. Notwithstanding the approved plans, prior to the commencement of any conversion or demolition works, a bat and bird box plan 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 and the bat and bird boxes shall be maintained throughout the lifetime of the development. The bat and bird box plan shall include:
 - Licensed bat mitigation features, as well as enhancement features such as those detailed in Section 7.2.2 of the Ecological Impact Assessment (Brindle and Green, January 2022).
 - Swallow mitigation to compensate for the loss of existing nest sites. This shall comprise either swallow nest cups installed in a suitable open fronted structure(s) or a bespoke covered swallow box(es).
 - Additional bird boxes such as those detailed in Section 6.2.3.2 of the Ecological Impact Assessment (Brindle and Green, January 2022).

Reason:

To ensure mitigation and enhancement is delivered in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

7. No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a

competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason:

To ensure that the development does not result in harm to nesting birds in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

8. The development hereby permitted shall not be carried out other than in accordance with the precautionary measures detailed in Section 6.2.7.2 of the Ecological Impact Assessment (Brindle and Green, January 2022) which shall implemented in full.

Reason:

To ensure that the development conserves protected species in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

9. 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 in accordance with the approved plans and according to the approved specification (or as specified by British Standard 5837:2012).

The fencing shall 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:

1. no ground level change,
2. excavation,
3. underground services installations/removals,
4. surfacing, or
5. construction

shall take place within the fenced areas.

Furthermore, unless agreed in writing in advance by the Local Planning Authority there shall be:

1. no access to the fenced areas for pedestrians/plant/vehicles;
2. no waste/equipment/materials/consumables/spoil storage in the fenced areas;
3. no fires in the fenced areas or within 10m of them;
4. no fuel, oil, cement, concrete, mortar or washings shall be allowed to flow into the fenced areas.

Reason:

To protect retained trees during the development phase in accordance with policies PD3 and PD7 of the Adopted Derbyshire Dales Local Plan.

10. Notwithstanding the approved plans, 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) soil preparation, cultivation and improvement;
- b) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- c) grass seed mixes and sowing rates;
- d) finished site levels and contours;
- e) gates, walls, fences and other means of enclosure;
- f) hard surfacing materials;
- g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units and signs);
- h) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- i) retained landscape features and proposed restoration, where relevant; and
- j) timescale for implementation.

The development shall not be carried out other than in accordance with the approved details.

Reason:

To secure a high-quality landscaping scheme which conserves the setting and character of the buildings and implementation as soon as reasonably practicable in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

11. All hard and soft landscaping comprised in the approved details of landscaping shall be carried out in accordance with the approved timescale. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

Reason:

To secure a high-quality landscaping scheme which conserves the setting and character of the buildings and implementation as soon as reasonably practicable in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

12. Notwithstanding the approved plans, prior to the first occupancy of any part of the development hereby approved a plan showing the layout of proposed domestic curtilages relative to each dwelling and any other land to be used for domestic purposes shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter not be carried out or occupied other than in accordance with the approved details.

Reason:

To ensure that the development conserves the character of the buildings and their setting within the landscape in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

13. Prior to the commencement of conversion works, a detailed scheme of measures to mitigate the effects of and adapt to climate change at the site 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 measures 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).

14. Before any other operations are commenced a new vehicular and pedestrian access shall be created to Ashbourne Road in accordance with the application drawings, laid out, constructed and provided with visibility splays of 2.4m x 105m to the north and 2.4m x 116m to the south, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason:

To ensure that the development is provided with safe access in accordance with policy S1 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

15. Before any other operations are commenced (excluding creation of the new access), the existing vehicular (and pedestrian) access to Ashbourne Road shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as verge in accordance with a detailed scheme which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the existing access is permanently closed in a suitable manner to ensure that the development is provided with safe access in accordance with policy S1 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

16. No part of the development hereby permitted shall be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents and service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason:

To ensure that satisfactory parking and manoeuvring space is provided and maintained in accordance with policy HC21 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

17. No part of the development hereby permitted shall 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).

18. The conversion shall be carried out within the shell of the existing buildings only, with any rebuilding or demolition limited to that specifically shown on the approved plans.

Reason:

To ensure that the development conserves the character of the buildings and their setting in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

19. The demolition works shall be carried out in accordance with the approved plans and the buildings shall be demolished and removed from the site before the first occupation of any part of the development hereby permitted.

Reason:

To ensure that the buildings are demolished in the interests of the character and setting of the buildings in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

20. Notwithstanding the approved plans, prior to installation / construction the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) new and replacement windows, doors, rooflights, shutters and secondary glazing including construction details, recess, finish and furniture;
- b) roof materials including sample;
- c) new or replacement brickwork or stonework including sample and mortar specification;
- d) timber cladding including construction details and finish;
- e) new and replacement rainwater goods including construction details, materials and finish;
- f) vents, soil vent pipes, grilles or meter boxes.

The development shall not be carried out other than in accordance with the approved details.

Reason:

To ensure that the development conserves the character of the buildings and their setting within the landscape in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

21. 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 external alterations or additions shall be made to any dwelling hereby approved and no buildings, ponds, pools, tanks, extensions, solar or photovoltaic panels, gates, fences, walls, other means of enclosure or hard surfaces (other than those expressly authorised by this permission) shall be carried out within the site without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

In the interests of the character and setting of the buildings in accordance with policies PD1 and PD2 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 amended plans and further supporting information.

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.

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

E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190.

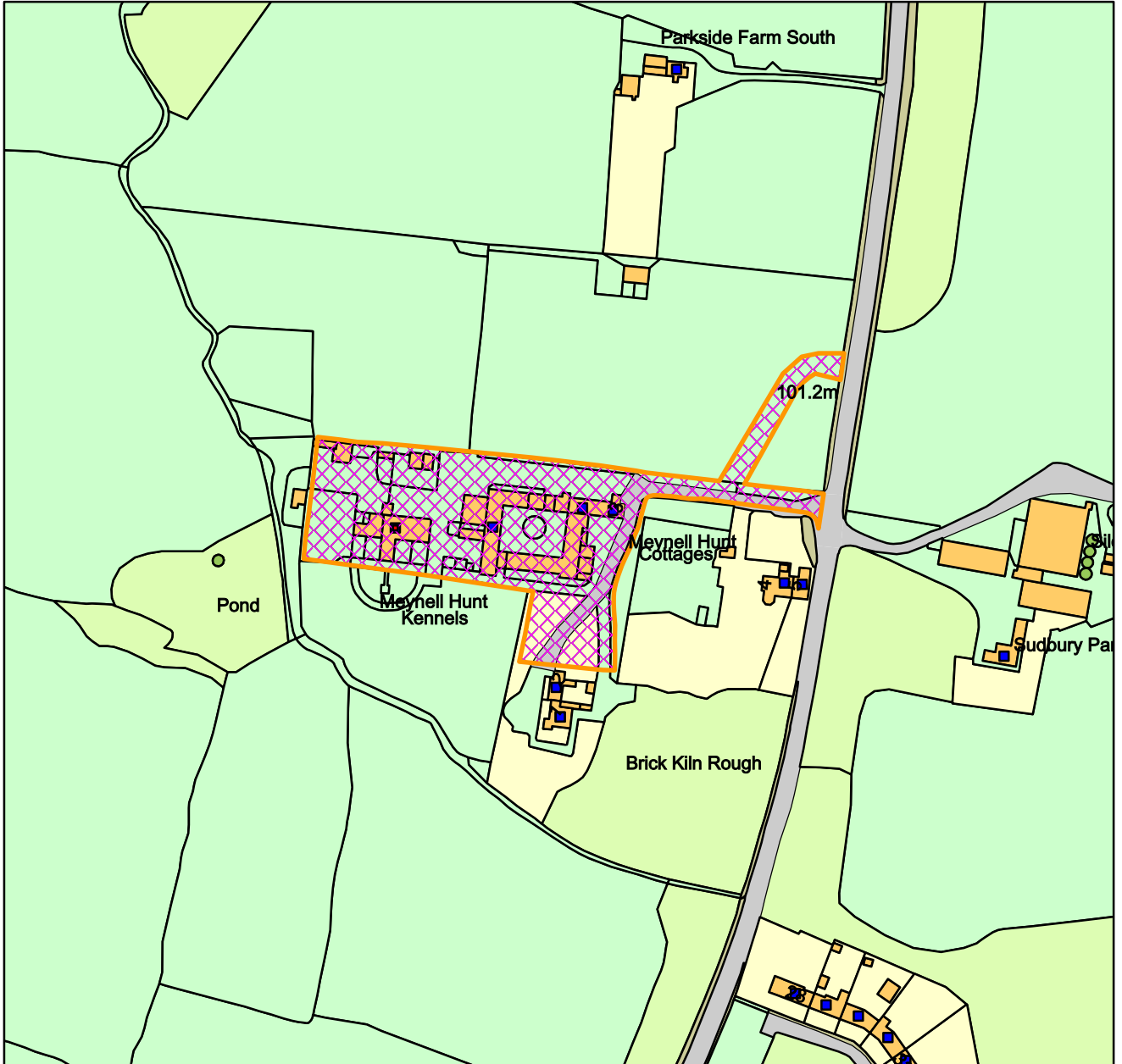
2. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in 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 from in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
3. 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.
4. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

5. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
6. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

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23/00209/FUL & 23/00210/LBALT

Meynell Hunt Kennels, Ashbourne Road, Sudbury, Ashbourne, Derbyshire



Derbyshire Dales DC

1:2,500

Date: 01/11/2023

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APPLICATION NUMBER		23/00210/LBALT	
SITE ADDRESS:		Meynell Hunt Kennels, Ashbourne Road, Sudbury, Ashbourne, Derbyshire DE6 5HN	
DESCRIPTION OF DEVELOPMENT		Internal and external alterations for conversion of Stables, Kennels and Whelping Lodge to 9no. dwellinghouses, provision of new access, removal of existing access, demolition, landscaping and associated works	
CASE OFFICER	Adam Maxwell	APPLICANT	Trustees of the Meynell and South Staffordshire Hunt
PARISH/TOWN	Sudbury	AGENT	Mr Scott O'Dell
WARD MEMBER(S)		DETERMINATION TARGET	17.11.2023
REASON FOR DETERMINATION BY COMMITTEE	The number of dwellings proposed	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> Impact upon the listed buildings on the site and their 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 The application site is located in open countryside north of Sudbury and west of the A515. The site comprises the Meynell Hunt Kennels a pair of cottages, associated land and a whelping lodge. The stables and cottages are all Grade II listed buildings.
- 1.2 The entire complex was part of a new build project by the Vernon family of Sudbury Hall who engaged the services of George Davey to design the complex which was built circa. 1874-77. There have been some later alterations during the 20th century, but the overall ensemble of buildings and the level of survival of original plan form / layout and fabric is comparatively intact.
- 1.3 Access to the site is from the A515 which is shared with the cottages to the south and east of the site which are the nearest neighbouring properties. Parkside Farm South is located towards the north of the whelping lodge.

