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Monday, 4 December 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, 12 December 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, 11 December 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 - 18)

14 November 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. 22/01339/FUL (Pages 19 - 60)

Residential development of 87no. dwellinghouses with associated landscaping, infrastructure and access at Lot 2, Leys Farm, Wyaston Road, Ashbourne, Derbyshire.

5.2. APPLICATION NO. 23/00939/FUL (Pages 61 - 70)

Erection in rear yard of 2no. retail unit (Use Class E – Commercial), associated hard and soft landscaping works and reinstatement / repair of existing boundary walls (resubmission) at Land to Rear of 38-40 St John Street, Ashbourne, Derbyshire, DE6 1GH.

5.3. APPLICATION NO. 23/00940/LBALT (Pages 71 - 78)

Works to boundary walls in association with development in rear yard (resubmission) at Land to Rear of 38-40 St John Street, Ashbourne, Derbyshire, DE6 1GH.

5.4. APPLICATION NO. 23/01033/FUL (Pages 79 - 100)

Cladding of static caravan and installation of decking and screening with associated engineering works to from 1no. holiday let (part-retrospective) at Atlow Mill, Mill Lane, Hognaston, Derbyshire.

5.5. APPLICATION NO. 23/01102/FUL (Pages 101 - 126)

Erection of 9 no. dwellinghouses and associated works at Land North of Hawthorn House, Clifton Road, Clifton, Derbyshire.

5.6. APPLICATION NO. 23/01120/FUL (Pages 127 - 136)

Retention of 5m amateur radio aerial mast holding a rotator with 3m aerial mounting pole at 33 Rockside View, Matlock, Derbyshire, DE4 3GP.

5.7. APPLICATION NO. 23/00695/REM (Pages 137 - 162)

Approval of Reserved Matters for the erection of up to 75no. dwellings (Outline planning permission 22/01044/OUT) at Land off Chesterfield Road and Quarry Lane, Matlock.

5.8. APPLICATION NO. T/23/00216/TPO (Pages 163 - 170)

To fell approximately 108 trees at Woodland between River Derwent and A6 road in area around Recycling Centre, Darley Dale.

5.9. APPLICATION NO. 23/01092/FUL (Pages 171 - 190)

Construction of link extension, extensions to new garden entrance, Gateway accommodation and Chapel House, demolition of lean-to-extension to Chapel House and new community garden with ramped access at Ashbourne Methodist Church, Church Street, Ashbourne.

5.10. APPLICATION NO. 23/01093/LBALT (Pages 191 - 204)

Construction of extensions, internal and external alterations to existing church, associated buildings and Chapel House including demolition, creation of community garden and associated works at Ashbourne Methodist Church, Church Street, Ashbourne.

6. APPEALS PROGRESS REPORT (Pages 205 - 214)

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, 11 December 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.

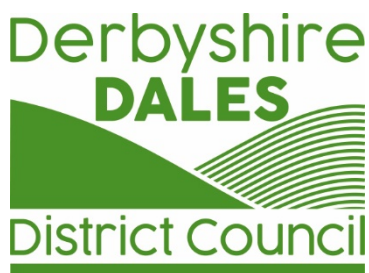
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SITE VISITS

LEAVE OFFICE		10:00
23/00939/FUL & 23/00940/LBALT	38 - 40 St John Street, Ashbourne, Derbyshire, DE6 1GH	10.30
22/01339/FUL	Lot 2, Leys Farm, Wyaston Road, Ashbourne, Derbyshire	10.50
23/01102/FUL	Land North Of Hawthorn House, Clifton Road, Clifton, Derbyshire	11.25
23/01092/FUL & 23/01093/LBALT	Ashbourne Methodist Church, Church Street, Ashbourne, Derbyshire, DE6 1AE	12.00
23/01033/FUL	Atlow Mill, Mill Lane, Hognaston, Derbyshire, DE6 1PX	12.30
T/23/00216/TPO	Woodland Between River Derwent And A6 Road In Area Around Recycling Centre, Darley Dale	13.45
23/01120/FUL	33 Rockside View, Matlock, Derbyshire, DE4 3GP	14.00
23/00695/REM	Land Off, Chesterfield Road & Quarry Lane, Matlock Derbyshire	14.15
RETURN		14.45

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, 14th November, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Sue Burfoot - In the Chair

Councillors: Sue Burfoot, John Bointon, Neil Buttle, Peter Dobbs, Nigel Norman Edwards-Walker, David Hughes, Stuart Lees, Dermot Murphy, Peter Slack, Nick Whitehead, Kelda Boothroyd and Marilyn Franks.

Present as Substitute - Councillors: Kelda Boothroyd and Marilyn Franks

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

Members of the Public – 17

Note:

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

APOLOGIES

Apologies for absence were received from Councillor(s): David Burton, Peter O'Brien, Robert Archer, Laura Mellstrom and Mark Wakeman

209/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor David Hughes, Seconded by Councillor Stuart Lees and

RESOLVED

That the minutes of the meeting of the Planning Committee held on 10 October 2023 be approved as a correct record.

Voting

10 For

0 Against

2 Abstentions

The Chair declared the motion **CARRIED**.

210/23 - INTERESTS

Item 5.2 - APPLICATION NO. 23/00447/FUL - Change of use and alterations to upper floors for short-term occupancy living accommodation at 9 – 11A Market Place, Ashbourne, Derbyshire, DE6 1EU.

And

Item 5.3 - APPLICATION NO. 23/00448/LBALT - 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.

Councillor Stuart Lees declared a pecuniary interest in Items 5.2 and 5.3 as he was the Applicant.

Item 5.9 - APPLICATION NO. 23/00959/LBALT - Various proposed works at Market Place and Victoria Square, Ashbourne, Derbyshire, DE6 1EX.

Councillor David Hughes declared a non-pecuniary interest in Item 5.9 due to being Chair of the Ashbourne Reborn Programme Board.

Councillor Peter Dobbs declared a non-pecuniary interest in Item 5.9 due to being a member of the Ashbourne Reborn Programme Board.

Councillor Stuart Lees declared a non-pecuniary interest in Item 5.9 due to being a member of the Ashbourne Reborn Programme Board.

211/23 - APPLICATION NO. 23/00229/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 Darren Abbott (Applicant) spoke in support of the application. Mr Paul Thorne (Local Resident) and Ms Sarah Bond (Local Resident) spoke against the application.

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

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

Councillor Peter Slack proposed a motion to defer consideration of the application to allow for the plans to be amended to address issues relating to development density and incursion into the adjacent conservation area. This motion was seconded by Councillor Nick Whitehead and put to the vote as follows:

Voting

4 For

8 Against

0 Abstentions

The Chair declared the motion **LOST**.

It was moved by Councillor Stuart Lees, seconded by Councillor Dermot Murphy and

RESOLVED

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, a contribution of £3,368.70 for allotments, a contribution of £10,000 for monitoring of the Travel Plan and a contribution of £4,000 for stock for Wirksworth library.

And subject to the following additional conditions:

33. The development hereby permitted shall not be occupied until the access, parking and turning facilities to that individual building to the nearest public highway has been provided as shown on drawing 008 Rev L.

Reason:

To ensure that access is provided to each property in the interests of highway safety and conformity with submitted details.

34. No part of the development hereby approved shall be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway as shown on drawing 600422-HEX-XX-XX-DR-TP-0200 Rev P05. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason:

In the interests of highway