2.0 DETAILS OF THE APPLICATION

- 2.1 Listed building consent is sought for the works associated with the conversion of the stables, kennels and whelping lodge to 9 dwellinghouses.
- 2.2 The plans show that the stable block and existing cottages would be converted to 6 dwellinghouses with communal internal storage space and external amenity areas within the internal courtyard and outside areas.
- 2.3 The kennels would be converted to 2 dwellinghouses with private amenity spaces provided within the enclosed courtyards.
- 2.4 The whelping lodge would be converted to a dwellinghouse with private amenity space within the curtilage of the building. A single storey lean-to extension to the whelping lodge is proposed.
- 2.5 The existing vehicular access would be closed off with a timber post and rail fence and grass verge re-instated. A new vehicular access is proposed to the north with limestone surfaced tracks to the main building group and whelping lodge.







3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.2 Other:

The National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guidance

Historic England Advice Note 2 - Making Changes to Heritage Assets (2016)

4.0 RELEVANT PLANNING HISTORY:

05/00129/FUL	Change of use and conversion of stables and kennels to 6 no. residential/office units and associated access	WDN	18/11/2010
05/00130/LBALT	Alterations to listed building - Conversion of buildings to form 6 no. residential/office units	PERC	14/11/2005
13/00060/FUL	Conversion of committee room and kitchen to form residential apartment	PERC	28/05/2013
13/00061/LBALT	Alterations to listed building - Conversion of committee room and kitchen to form residential apartment	PERC	28/05/2013
22/00399/FUL	Conversion of and extensions to stable building, kennel buildings and whelping lodge to form 10no. dwellinghouses and associated erection of garages	WDN	27/09/2022
22/00400/LBALT	Proposed extensions and internal and external alterations in connection with conversion of buildings to 10no. dwellinghouses	WDN	27/09/2022

5.0 CONSULTATION RESPONSES

5.1 Sudbury Parish Council: No response to date.

5.2 National Amenities Societies: No response to date.

5.3 DDDC Conservation Officer:

“The Meynell Hunt Stables, Kennels and pair of cottages are all (separately) grade II listed (listed 1985). The complex is located on the western side of main road and is outside the Sudbury Conservation Area.

The entire complex was a new build project by the Vernon family of Sudbury Hall who engaged the services of George Davey (1820-1886) to prepare designs for the complex and they were built circa.1874-77. At the same time Davey was designing a new east wing for the Hall and this was built between 1876 & 1883. George Davey is an important Victorian architect whose life and works have been extensively researched & published. The original drawings for the complex are kept at the RIBA Library in London.

As a complex and large scale design of a particular building type & function(s), coupled with their design and detailing by an important 19th century architect their significance is considered to be high. Whilst there have been some 20th century alterations and changes these are relatively minimal and the overall ensemble of buildings and the level of survival of original plan-form/layout and fabric/elements is comparatively intact.

Applications from 2022 (22/00399/FUL & 22/00400/LBALT) were withdrawn. The proposed scheme of conversion has been reviewed and the current application has been made.

The current proposal is to undertake internal & external alterations (including extensions) to form 9No. dwelling houses from the stables, kennels and Whelping Lodge (6 No. to the stables complex, 2No. to the kennel complex and 1No. to the Whelping Lodge).

A Heritage Impact Assessment (HIA) has been undertaken relating to the proposals under the application. The HIA acknowledges the significance and distinctiveness of the building ensemble and describes the survival of the large amount of original fabric, fittings, features and details to the stables complex and their contribution to the character and appearance of the building interiors. With regard to the kennels complex it acknowledges the significance & distinctiveness of the ventilation windows, lattice windows and metal work. In part of the kennels is an original raised sleeping area. In both the stables complex and kennels complex the HIA notes the survival of the original staircases.

The submitted HIA states, in connection with the external envelope of the buildings complex, that “the residential conversion has been carefully designed to minimize the external visual impact on the existing historic building” and that “the existing door openings that are proposed to be infilled externally, have been retained in an open position, with a glazed screen set within the existing reveals behind the existing historic door to retain the external aesthetics of the building, whilst providing necessary natural light into the rooms”.

Furthermore it is stated that “to the east elevation a simple lightweight glazed link extension is proposed to allow circulation around the existing stable range and a link to the external elevation. The glazed link allows views through the structure to the simple historic brickwork behind, reducing the impact of the extension and maintaining the visual architecture to that elevation” and that “no rooflights are proposed to the main complexes, in order to maintain the agricultural styling of the buildings”.

With regard to internal alterations/changes the HIA states that “internally the residential units have been designed to accommodate the existing and largely historic rooms and partitions, this has resulted in some rather unorthodox room sizes and shapes, which add to the unique nature of these buildings” and that “the majority of the historic stall partitions and doors have been retained forming part of the room perimeter walling and where the partitions and/or doors have been removed, the aim is to reuse, where possible, within the building or the external amenity space in order to maintain the continuity of the site”.

Furthermore the HIA states that “the new partitions are of lightweight construction, complete with the retention and re-use of the historic timber boarding and stall partitions wherever possible” and that “the existing staircases within the kennel and stable complexes have been carefully considered and retained where possible, in their original location, with new staircases being of sensitive design and location”.

Comments on the proposals –

Externally, to the building envelope and roofs there is to be little alteration. All chimneystacks are to be retained and there are to be no new openings formed and no rooflights. Windows and doors are to be retained and repaired and in some instances, openings with boarded doors are to be fitted with glazed windows. The diamond lattice metal windows to the kennels are to be formed into shutters with double-glazed new window frames behind.

It is considered, therefore, that the minimal changes to the exterior envelope of the buildings complex (stables and kennels) are generally considered to be acceptable and will not constitute adverse harm to the overall character and appearance of the building complex, subject to approval of details etc. via conditions.

Internally, five doorways are to be locked up (in order to separate the various units) – details of the proposed blocking to each doorway/opening should be approved via a condition. All of the existing staircases are to be retained as part of the conversion proposals – this is considered a positive proposals and will retain these historic elements/structures in-situ. A new internal staircase is to be installed into the ground floor of Unit 03. The proposed alterations on a unit by unit basis are set out in the submitted Design & Access Statement.

As set out above the HIA states that the majority of the historic stall partitions & doors have been retained. Whilst the proposed plans indicate the retention of the majority of the stalls etc. some (modern ones) are to be removed and those that are to be retained are to serve as, for example, kitchens, bedrooms, en-suites, offices etc. Proposed works to ceilings, walls and floors are set out in the submitted Design & Access Statement.

It is considered that the proposed retention of many of the key features of the interiors of the stable/kennel buildings is a positive proposal and will retain significance & heritage value to the conversion scheme. That said, the conversion to residential units will bring about a significant change in character and appearance to the interiors of the building complex in the form of kitchen, bathrooms, en-suites, bedrooms and other domestic spaces and uses. Those changes will inevitably alter existing character.

Sections 16(2) and 66(1) of the 1990 Act require that when considering whether to grant Listed Building Consent/Planning Permission for any works/development affecting a listed building, or its setting, special regard must be had to the desirability of preserving or enhancing the building, or its setting, or any features of architectural or historic interest it possesses. Furthermore, Paragraph 199 of the NPPF (2021) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation.

It is considered that externally the proposed alterations to the buildings complex are minimal and will not constitute adverse harm to the significance, character and appearance of the listed buildings. The internal alterations have attempted to retain existing spatial volumes and the existing layout and plan-form of the building as much as possible. In this regard, the significance of the original plan-form & layout will be retained and will be readable and understandable. Inevitably, the domestic paraphernalia of a residential conversion will have an impact on the interiors and this may constitute a degree of harm

to the buildings interiors. It is considered that the level of harm identified would not be substantial and, in that regard, paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset(s), that harm should be weighed against the public benefits of the proposal.

Other Works –

At the western end of the site the HIA states that “there is a single 19th Century facing brick agricultural building to the north west boundary of the site, in a poor dilapidated condition, which is to be retained, whilst the modern 20th Century timber storage buildings are to be demolished and replaced in similar locations with simple rectangular garaging, of brickwork construction set under dual pitched roofs, all located to the north west of the kennel complex”. The retention of the 19th century building is a positive proposal, however, its repair and proposed use etc. will need to be identified and approved under a condition. The removal of the 20th century structures is considered acceptable. The proposed garaging may be acceptable subject to conditions on materials, design and detailing etc.

To the north of the main complex is an isolated building (‘Whelping Lodge’). This appears to be of early 20th century date. It is a relatively plain and diminutive building in its landscape setting. It is proposed to erect a single-storey extension to the side elevation, in matching brickwork and roof covering etc. A mezzanine floor is to be inserted to provide two bedrooms. The following comments are made –

- The proposed extension will extend beyond the walled and railed enclosure to the southern side of the building and in this regard will appear odd and encroaching to the land surrounding the building,
- The proposed rooflights should be on the north roof slope of the building,
- The proposed new window to Bedroom 02 should be omitted and light/ventilation provided by the rooflight,
- The proposed three new windows to the rear elevation should be reduced to two,
- The end gable to the new extension should only have one (centralised) window.

Subject to the above it is considered that the proposed alterations to the building would not constitute adverse harm to the host building or on the setting of the listed buildings to the south.”

5.4 DCC Archaeology:

No objection subject to condition to secure archaeological monitoring and recording.

6.0 REPRESENTATIONS RECEIVED

6.1 Three letters of representation have been received to date. The material planning issues raised are summarised below:

- a) The proposed conversion of the Whelping Lodge will harm the amenity of neighbouring properties. The windows and rooflights would look down the garden of the neighbouring property to the north and occupants of Parkside Farm South would be able to see lights from the windows.
- b) Query if new mains system will be installed for the development.
- c) The proposed closure of the existing access will affect the ability of the neighbouring property to maintain their land and hedge.
- d) Question accuracy of submitted Transport Statement.
- e) Request that consideration is given to reducing the speed limit of the A515 at the site to 40mph.

- f) There is an existing issue with surface water drainage from the current driveway. Request that the new driveway is correctly drained and that drainage is put in to the paddock.

7.0 OFFICER APPRAISAL

Impact upon listed buildings and their setting

- 7.1 The Meynell Hunt Stables, Kennels and pair of cottages are all (separately) grade II listed (listed 1985). The complex is located on the western side of main road and is outside the Sudbury Conservation Area.
- 7.2 The entire complex was a new build project by the Vernon family of Sudbury Hall who engaged the services of George Davey (1820-1886) to prepare designs for the complex and they were built circa.1874-77. At the same time Devey was designing a new east wing for the Hall and this was built between 1876 & 1883. George Devey is an important Victorian architect whose life and works have been extensively researched and published. The original drawings for the complex are kept at the Royal Institute of British Architects (RIBA) Library in London.
- 7.3 As a complex and large-scale design of a particular building type & function(s), coupled with their design and detailing by an important 19th century architect their significance is considered to be high. Whilst there have been some 20th century alterations and changes these are relatively minimal and the overall ensemble of buildings and the level of survival of original plan-form/layout and fabric/elements is comparatively intact.
- 7.4 The buildings are located outside but adjacent to the Sudbury conservation area and Grade II listed gardens associated with Sudbury Hall to the west. 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 possess. 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.
- 7.5 A Heritage Impact Assessment (HIA) has been submitted with the application which meets the requirements of the NPPF. The HIA concludes that the majority of the impact of the conversion is limited to the internal spaces without compromising the historic character of the buildings, their setting or architectural details.
- 7.6 The applicant has provided information in support of the application. The kennels as originally designed employed nearly 30 people and housed many of them. There are now 2 people employed and two of the cottages are let out and the flat is leased. The District Council resolved to grant planning permission in 2006 for the conversion of the buildings into 6no. dwellings however the sale process was halted following the financial crash of 2008 and the application withdrawn.
- 7.7 The applicant considers that the building complex is no longer fit for purpose in terms of size and the unaffordable costs of significant maintenance requirements. Therefore, the applicant agreed to vacate the kennels earlier this year with a view to seeking alternative accommodation arrangements for the hunt.
- 7.8 The Conservation and Design Officer has been consulted on the application and has provided detailed comments on the scheme.
- 7.9 The HIA states that “the residential conversion has been carefully designed to minimize the external visual impact on the existing historic building” and that “the existing door openings that are proposed to be infilled externally, have been retained in an open position, with a

glazed screen set within the existing reveals behind the existing historic door to retain the external aesthetics of the building, whilst providing necessary natural light into the rooms". Furthermore, that that "to the east elevation a simple lightweight glazed link extension is proposed to allow circulation around the existing stable range and a link to the external elevation. The glazed link allows views through the structure to the simple historic brickwork behind, reducing the impact of the extension and maintaining the visual architecture to that elevation" and that "no rooflights are proposed to the main complexes, in order to maintain the agricultural styling of the buildings".

- 7.10 With regard to internal alterations the HIA states that "internally the residential units have been designed to accommodate the existing and largely historic rooms and partitions, this has resulted in some rather unorthodox room sizes and shapes, which add to the unique nature of these buildings" and that "the majority of the historic stall partitions and doors have been retained forming part of the room perimeter walling and where the partitions and/or doors have been removed, the aim is to reuse, where possible, within the building or the external amenity space in order to maintain the continuity of the site". Furthermore, that "the new partitions are of lightweight construction, complete with the retention and re-use of the historic timber boarding and stall partitions wherever possible" and that "the existing staircases within the kennel and stable complexes have been carefully considered and retained where possible, in their original location, with new staircases being of sensitive design and location".
- 7.11 Externally, to the building envelope and roofs there is to be little alteration. All chimneystacks are to be retained and there are to be no new openings formed and no rooflights. Windows and doors are generally to be retained and repaired. In some instances, existing openings with boarded doors are to be glazed. The diamond lattice metal windows to the kennels are to be formed into shutters with double-glazed new window frames behind.
- 7.12 The alterations to the exterior of the buildings are considered to be minimal and generally acceptable. The alterations will not result in harm to the overall character and appearance of the building complex, subject to approval of details by planning condition.
- 7.13 Internally, five doorways are to be blocked (to separate the proposed units). All of the existing staircases are to be retained as part of the conversion proposals. This is a positive proposal and will retain these historic elements in-situ. A new internal staircase is to be installed into the ground floor of Unit 3 with the proposed alterations set out on a unit-by-unit basis in the submitted Design and Access Statement.
- 7.14 The application proposes to retain the majority of the historic stall partitions and doors. Some modern stalls are proposed to be removed and those that are to be retained are to serve as habitable rooms for the proposed dwellings (for example, kitchens, bedrooms). Proposed works to ceilings, walls and floors are set out in the submitted Design & Access Statement.
- 7.15 The conversion of stables and kennels to domestic spaces will inevitably result in change to the character of the buildings (as is the case with many conversions from non-domestic uses). However, the proposed retention of many of the key features of the interiors of the stable/kennel buildings is a positive proposal and will retain significance & heritage value to the conversion scheme.
- 7.16 Sections 16(2) and 66(1) of the 1990 Act require that when considering whether to grant Listed Building Consent/Planning Permission for any works/development affecting a listed building, or its setting, special regard must be had to the desirability of preserving or enhancing the building, or its setting, or any features of architectural or historic interest it possesses. Furthermore, Paragraph 199 of the NPPF (2021) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation.

- 7.17 Overall, the proposed alterations to the building complex are the minimal and will not result in harm the significance, character and appearance of the listed buildings. Internally the proposed use will result in a change in character, however the internal alterations have retained existing spatial volumes and the existing plan form and layout as far as possible. Therefore, the significance of the original plan form and layout will be retained and read. The proposed conversion taken as a whole would conserve the significance of the buildings.
- 7.18 To the north of the main complex is an isolated building known as the Whelping Lodge. This appears to be of early 20th century date. It is a relatively plain and diminutive building in its landscape setting. It is proposed to erect a single-storey extension to the side elevation and convert the building to a two-bedroom dwelling. Initially there were concerns about the proposed extension and conversion details. However, amended plans have been received showing a simple lean-to extension, appropriate openings and the roof lights moved to the rear elevation. Furthermore, the parking area and access track has been amended to minimise visual impact. The amended plans are acceptable and would not harm the character of the building or the setting of the listed buildings.
- 7.19 Finally, it is proposed to close the existing access and create a new access to the north in the interests of highway safety. The existing access has very poor visibility onto the A515 with the proposed access providing improved visibility splays for occupants of the development. This is a public benefit. There is no objection to the proposed limestone track as shown on the amended plans which would reflect the character of the area nor the proposed closure of the existing access which would appear as verge and still readable as a former access.
- 7.20 It is therefore concluded that the works will conserve the significance of the affected listed buildings.
- 7.21 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 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The works hereby permitted shall not be carried out other than in accordance with the following approved plans and subject to the following conditions:

Location Plan – LP01 Rev B
Proposed Site Plan – PSP01 Rev C
Proposed Block Plan – PBP01

Proposed Unit 01 + 02 – PP01 Rev B
Proposed Unit 03 – PP03 Rev B
Proposed Unit 04 + Communal – PP04 Rev A
Proposed Unit 05 – PP05 – Rev B
Proposed Unit 06 – PP06

Proposed Details 02 – PD02
Stables Proposed Plans and Elevations – PPSA
Room Schedule Stables Unit 01 – 06 – Issue 02

Proposed Unit 07 + 08 - PPK01 – Rev A
Proposed Details – PD01 Rev A
Room Schedule Kennels and Whelping Lodge Unit 07 – 09 – Issue 02

Proposed Unit 09 (Whelping Lodge) – PPW01 Rev C

Reason:

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

3. A. No works shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved in writing by the Local Planning Authority, until all on-site elements of the approved scheme have been completed, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured. The Written Scheme of Investigation shall include an assessment of significance and research questions; and
 1. The programme and methodology of site investigation and recording;
 2. The programme and provision for post-investigation analysis and reporting;
 3. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 4. Provision to be made for archive deposition of the analysis and records of the site investigation; and
 5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

B. No works shall take place other than in accordance with the Written Scheme of Investigation for historic building recording approved under part A.

Reason:

To ensure that any archaeological significance associated with the buildings is appropriately recorded in accordance with the National Planning Policy Framework.

4. The conversion shall be carried out within the shell of the existing buildings only, with any rebuilding or demolition limited to that specifically shown on the approved plans.

Reason:

To ensure that the works conserves the character of the buildings and their setting.

5. Notwithstanding the approved plans, prior to installation / construction the following details shall be submitted to and approved in writing by the Local Planning Authority:
 - a) new and replacement windows, doors, rooflights, shutters and secondary glazing including construction details, recess, finish and furniture;
 - b) roof materials including sample;
 - c) new or replacement brickwork or stonework including sample and mortar specification for all new or replacement walling or re-pointing;
 - d) timber cladding including construction details and finish;

- e) new and replacement rainwater goods including construction details, materials and finish;
- f) vents, soil vent pipes, grilles or meter boxes;
- g) works to floors including, excavation, levels, construction and finish;
- h) works to walls and ceilings including insulation, boarding, sections and finish;
- i) new staircases including, construction details, materials and finish;
- j) works to block internal doorways or permanently fix internal doors including methodology, construction and finish.

The works shall not be carried out other than in accordance with the approved details.

Reason:

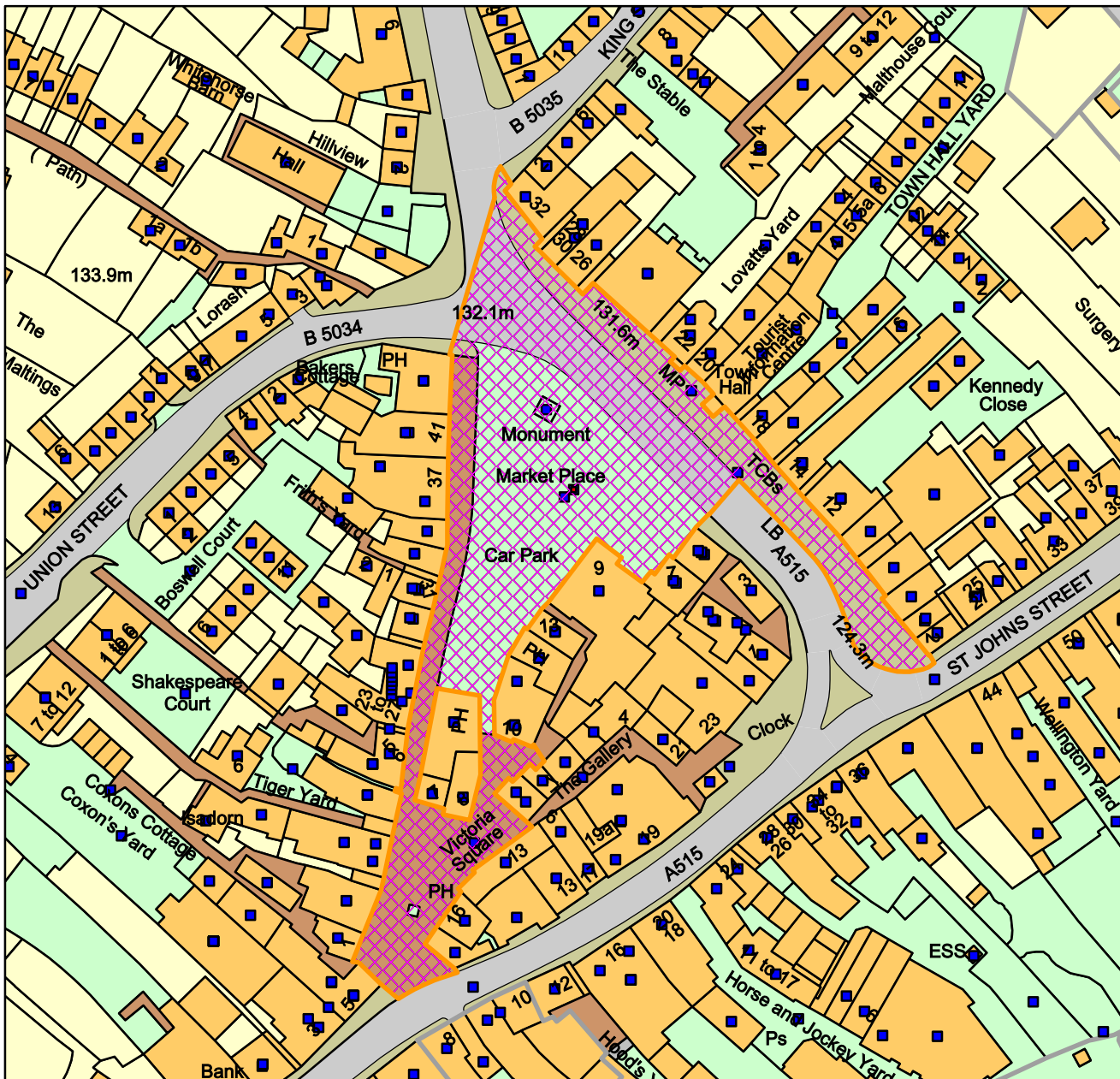
To ensure that the works conserves the significance of the buildings and their setting.

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 amended plans.

23/00959/LBALT

Market Place and Victoria Square, Ashbourne, Derbyshire



Derbyshire Dales DC

1:1,250

Date: 02/11/2023

100019785

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website : www.derbyshiredales.gov.uk

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APPLICATION NUMBER		23/00959/LBALT	
SITE ADDRESS:		Market Place and Victoria Square	
DESCRIPTION OF DEVELOPMENT		Various proposed works at Market Place and Victoria Square	
CASE OFFICER	Chris Whitmore	APPLICANT	Mr K. Parkes – Derbyshire County Council
PARISH/TOWN	Ashbourne	AGENT	Mr Z. Croft - AECOM
WARD MEMBER(S)	Cllr P. Dobbs Cllr S. Lees	DETERMINATION TARGET	2 nd November 2023 (EOT until 17 th November)
REASON FOR DETERMINATION BY COMMITTEE	Market Place and Victoria Square are District Council owned and managed public space/ land. The District Council is also the accountable body for the Ashbourne Reborn Programme, within which Derbyshire County Council is acting as delivery partner for the Highways and Public Realm project.	REASON FOR SITE VISIT (IF APPLICABLE)	For members to consider the extent of works and impact on the heritage assets engaged.

MATERIAL PLANNING ISSUES
<p>Impact of the works on:</p> <ul style="list-style-type: none"> • the Grade II listed surface and setting of surrounding listed buildings; • the character and appearance of this part of Ashbourne Conservation Area, and; • below ground archaeology

RECOMMENDATION
That Listed Building Consent be Granted subject to Conditions

1.0 THE SITE AND SURROUNDINGS

- 1.1 The surface of the Market Place, Ashbourne is grade II listed (listed 1974). The listing description states that the surfacing is “18th century or early 19th century or earlier” and includes the “paved surface of the Market Place and flanking pavements. Mostly limestone setts with some flagstones. Raised pavements to the west and north-eastern sides”.
- 1.2 The surface of the adjoining Victoria Square is also grade II listed (listed 1974). The listing description states that the surfacing is “18th century or early 19th century or earlier” and includes the “paved surface of limestone setts and flagstones with narrow modern surfaced footway through centre”. Located within Victoria Square is an historic, 19th century (1864) lamp post on a stone plinth/base that is grade II listed (listed 1974).
- 1.3 The listing of surfaces is rare and their statutory protection is based on their age, extent, materials and their contribution to the character and appearance of the town. The statutory listing affords protection and recognises the importance and significance of the surfaces of both Market Place and Victoria Square.
- 1.4 Surrounding and bounding the Market Place and Victoria Square are a large number of listed buildings whose setting and context is the Market Place and Victoria Square.

2.0 DETAILS OF THE APPLICATION

- 2.1 The application which has been submitted relates to the ‘Ashbourne Reborn’ project which has government funding through the ‘levelling up’ programme. The proposed works to the Market Place and Victoria Square are briefly summarised as follows –
 - The removal of the car parking to Market Place (and removal of thermoplastic lines);
 - Provision of a disabled bay and three short stay parking spaces (dermarcated by setts) to the north of no. 5 Market Place;
 - Repairs to existing limestone setts and sandstone flagstones;
 - Introduction of new areas of stone surfacing to areas of tarmac;
 - Installation of new electricity points (for events), some up-lighters and bollards;
 - Removal of old/existing and provision/installation of new street furniture to both areas, and
 - Provision of new trees and associated tree pits within the Market Place.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. National Planning Policy Framework (2021) - Conserving and Enhancing the Historic Environment
2. National Planning Practice Guide (2014)
3. Historic England Advice Note 2 - Making Changes to Heritage Assets (2016)

4.0 RELEVANT PLANNING HISTORY:

13/00058/LBALT	Alterations to listed building - Application of painted ground markings for the control and regulation of car parking	PERC	23/04/2013
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5.0 CONSULTATION RESPONSES

Ashbourne Town Council

5.1 No objection.

Highways Authority

5.2 There are no objections to the proposed development from a traffic and highway point of view.

Archaeology (DCC)

5.3 The surfaces of the Market Place and Victoria Square are designated Grade II listed (MDR12718). No 33 Market Place is also a Grade II listed building (MDR10853). In terms of below ground archaeology, the large triangular Market Place (MDR12718) at Ashbourne was almost certainly laid out as part of the medieval planned town. Due to the nature of the Market Place being at the centre of the medieval town it is possible that the various below ground interventions, such as those for tree planting, lighting and services, etc. may impact below ground archaeological deposits and further archaeological works, in the form of archaeological monitoring will be required. A written scheme of investigation condition is therefore recommended.

5.4 Trees and Landscape Officer (DDDC):

I recommend that details regarding the planting specifications for these should be required to be submitted for approval. This is likely to include suitably specified planting soil cells.

I note underground services are proposed to be installed in the vicinity of existing and proposed trees. I recommend that details relating to how this would be achieved without harm to existing or proposed trees should be submitted for approval.

I note proposed filling of gaps between existing limestone setts around an existing tree in the SW part of the site. This would reduce gas exchange and change water relations with the substrate beneath. The tree's rooting system will have grown accustomed to the existing conditions. It requires gas exchange and appropriate water conditions to survive and to keep the tree healthy and safe. Sealing of the surface as proposed would likely have an adverse effect on the tree potentially leading to its demise and death.

I recommend that alternative methods of creating an accessible surface be considered and an appropriate specification be submitted for approval. Alternatively, it may be more appropriate to remove the tree and replace with one planted in a suitably specified planting soil cell.

5.5 Design and Conservation Officer (DDDC):

It is considered that the proposals, as detailed in the application will, in general terms, constitute an enhancement of the surfaces of both areas and retain historic character and appearance. The proposed works will provide the areas with new street furniture and other elements that will allow both spaces to be actively and regularly used by the general public as communal spaces within the core of the town. The proposed removal of the existing car parking within the Market Place is considered a fundamental enhancement as this will allow the public to regain this space in the town centre and the open space will allow the numerous

listed and historic buildings to both areas to be better appreciated and re-connect them with the historic Market Place as a holistic entity.

Notwithstanding the above, the following comments are made on some of the proposals –

- Street Furniture – this appears to be of a modern and contemporary type/design. This design approach is considered to be generally acceptable, however, it will be important to control the proposed methodology for fixing each element to the historic/listed surfacing. In this regard, a proposed schedule of work/methodology for the fixing type/method of each new element of street furniture will be required (via condition) for approval.
- Disabled Parking Space & short-stay parking bays – the area of the Market Place identified for disabled parking bay & three short-stay parking bays is currently laid with historic limestone setts. The submitted drawing indicates that these existing setts are *'to be taken up and set aside for re-use and replaced with limestone setts'*. Submitted drawing '006-Rev. P01.1' is ambiguous as it states *"replace areas of asphalt with new setts to match existing, add contrasting colour setts to create symbol and demarcation lines (replacing either asphalt and/or existing setts)"*. An image on the drawing shows modern concrete block pavements in white and dark grey. Confirmation is required that if the area of current, historic, limestone setts to this area are to be taken up that they will be re-used and re-laid in the same area and to the same laying pattern but including the contrasting setts to form the symbol and demarcation lines. Confirmation is also required as to what material will be used for the darker setts to form the symbol and demarcation lines. The use of a concrete block pavement is not deemed to be appropriate and would be harmful to the listed surface within the Market Place.
- On the 'proposed Layout' plan it identifies 'new lighting column'. In the submitted 'Public Realm Material Palette' there is no reference to lighting columns or a depiction of what is proposed. It will be important to identify the type of lighting column(s) proposed, for approval.
- With regard to a number of commercial bins within the Market Place/Victoria Square a note on the drawing states *"bins to be managed by consultation with affected businesses. Timber storage will not resolve issue and cannot be located in sufficient quantities"*. Based on this statement it appears that this issue has not been satisfactorily resolved and is, therefore, likely to be an issue going forward.

As the Market Place & Victoria Square have been open areas from the medieval period it is probable that any excavation work may reveal archaeological deposits/remains. In this regard any excavation works should be undertaken under an archaeological watching brief. With regard to new materials (i.e. limestone setts, sandstone/gritstone paving flags) samples of these will need to be approved prior to laying. Similarly, any proposed pointing or re-pointing of the gaps between limestone setts and flagstone should be a traditional lime-based mortar, of a suitable colour, texture and finish within the joints and samples of such pointing/re-pointing should be approved. There is a reference in the submission to pointing/re-pointing to fill joints to create a more level surface. The physical definition of the individual setts/flagstones is an important part of the character and appearance of the listed surfaces and, therefore, any such proposed works should be agreed/approved via a sample panel area.

In conclusion, and subject to the above comments, it is considered that the proposed works to the listed surfaces of the Market Place & Victoria Square and to the setting & context of the large number of listed buildings surrounding/bounding the areas, would, under architectural and archaeological supervision, not be deemed harmful.

6.0 REPRESENTATIONS RECEIVED

6.1 One objection has been received and it is summarised below:-

- a) The position of parking spaces near cafe and chip shop would be better placed on the opposite side of the tarmac facing into the market place as the whole premise for doing up the market place is to provide a lovely area for socialising and eating and drinking out.
- b) With the position of parking flipped picnic benches could be used for the community near the cafe and chip shop safely.
- c) On current plan there are a few bistro tables on flag stones by cafe and 2 benches by chip shop but there is no sign of safety barriers or landscaping barriers to prevent cars encroaching onto the tables.
- d) As owner of the café, there have been 3 occasions this year that cars have hit benches and if the parking can't be switched around. Bollards are required for safety of both public and buildings.

7.0 OFFICER APPRAISAL

7.1 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 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. Section 72 of the Act also requires local authorities, in exercising their planning functions to pay special attention to the desirability of preserving or enhancing the character and appearance of land and buildings in a conservation area.

7.2 Having regard to the above, the following matters are relevant to the consideration of this application:

Impact of the works on:

- the Grade II listed surface and setting of surrounding listed buildings;
- the character and appearance of this part of Ashbourne Conservation Area, and;
- below ground archaeology

7.3 The application seeks consent for works associated with the Ashbourne Reborn project. The project aims to reduce the dominance of the traffic by redesigning the vehicular carriageway and increasing the space and quality of pedestrian routes and areas surrounding them. This application relates specifically to the works to the Market Place and Victoria Square surfaces, which require Listed Building Consent. Wider works to the highway and public realm constitute a permitted form of development, undertaken by a local authority. The works requiring listed building consent and can be controlled comprise repairs and upgrades to the listed surfaces including proposed pedestrian crossing works, and installation of lighting, services, tree infrastructure and street furniture.

7.4 Section 16 of the National Planning Policy Framework (2023) relates to Conserving and Enhancing the Historic Environment. Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. A Heritage Statement has been prepared and submitted with this application. The statement considers the effects of the proposed works on the listed assets and has been assessed by the District Council's Design and Conservation Officer.

7.5 The Heritage Statement identifies harm, albeit at the lower end of less than substantial harm in NPPF terms. Metal studs are proposed to be installed to demarcate the proposed spill out seating area. There are some areas where some loss of historic surfacing will occur i.e. the widening of the pedestrian crossing between the Market Place and the pavement on Buxton Road, the addition of a pedestrian crossing at the south-east end of Buxton Road to the

traffic island and the installation of proposed trees and services for lighting and power for events requires the excavation. The relocated ticket machine also results in some harm.

- 7.6 The above works are, however, minor. The wider repairs to and relaying of the surfaces would enhance the appearance of Market Place and Victoria Square addressing damage and sunken setts / flags. The existing surfaces reflect piecemeal development with several different phases of construction evident and a range of different materials, bonds, and coursing direction used. The works conserve and reflect this existing character whilst enhancing pedestrian connectivity, the amount of usable public open space and improving the surfaces, through the relaying of setts and flags and removal of paint demarcating existing parking bays.
- 7.7 The street furniture will be of a contemporary style and have been purposefully selected to have low impact fixings to reduce surface impact. Contemporary bollards are also proposed to deter vehicle access to restricted areas. Whilst the concerns of an adjacent business are noted with regard to vehicles colliding with benches, causing damage to property, the works limit the number of parking spaces and propose dedicated parking spaces and adequate space for vehicle manoeuvres to prevent damage to property. The area is already accessible to the public and can be used for events. This application is also limited to the works requiring Listed Building Consent. The requirements of Martyn's Law under the Terrorism (Protection of Premises) Bill, which is currently in draft will need to be considered in respect of any events held. Temporary measures in addition to the bollards proposed as part of this application can / will be introduced to ensure public safety.
- 7.8 As set out in the consultation comments received by the Council's Conservation and Design Officer it is considered that the proposals, as detailed in the application would, in general terms, constitute an enhancement of the surfaces of both areas and retain historic character and appearance. The proposed works would provide the areas with new street furniture and other elements including trees that would allow both spaces to be actively and regularly used by the general public as communal spaces within the core of the town and enhance this part of the town. The proposed removal of the existing car parking within the Market Place is considered a fundamental enhancement as this would allow the public to regain this space in the town centre and the open space would allow the numerous listed and historic buildings to both areas to be better appreciated and re-connect them with the historic Market Place as a holistic entity. The public benefits to be derived from the works are considered to far outweigh the less than substantial harm to the listed surfaces. No harm would result to adjacent listed buildings and the development would enhance the character and appearance of this part of Ashbourne Conservation Area.
- 7.9 With conditions to control any new materials used and pointing, method of fixing of the street furniture, the design of the street lighting, location of commercial bins and details of any enclosures to minimise the impact on the listed surfaces, the works are considered to be acceptable and it is recommended that listed building consent be granted on this basis. A condition to secure details of the retained trees protection, and how the gaps between the surfaces will be treated and services provided so as to not prejudice the health of the tree is recommended to address the comments of the Council's Trees and Landscape Officer. The applicant has clarified that new underground services are only proposed near to some of the six new trees at the Market Place, not the existing tree at Victoria Square.
- 7.10 With regard to new tree planting the application explains that each tree pit is proposed to be made up of root protection boxes, rootspace (or similar and approved) with a root director placed centrally to support tree growth, avoid future disturbance of the setts and protect any existing utilities within the anticipated root area. The area of root boxes excavation will allow for 200mm provided on all sides of excavation to allow suitable working and backfill. Each root box is 500mm wide, 500mm long and 400mm/600mm height, and they are interconnected to create a rigid surround. They will be filled with a suitable planting soil to

manufacturer's specification. Rootball Anchoring, geotextiles and aeration pipes will be installed, along with the tree pit to support healthy tree growth and prevent future damage to the setts. Tree grilles will then be installed at the base of the trees. The proposed tree grilles (Zeta or similar and approved) will allow the setts to continue over the top of the tree pit seamlessly to minimise visual surface impact and allow the historic surfacing to run as close as possible to the tree without risk of root damage. A small gap will be provided at the centre to allow for trunk growth and water ingress. The proposed street tree species have been selected as they have low impact root systems and absorb pollutants in the air. This is considered to be an acceptable level of specification and detail in relation to the new trees that will ensure minimal damage to the listed Market Place surface.

7.11 The Development Control Archaeologist and District Council's Conservation Officer have both pointed to the likelihood of works revealing archaeological deposits/remains of significance given that they have been open areas from the medieval period. An archaeological watching brief is recommended (which will need to be secured by condition) to ensure that any archaeology of significance is appropriately recorded.

8.0 RECOMMENDATION

That Listed Building Consent be granted subject to the following conditions:-

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason:

This is a statutory period which is specified in Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. This consent relates solely to the application plan no's, DR-ZZ-0100 005 P01, DR-ZZ- 0100 006 P02, DR-ZZ-0100 007 P02, DR-ZZ- 0100 008 P01, DR-CH-0100 014 P01 and DR-LA-3000 006 P01.1 and Public Realm Material Palette and Guidance on the rehabilitation of natural stone pavements documents received by the Local Planning Authority on the 7th September 2023.

Reason:

For clarity and in the interests of proper planning.

3. No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. 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
- The programme for post-investigation assessment and subsequent analysis, publication and 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.

Any WSI should be authored by the archaeological company appointed to undertake the work in the field and this be in consultation with this office. The WSI should set out the timing and sequencing for the implementation of the monitoring and be undertaken by an appropriately qualified and experienced archaeologist.

Reason:

To safeguard the identification and recording of features of historic and/or archaeological interest associated with the site.

4. A proposed schedule of work/methodology for the fixing type/method of each new element of street furniture shall be submitted and approved by the Local Planning Authority prior to its installation and implemented in accordance with the approved details.

Reason:

In the interests of conserving the character and appearance of the listed surfaces, setting of adjacent listed buildings and the character and appearance of this part of Ashbourne Conservation Area in accordance with the aims of the National Planning Policy Framework (2023).

5. Details of the lighting columns shall be submitted and approved by the Local Planning Authority prior to their installation and implemented in accordance with the approved details.

Reason:

In the interests of conserving the character and appearance of the listed surfaces, setting of adjacent listed buildings and the character and appearance of this part of Ashbourne Conservation Area in accordance with the aims of the National Planning Policy Framework (2023).

6. Details of the location and any enclosure of the commercial bins areas within the Market Place/Victoria Square shall be submitted and approved by the Local Planning Authority prior to installation and implemented in accordance with the approved details.

Reason:

In the interests of conserving the character and appearance of the listed surfaces, setting of adjacent listed buildings and the character and appearance of this part of Ashbourne Conservation Area in accordance with the aims of the National Planning Policy Framework (2023).

7. Samples of any new materials to be used in re-surfacing works (including demarcation and symbol setts) shall be submitted to and approved in writing by the Local Planning Authority prior to being laid. The works shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of conserving the character and appearance of the listed surfaces, setting of adjacent listed buildings and the character and appearance of this part of Ashbourne Conservation Area in accordance with the aims of the National Planning Policy Framework (2023).

8. Before application, samples of pointing or re-pointing of the gaps between limestone setts and flagstone shall be inspected and approved in writing by the Local Planning Authority. It shall be a traditional lime-based mortar, of a suitable colour, texture and finish within the joints. The works shall thereafter be carried out in accordance with the pointing details so approved.

Reason:

In the interests of conserving the character and appearance of the listed surfaces in accordance with the aims of the National Planning Policy Framework (2023).

9. Before works begin on the pointing/re-pointing to fill joints to create a more level surface, a sample panel shall be inspected and approved by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of conserving the character and appearance of the listed surfaces in accordance with the aims of the National Planning Policy Framework (2023).

10. Prior to the commencement of works within the root protection area of the retained tree details of its protection, and how the gaps between the surfaces will be treated and services provided so as to not prejudice the health of the tree shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter proceed in accordance with the approved details.

Reason:

To safeguard an important feature in Victoria Square in the interests of conserving the character and appearance of this part of Ashbourne Conservation Area in accordance with the aims of the National Planning Policy Framework (2023).

9.0 NOTES TO APPLICANT:

1. The Local Planning Authority have prior to the submission of the application entered into positive and proactive discussions with the applicant to minimise the impact of the works on the heritage assets engaged.

This permission relates solely to the application plans and documents

DR-ZZ- 0100 004 P01

DR-ZZ- 0100 005 P01

DR-ZZ- 0100 006 P02,

DR-ZZ-0100 007 P02,

DR-ZZ- 0100 008 P01,

DR-CH-0100 014 P01

DR-LA-3000 006 P01.1

Heritage Statement

Public Realm Material Palette

Guidance on the rehabilitation of natural stone pavements

Public Realm site walk over report

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NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 14 November 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
22/00008/OUT	Land off Biggin View, Hulland Ward	WR	Appeal Allowed – copy of appeal decision attached
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 Dismissed – copy of appeal decision attached
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, Hlland 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 dismissed – copy of appeal decision attached
Central			
22/00772/OUT	Land opposite The Homestead, Whitworth Road, Darley Dale	WR	Appeal being processed
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
ENF/23/00037	Land south of Yeats Lane, Cromford	WR	Appeal being processed
22/01353/OUT	Opposite the Homestead, Whitworth Road, Darley Dale	WR	Appeal dismissed – copy of appeal decision attached
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
ENF/23/00032	Spitewinter Farm Oakerthorpe Road, Bolehill, Wirksworth	WR	Appeal being processed

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

OFFICER RECOMMENDATION:

That the report be noted.



Appeal Decision

Site visit made on 15 August 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2023

Appeal Ref: APP/P1045/W/23/3317085

Brunswood Barns, Brunswood Lane, Hulland Ward, Derbyshire DE6 3EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Ms Mellor and Frodsham against the decision of Derbyshire Dales District Council.
 - The application Ref 22/00304/FUL, dated 14 March 2022, was refused by notice dated 26 January 2023.
 - The development proposed is conversion of barns to dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the Council's decision notice and statement more accurately reflects the location of the appeal site than that on the application form as it includes a postcode and I note that it has been used in the appeal form. I have therefore used it in the banner heading above.
3. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the host buildings and area; and
 - whether the development would accord with local policies, national guidance and legislation with regard to protected species, namely bats.

Reasons

Character and appearance

5. The appeal site is located in undulating open countryside characterised by pastureland, hedgerows and wooded areas, scattered farmsteads and localised clusters of buildings. It comprises a cluster of former farm buildings enclosed in part by a post and rail fence and remnants of a stone wall. The buildings are not located close to an associated farmhouse. The site includes a two storey brick barn with clay tile roof and an attached single storey brick and blockwork barn with a fibre cement sheet roof. An array of other corrugated sheet and timber agricultural buildings are both attached to, and surround, these barns

- and are in a poor state of repair. Due to the close grouping of the buildings, the overall form of built development on the site is relatively compact.
6. The site is accessed off Brunswood Lane, through a metal bar gate and includes a grass track, which is also a Public Right of Way. Due to the topography of the area, I saw at my site visit that the appeal site is clearly visible from Brunswood Lane and the surrounding countryside.
 7. Policy HC8 of the Derbyshire Dales Local Plan (2017) (DDLPL) is supportive of the conversion and/or re-use of existing buildings to residential use outside defined settlement limits, subject to four criteria. The Council's Conversion of Farm Buildings Supplementary Planning Document (January 2019) (SPD) provides further guidance. It seeks to ensure, amongst other things, that any alternative use of farm buildings is sympathetic to their character, appearance and surrounding landscape.
 8. Both the two storey brick barn and the attached single storey brick and blockwork barn (the host buildings) would be retained and converted to a three bedroom dwelling. Irrespective of which of the host buildings is the 'principal' barn, both parties agree that the main brick and blockwork elements of the barns are structurally sound and suitable for residential conversion. Their conversion to a dwelling therefore meets criterion a) of Policy HC8 of the DDLPL.
 9. In terms of criterion b) of Policy HC8, the host buildings make a positive contribution to the character and appearance of the countryside surroundings. However, Policy HC8 is clear that the like for like replacement of other buildings or extensions on the site that do not make a positive contribution to the character and appearance of the area would not be acceptable.
 10. The replacement of the existing lean-to addition to the east elevation of the host buildings and the northern corrugated open shed with a modern timber clad extension and car port respectively would replicate the scale and form of the existing structures. Nevertheless, even though these structures appear to have been in existence for a considerable period of time, they do not make a positive contribution to the character and appearance of the surroundings and do not meet criterion b). As such, the proposed replacement structures would be considered to be extensions.
 11. Criterion c) of Policy HC8 requires that buildings can be converted without extensive alteration, rebuilding or extension. In the context of the scale of the host buildings, the proposed lean-to addition to the east elevation and the proposed detached car port would be more than modest additions to the scheme. Moreover, the existing blockwork barn is currently lower in height than the two storey brick barn, reinforcing its subordinate relationship. The proposed increased height of this building to accommodate a first floor would be a substantial alteration and addition to the scheme. Taken cumulatively, the proposed rebuilding and extensions would be significant, in conflict with criterion c).
 12. In terms of criterion d), this seeks to ensure that a conversion does not have a detrimental impact on the character and appearance of the building or group of buildings and its surroundings. The increased height of the blockwork barn would result in the loss of the former subordinate relationship to the two storey brick barn. This would be accentuated by the proposed flue and the limited difference in height between the two roofs, which would be barely discernible in

views towards the site. Notwithstanding the different roof materials, the proposed building would be seen as one larger building which would give the proposal a heavy and bulky appearance.

13. In addition, while the east elevation of the host buildings is partially obscured by an existing timber lean-to extension, which does not make a positive contribution to the character and appearance of the building or area, the proposed replacement extension would exacerbate the harm by the use of a more substantial construction material, albeit clad with timber. The proposed ink blue cladding and addition of a large floor to ceiling glazed window on the principal elevation of the building facing Brunswood Lane would be seen as a modern addition which would harm the building's traditional rural appearance. The proposal would not meet the aims of criterion d).
14. Whilst the proposed materials and minimal window and conservation rooflight openings in the host buildings would retain the former agricultural integrity as advocated in the SPD, and the catslide roof to the western elevation has been sensitively designed, these elements in themselves would fail to overcome the harm caused by the overall scale and design of the proposal, as noted above.
15. The existing detached corrugated sheet building lying between the host buildings and Brunswood Lane does not contribute positively to the character and appearance of the site or its surroundings and its removal would enhance the appearance of the site in views from the east and south. The removal of part of the open shed along the western boundary of the site would result in the remainder of the southern part of the shed appearing somewhat isolated within the group and would have a neutral effect on the appearance of the group. Overall, the removal of these buildings would not outweigh the harm I have found above.
16. For the reasons given above, the proposal would cause harm to the character and appearance of the host buildings and the area. The scheme fails to comply with Policies S4, HC8 and PD1 of the DDLP which, together, amongst other things, seek to ensure that development is of high quality design that respects the character, identity, context and appearance of the building or the surrounding area. It would also fail to respect guidelines in the SPD which seeks the aims already set out above.

Biodiversity

17. The appeal documents include a Bat Activity Survey (September 2021) undertaken by Elite Ecology (BAS) which found evidence of 3 species of bat day roosts in the host buildings and evidence of commuting and foraging bat species in the area. Thus, there is credible evidence of a reasonable likelihood of protected species being affected. Indeed, as the bat roosts would be likely to be lost due to the proposed development, the BAS sets out that this would result in a high biodiversity impact as defined by the Bat Mitigation Guidelines (2004).
18. Evidence of nesting birds was also found at the site and the BAS established the proposal would result in a harmful effect on local bird populations, including swallow. However, the BAS also concluded that the proposal would have a negligible effect on potential foraging and commuting habitat.

19. Regulation 9 (3) of the Conservation of Habitats and Species Regulations 2017 (the Regulations) imposes a duty on me to have regard to the likelihood of bats, a European Protected Species (EPS), being present and affected by the proposed development. Furthermore, Circular 06/2005¹ states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat.
20. The BAS is a thorough appraisal that has been prepared by an appropriately qualified authority. However, while it is clearly apparent that the appeal site hosts bat roosts, only 2 out of 3 surveys were completed and the surveys are now just over 2 years old and were carried out towards the end of the optimal time of year for determination of summer roosts. No updated survey was submitted with the appeal. On the evidence provided by the Council's ecology advisor, the Derbyshire Wildlife Trust, further surveys would be required to inform a licence application, and they cannot now be carried out until the 2024 bat active season as confirmed by Natural England standing advice.
21. The appellant confirms that the proposed development would result in adverse effects on EPS without suitable compensatory measures. The proposed elevation plan J05-05C identifies the location and dimensions of a proposed bat loft and details of bat boxes have been provided, although locations of these are not given. Similarly, compensatory measures for swallow and other bird nesting cups and boxes on the site have been set out in the BAS.
22. Both parties agree that an EPS licence would be required from Natural England to carry out the works. Decisions about whether a licence can be granted are the responsibility of Natural England and are under a separate process. Nevertheless, as the appropriate decision-maker I am required by the Regulations to have regard to the requirements of the Habitats Directive in the determination of this appeal. In effect I am required to consider whether there would be a reasonable prospect of a licence being granted by applying the three derogation tests: (a) preserving public health or public safety or other imperative reasons of overriding public interest; (b) that there is no satisfactory alternative; and (c) that the action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.
23. I recognise the surveys indicate bat roosts at the site. However, given that only 2 surveys were carried out towards the end of the optimal time of year and the age of the surveys, I am not certain that the information is sufficiently robust to fully assess impacts on bats and inform the mitigation proposals. Furthermore, even though the proposal would make a contribution to the supply of housing in an area which, on the evidence before me, has a shortfall in supply, I have found there would be harm to the character and appearance of the host buildings and the area. The modest scale of the development would not be sufficient to amount to an imperative reason of overriding public interest. Therefore, two of the derogation tests would be unlikely to be met.
24. In order for NE to issue a licence, all three of the tests must be met. On the basis of the information before me, I consider that there is insufficient evidence for me to deduce that there would be a reasonable prospect of a derogation licence being granted by NE.

¹ Biodiversity and Geological Conservation – Statutory Obligations and their Impacts within the Planning System

25. Accordingly, I conclude that the evidence does not satisfactorily demonstrate that the scheme would have an acceptable effect on the biodiversity of the site, in particular in respect of bats. For this reason, the proposal would not accord with local policies, national guidance and legislation with regard to protected species, namely bats. It would therefore conflict with Policy PD3 of the DDLP which requires that development does not harm biodiversity interests. It would also conflict with paragraph 180 of the National Planning Policy Framework (the Framework) and the Regulations.

Other Matters

26. I have had regard to the appellant's fallback position under Part Q of the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). For significant weight to be afforded to a fallback position, there needs not only to be a reasonable prospect of it being carried out, but it would also need to be more harmful than what would be allowed by the scheme for which permission is sought.

27. The footprint of the proposed development would not be dissimilar to that which could be constructed using permitted development rights under the GPDO, with the exception of the lean-to addition on the eastern elevation of the two storey barn. However, the proposed development would include the addition of a first floor above the blockwork barn, thereby extending the external dimensions of the existing building upwards. Therefore, even if it was a realistic alternative, the fallback position would not be more harmful than the proposal before me. In any event, no alternative schemes have been provided. I have therefore given no weight to the fallback position.

28. Both parties refer to an appeal² although I have not been provided with a copy of the decision. Nevertheless, it appears to relate to the character and appearance of a garden area which is not a reason for refusal in the appeal before me and is therefore materially different.

29. Although there is some support for the proposal from a neighbouring occupant, a lack of objection is not a reason to approve unacceptable development.

30. I have had regard to the appellant's personal circumstances and their wish to provide a family home. However, these private matters are not sufficient to outweigh the harm I have identified.

Planning Balance and Conclusion

31. The most relevant policies are wholly consistent with the aims of the Framework regarding the need to achieve well designed places and to re-use redundant or disused buildings and enhance its immediate setting. I attach significant weight to the conflict with the development plan.

32. My attention has been drawn by the appellant to the Council's lack of a five-year supply of deliverable sites to meet housing needs. This has not been disputed by the Council. Therefore, paragraph 11d)ii) of the Framework falls to be considered.

33. The proposal would provide a dwelling that would contribute towards the district's housing supply and the Government's objective of significantly

² APP/11860/VV/21/3282384

boosting the supply of new homes. It would contribute to the local economy during the course of construction, and occupation of the dwelling. Nonetheless, given the limited scale of the proposal, the benefits carry modest weight.

34. Against this benefit is the identified harm that would be caused to the character and appearance of the host buildings and area and to protected species, namely bats. As identified above, this conflicts with the development plan, the Regulations and the aims of paragraphs 130 and 180 of the Framework.
35. When the proposal is assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.
36. For the reasons above, having regard to the development plan as a whole and all relevant material considerations, including the Framework, the appeal is dismissed.

A Veevers

INSPECTOR



Appeal Decision

Site visit made on 10 October 2023

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 18.10.2023

Appeal ref: APP/P1045/D/23/3328717

Bull Hill Farm, Kirk Ireton, Ashbourne, Derbyshire DE6 3JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by Frances Renwick and Michael Lawson against the decision of Derbyshire Dales District Council.
 - The application, ref. 23/00558/FUL, dated 24 May 2023, was refused by a notice dated 21 July 2023.
 - The development is: Proposed erection of replacement conservatory at Bull Hill Farm, Kirk Ireton, Derbyshire for Frances Renwick and Michael Lawson.
-

Decision

1. The appeal is dismissed.

Main issue

2. The decision turns on the likely effect of the new conservatory at Bull Hill Farm on the character and appearance of the immediate surroundings.

Appeal project

3. The appeal concerns the replacement of a dilapidated conservatory that was attached to a small dual pitched stone outbuilding at Bull Hill Farm. Photographs of the former conservatory showed it built with low walls and extensive timber framed glazing to walls and roof. It appeared to have been dilapidated prior to removal.
4. The walls to the replacement conservatory had been substantially built at the time of my visit, work having stopped when it was known planning permission was required. The walls to the new conservatory have been built with materials to match the outbuilding on the same footprint as the earlier conservatory. The roof's structure has been erected, but not yet covered. A lean-to single pitch sloping roof as before was precluded by headroom requirements.

Local policy

5. Policy S4 of the Adopted Derbyshire Dales Local Plan seeks to ensure that new development protects the landscape's intrinsic character and distinctiveness. Development is to be appropriate to its location and is not to have an adverse impact on the character and appearance of the rural environment. Policy PD1

requires development to be of a high quality design that respects the character, identity and context of townscapes and landscapes.

Considerations

6. The Council said the replacement conservatory would be incongruous. It would harm the character and appearance of the pitched roof stone building and the surrounding area. That would be contrary to Policies S4, PD1 and HC10 of the Adopted Derbyshire Dales Local Plan (2017) and the adopted Conversion of Farm Buildings Supplementary Planning Document (2019).
7. I agree with the Council that conservatories incorporating obviously domestic elements are likely to look misplaced amongst traditional rural farm buildings. In this instance, whilst not attempting to replicate the former conservatory, the newly built walls have suitably copied the appearance of the existing outbuilding walls. Completion of the new conservatory by covering it with a flat roof, however, would produce a final structure unacceptably out of keeping with the mainly agricultural character of Bull Hill Farm and its associated traditional farm buildings. The new flat roofed appeal structure, even in its uncompleted form, looks incongruous, the outer southern wall looking to be ill-fittingly high in relation to the existing outbuilding to which it is attached.
8. I accept the Appellants' opinion that the former conservatory was of little merit and that there are limited public views to its replacement. Its utility may also be an improvement on what was there before. But I cannot agree with the assertion that the new conservatory is not at odds with the form and design of the outbuilding and the main dwelling at Bull Hill Farm. Its completion as proposed would conflict with Local Plan policies S4 and PD1 drawn up to require that development is of a high quality design that protects the landscape's intrinsic character and distinctiveness.

Conclusion

9. For the reasons outlined above, the appeal is dismissed.

John Whalley

INSPECTOR



Appeal Decision

Site visit made on 26 June 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2023

Appeal Ref: APP/P1045/W/22/3310169

Land off Biggin View, Hulland Ward, Ashbourne, Derbyshire DE6 3GY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Yates against the decision of Derbyshire Dales District Council.
 - The application Ref 22/00008/OUT, dated 9 December 2021, was refused by notice dated 14 September 2022.
 - The development proposed is the erection of up to 15 dwellings and associated garaging.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 15 dwellings and associated garaging at Land off Biggin View, Hulland Ward, Ashbourne, Derbyshire DE6 3GY in accordance with the terms of the application, Ref 22/00008/OUT, dated 9 December 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline form with only the means of access to be determined at this stage. Matters of appearance, landscaping, layout and scale are reserved for future consideration. I have therefore treated any details within the drawings relating to matters other than access as indicative as to how the site might be developed.
3. The description of the proposed development on the planning application form is "Outline application for the erection of up to 15 dwellings and associated garaging including details of means of access". I have omitted specific reference to the outline nature of the proposal and the details of means of access from the description as they are not forms of development.
4. For the avoidance of doubt, the reference to house numbers within this decision is in accordance with my observations at the time of my site visit, rather than the plot numbers as relied upon by the main parties within their submitted evidence.

Main Issue

5. The effect of the proposal on highway safety.

Reasons

6. The appeal site is a field located adjacent to the settlement of Hulland Ward. It abuts a recent housing development, hereafter referred to as Biggin View.

Through this appeal, permission is sought for an access point to the appeal site from an existing turning head at the end of a private drive within Biggin View.

7. On approaching the proposed access point to the appeal site from Biggin View, the existing footways within this stretch of private drive terminate adjacent to Nos 19 and 27. The private drive then takes the form of a hard surface shared by a variety of road users, which may include pedestrians, cyclists, wheelchair users and motorists, with a demarcated footway for a short stretch along the southern side of the carriageway leading to the proposed point of access to the appeal site.
8. Each of the dwellings located in the vicinity of the shared space have good levels of off-street parking provision, such that I consider it unlikely that there would be significant levels of on-street parking in this location. However, at the time of my site visit there was a vehicle parked over the demarcated footway and I appreciate, therefore, that inconsiderate parking may occur at times, which would displace pedestrians and other road users into the carriageway along this stretch.
9. As set out in the Department for Transport Manual for Streets, motorists entering shared spaces will tend to drive more cautiously and negotiate the right of way with pedestrians and other road users on a more conciliatory level.
10. The combined effects of the lack of kerbing, the slight incline in carriageway height from the rest of Biggin View and the demarcated stretch of footway make drivers aware that they are crossing over a shared surface and are likely to encourage low speeds, thus creating a shared space where pedestrians and other road users can co-exist with motorists without undue risk of collision or a feeling of intimidation. Any motorists using this stretch to enter/exit the existing driveways of Nos 19-25 would also be travelling slower so as to carry out such manoeuvres.
11. Further, as evidenced by the appellant's Access Technical Note¹, total vehicle movements generated by the proposed development throughout the day and particularly during peak times would be relatively low. Even together with the vehicle movements associated with the four existing dwellings which use the private drive for vehicular access, I consider overall traffic flow would be limited.
12. Pedestrians and other road users would only be crossing the shared space for a very short stretch and motorists would be able to see any oncoming road users given its straight alignment. There would be scope at the reserved matters stage to not only ensure that satisfactory visibility along the approach from the appeal development could be achieved, but to also ensure the route could be appropriately designed, be that a change in level and/or surface material or other features, so as motorists approaching the shared space from within the development would be well aware of it and adjust their driving accordingly.
13. I note that there is generous space for pedestrians and other road users to navigate around a parked vehicle and for another vehicle to pass concurrently. I am however aware that a bay window associated with the ground floor of No 27 slightly overhangs the carriageway. Be that as it may, the opened window

¹ Report reference: ADC3090-RP-B

would not interfere with passing vehicles which, in reality, would be travelling a distance from the edge of the carriageway, as is likely currently experienced.

14. Even in the instance where the opened window and a parked vehicle may prevent two vehicles from passing one another, at the same time that a pedestrian or other road user was traversing the carriageway, this give way arrangement is commonplace within built-up residential areas such as this. Moreover, the opened window and its perceived narrowing effect on the carriageway would further deter high vehicle speeds. It would not make the access to the appeal site any more constrained or difficult for drivers or unsafe for other road users.
15. Drawing all of the above together, the design characteristics of the shared space and proposed access creates an environment conducive to low travelling speeds and encourages considerate use by all highway users. The likelihood of conflict would be further reduced by the low traffic flows and good visibility. Thus, I see no reason why the safety of all road users would be unacceptably compromised by the proposal.
16. Accordingly, the proposed access to the appeal site would not give rise to an unacceptable impact on highway safety. Therefore, the proposal would accord with Policies S4 and HC19 of the Derbyshire Dales Local Plan (December 2017) which, in so far as they relate to this appeal, collectively require that developments do not generate traffic of a type or amount which cumulatively would cause severe impacts on the transport network and ensure that developments can be safely accessed.
17. There would also be no conflict with paragraph 111 of the National Planning Policy Framework (the Framework) which requires that proposals are refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

18. I acknowledge that shared spaces can present highway safety concerns and difficulties for people with disabilities, particularly those with cognitive difficulties and people who are blind or partially sighted. I have therefore had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
19. Nonetheless, as indicated above, the design characteristics of the shared surface would provide good differentiation for vulnerable road users. In limited instances where pedestrians and other road users may have to enter the carriageway, this would only be for a very short stretch and in a place where traffic volumes and speeds would be low. Furthermore, the carriageway is not steeply inclined. I have no reason to think that it would create difficulties for access for all.
20. I have no evidence to suggest that the proposal would prevent persons with a protected characteristic from safely traversing along this stretch. Therefore,

- allowing this appeal would be consistent with the aims of the PSED to eliminate discrimination, advance opportunity and foster good relations.
21. The appeal site is located within the setting of the nearby Grade II listed Christ Church. Its significance appears to be derived from its three bay nave plan form, with projecting chancel and west tower, and its interior quality. The appeal site makes a positive contribution to its setting due to its rural and open characteristics.
 22. It seems to me that, during the call for sites, the Council determined that development at the appeal site may cause some harm to its setting however, at worst, this would likely be at the lower end of less than substantial harm. Given the intervening landscaping and distance between the heritage asset and the appeal site, along with the adjoining residential development and thus existing presence of built form, I concur with this view.
 23. In accordance with the Framework, great weight should be given to the asset's conservation and this harm should be weighed against the public benefits of the proposal. Up to 15 new dwellings, including the provision of affordable units, has the potential to deliver significant public benefits and thus I afford this matter very substantial weight. They would therefore outweigh any harm which the principle of the development and the proposed access would have on the setting of the heritage asset. Moreover, there would be potential for mitigation during the detailed design of the proposal.
 24. The Council has raised no concerns with the principle of housing in this location. It has however been suggested by interested parties that the area does not have sufficient shops and services for the increased number of residents. There is little conclusive evidence in this regard thus I cannot determine that existing infrastructure in the locality would not be able to service the development. I am therefore unable to attribute significant weight to those arguments.
 25. Concerns have been raised by third parties in respect of the use of the site by various forms of wildlife. The Council and its consultees have confirmed that they are not aware of the presence of any species or habitats of principal importance on the site and have accepted the recommendations in the appellant's Ecological Impact Assessment. A biodiversity net gain should however be achieved and this can be appropriately conditioned.
 26. It is suggested that the proposal would put residents at No 27 in danger when tending to parts of their garden adjacent the shared space, when cleaning windows or carrying out other maintenance. This arrangement would be similar to that which currently occurs. Also, the increase in vehicle movements as a result of the appeal proposal would not be so great, nor would vehicle speeds, so as to pose a significant danger.
 27. I consider that any disruption during construction of the appeal development would be for a temporary and likely limited period. The days and time of construction could be appropriately conditioned so as nearby residents are not unreasonably affected. Given the scale of the development, I consider that any comings and goings associated with construction traffic itself would not result in unacceptable harm to the living conditions or safety of nearby residents, including children traveling to nearby green spaces.

28. With regards to the housing land supply position, I do not need to consider this matter in detail as I have found that the proposal complies with the development plan.
29. Whilst concerns have been raised relating to previous car accidents on Dog Lane, the evidence before me is unsubstantiated and I do not know the precise details. Furthermore, the Council did not object on this basis. I am not persuaded that the maximum number of dwellings proposed and the evidenced number of vehicle movements, particularly in peak periods, would generate sufficient vehicular movements to unacceptably compromise highway safety in this location.
30. I note the revised option which proposed to narrow part of the existing private drive thus providing greater separation between the carriageway and No 27. However, I am not considering it as part of this proposal as it did not form part of this appeal. Moreover, I find the current scheme acceptable irrespective of any merits associated with the alternative option.
31. I do not have any substantive technical evidence to question the structural integrity of the existing shared surface and note it is clearly used by vehicles at present.

Planning Obligation

32. The appellant and the Local Planning Authority have jointly entered into a planning obligation in the form of a bilateral agreement, under section 106 of the Town and Country Planning Act 1990 (as amended). This includes obligations to provide and make contributions to affordable housing, which would come into effect if planning permission were granted.
33. I am content that the obligation and contributions meet the tests set by Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), which are also reflected at paragraph 57 of the Framework, in that they would be necessary to make the development acceptable in planning terms, would be directly related to the development, and would be fairly and reasonably related to it in scale and kind.
34. The Council's consultees confirmed that there is no requirement to mitigate the impact of the proposal on education. Therefore, a financial contribution towards the provision of secondary and post 16 school places is not necessary, as has been reflected in the signed planning agreement.

Conditions

35. The Council provided a list of suggested conditions it considered should be attached if planning permission were to be granted and the appellant had an opportunity to comment on this. For clarity and precision, and to ensure compliance with the Planning Practice Guidance, I have undertaken some minor editing and rationalisation.
36. Conditions specifying the reserved matters, the time limit for their submission and the commencement of the development are all required to ensure certainty in the planning process and consistency within national policy and guidance.
37. As outline planning permission is sought with all matters apart from access reserved, the only drawings that I have conditioned are those which identify

the site access. A condition is necessary to restrict the scale of the proposal to a maximum of 15 dwellings.

38. To reduce the risk of flooding, promote the use of sustainable drainage systems and ensure wider water quality, conditions requiring a surface water drainage scheme and a foul water strategy are required. For similar reasons, a condition requiring details of the finished floor levels to be submitted is necessary and this detail should be submitted at the reserved matters stage.
39. I have not attached a condition requiring a verification report for the surface water drainage system to be submitted for approval as the details and timeframe included in condition 6 provide suitable triggers for enforcement, thus it is not necessary.
40. To ensure a balanced community, a condition is required which stipulates the overall mix of housing types.
41. It is necessary to condition the details which should be submitted as part of any reserved matters application in relation to landscaping to ensure a high-quality development which also achieves a biodiversity net gain.
42. To ensure the private access and internal roads are satisfactorily maintained, a condition is required which secures management of the roads.
43. A condition concerning ground contamination is necessary in the interests of public health. A condition is required which ensures climate change measures are incorporated into the development. Restricting hours of construction is necessary in the interests of the living conditions of nearby residents.

Conclusion

44. For the above reasons, the proposed development would comply with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision should be other than in accordance with it. The appeal should therefore be allowed.

H Ellison
INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application(s) for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan Number 01001 Revision P2 and Site Plan as proposed Number 1001 Revision P3, in so far as they relate to matters of site access.
- 5) No more than 15 dwellings shall be constructed pursuant to this permission.
- 6) No development shall commence until details of a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.
The development shall be constructed in accordance with the approved details and shall be managed/maintained in accordance with the approved maintenance and management details for the lifetime of the development.
- 7) No development shall commence until a scheme for the disposal of foul water discharge from the development and a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme and details and retained thereafter.
- 8) The development hereby approved shall provide for the following overall mix of housing: 1 bed = 15%, 2 bed = 40%, 3 bed = 40% and 4+ bed = 5%.
- 9) Any reserved matters application concerning appearance shall include details of the finished floor levels of all dwellinghouses, which shall be at least 150mm above ground level.
- 10) Any reserved matters application concerning landscaping shall include:
 - a) A tree survey - to include all existing trees on and within 15m of the site
 - b) Tree constraints and removals plans – every surveyed tree should have its location, category grading, canopy spread and root protection area plotted onto two accurate site survey plans; the first should show the site as existing and the second should show the site as proposed
 - c) An arboricultural impact assessment –which should present an evaluation of the impact of the proposals on the existing trees
 - d) a Biodiversity Metric Assessment which demonstrates a net biodiversity gain, appropriate habitat creation and enhancement and details of future maintenance and management.The development shall thereafter be carried out in accordance with the

approved details.

- 11) Prior to the first occupation of any dwelling, details of the management arrangements for the future maintenance of all the roads, footways and shared parking areas within the site, along with an ongoing maintenance strategy and timescales for transfer to a management company, where required, shall be submitted to and approved by the Local Planning Authority. Such areas shall be maintained in accordance with the approved details.
- 12) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.
- 13) The development hereby approved shall incorporate measures to help mitigate the effects of and adapt to climate change. The measures and any scheme, including timetable for delivery, shall be submitted to and approved by the Local Planning Authority prior to the first occupation of any dwelling. The development shall thereafter be carried out in accordance with the approved details.
- 14) During construction, no machinery shall be operated on the site, no process or operations shall be carried out and no deliveries shall be taken at or despatched from the site except between 8:00 and 18:00 hours Monday to Friday and 9:00 and 13:00 on Saturdays or at any time on Sundays and Bank Holidays.

End of schedule



Appeal Decision

Site visit made on 10 October 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 27 October 2023

Appeal Ref: APP/P1045/W/23/3320409

North Park Farm, Whitworth Road, Darley Dale, Derbyshire DE4 2HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr G Lowe against the decision of Derbyshire Dales District Council.
- The application Ref 22/01353/OUT, dated 6 December 2022, was refused by notice dated 13 March 2023.
- The development proposed is dwellinghouse.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal seeks outline planning permission with all matters reserved except for access. I have considered the appeal on this basis and have treated any details in relation to the reserved matters as illustrative.
3. A planning application¹ for the same development was refused in September 2022. That decision was appealed², but the appellant subsequently withdrew the appeal. The appellant resubmitted the proposal with additional ecological evidence. The council refused the second application but the number of reasons for refusal was reduced as they did not include harm to ecology as a reason for refusal. The resubmitted proposal is the subject of this appeal decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, including the potential effect on trees subject to a Tree Protection Order (TPO).

Reasons

5. The site is bounded by a low stone wall fronting Whitworth Road, tall trees to the sides of the site and a low post and wire fence to the rear. These features create a vista from Whitworth Road across the valley and toward rolling hills in the distance. The site includes scrubland toward the boundaries and grass in the middle. These characteristics combine to create an open and verdant character, with long ranging views across the site.
6. Whilst there are no trees within the appeal site, the trees surrounding the site make a significant contribution to the character of the site and wider area. The trees to the south and west are subject to a TPO.

¹ Planning application Ref. 22/00772/OUT

² Planning appeal Ref. APP/P1045/W/22/3312953

7. The character of the site contrasts with the suburban character on the other side of the road which accommodates several properties, including some which front onto the road. In this instance, these features combine to create a well-defined boundary between built development and the countryside.
8. All details relating to the design of the dwelling are reserved. Notwithstanding, the appellant has provided an indicative layout and design for the property which shows it as a two storey, split level dwelling, with the tallest section of the dwelling level with the road. The appellant has also indicated that the dwelling could include natural gritstone, a sedum mono pitched roof and a driveway formed out of a permeable surface. This indicative design has been forwarded to demonstrate that a dwelling could be constructed with a minimal effect on the landscape and still allow uninterrupted views across the valley. Nevertheless, any residential development would lead to increased residential activity and domestic paraphernalia, also the provision of a domestic garden would lead to a more formal landscape. Given the topography of the site any residential development would likely incorporate retaining structures. This would lead to an increasing urbanisation of this side of the road and would appear incongruous in views from Whitworth Road across the valley.
9. The appellant has indicated that they could provide tree planting and that no existing landscaping features would be affected. However, the provision of additional trees would be at odds with the open character of the site, also any development would lead to the loss of either scrubland or grass on the site and would be harmful to the verdant character.
10. One of the parcels of land adjacent to the appeal site benefits from outline planning permission for a detached house. During my site visit it appeared as though initial groundworks had begun but the development was not complete. This parcel of land is different in character to the appeal site as it is largely enclosed by mature dense vegetation and is closer to residential development on Northwood Lane. The character of that site is verdant, but it is not open and as such there is less of a well-defined boundary between built development and the countryside. For these reasons, that site is materially different in character to the appeal site.
11. The presence of a detached dwelling immediately adjacent to the site would have an urbanising effect on the character of this side of the road. However, it would not alter the open and verdant nature of the appeal site, as it would still allow long ranging views across the valley, uninterrupted by built development.
12. The low stone wall is an important feature which contributes to the open character of the area. I am satisfied that the minor amendments required to form an access and appropriate visibility splays would not significantly alter the appearance of the wall. The necessary amendments to the boundary wall would therefore not have a harmful effect on the character and appearance of the area.
13. If I were to allow the appeal, I would attach a condition requiring the mitigation measures set out within section 5 of the Arboricultural Report to be implemented to retain and preserve neighbouring trees, including those subject to a TPO. A garden area could be orientated such that the extent of overshadowing from the trees would be reduced and there would not be additional pressure to prune or remove the trees. As such, the trees would continue to provide an attractive setting and screen the development from

wider views. Nevertheless, it would not fully mitigate the effect of the proposed development on the character and appearance of the area.

14. The proposed development would have a harmful effect on the character and appearance of the area. However, it would not have an effect on trees subject to a TPO. It would therefore be contrary to policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (LP), December 2017. These policies indicate that sustainable development will be achieved by conserving and where possible enhancing the distinct Peak District character and the natural environment including the setting of settlements within the plan area; outside defined settlement areas the council will seek to ensure that new development proposals protect the landscape's intrinsic character; all development should contribute to local distinctiveness and sense of place; and, the council will seek to protect, enhance and restore the landscape character of the plan area.
15. The proposed development would also not be in accordance with paragraph 126 of the National Planning Policy Framework (the Framework) which advises that the creation of high quality, beautiful and sustainable places is fundamental to what the planning and development process should achieve.
16. The proposed development is in accordance with LP policy PD6 as it would not lead to the loss or deterioration of ancient woodland or veteran trees.

Other Matters

17. There is no dispute between the main parties concerning a lack of an effect on the setting of the nearby Grade II listed Stancliffe Hall. Based on the evidence before me and my observations on site, I have no reason to consider otherwise.
18. The proposal would generate benefits including the provision of a dwelling, in an accessible location adjacent to the settlement boundary of Northwood, as well as economic benefits associated with the construction period and an increased population. These benefits attract moderate weight given the scale of the development. The weight ascribed to these benefits is not affected by Northwood being a tier 3 settlement, as the appeal site is an appropriate location for development as identified within LP policy S4.
19. A lack of overshadowing from nearby trees, appropriate visibility for vehicles exiting the site and the provision of three car parking spaces are all neutral factors.

Planning Balance

20. The local plan dates from 2017 but the weight to be attached does not hinge on its age. Rather paragraph 219 of the Framework makes it clear that due weight should be given to existing policies, according to their degree of consistency with the Framework. The countryside is not protected for its own sake but its intrinsic character and beauty is recognised by the Framework. As above, paragraph 126 of the Framework advises that the creation of beautiful places is fundamental to what the planning and development process should achieve. For these reasons, the conflict between LP policies S1, S4, PD1 and PD5 should be given substantial weight.
21. As the proposal is contrary to the policies referred to above, there would be a conflict with the development plan, when read as a whole.

22. The council cannot demonstrate a five year supply of deliverable housing sites. In these circumstances, footnote 7 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, planning permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
23. The benefits associated with a single dwelling would be moderate when taking account of the objective of boosting significantly the supply of housing in the Framework and the Council's housing land supply position. As the Framework identifies that the creation of beautiful places is fundamental to what the planning and development process should achieve, substantial weight is ascribed to the harm caused by the proposal.
24. Consequently, the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

25. The proposal would conflict with the development plan and there are no material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

J Hobbs

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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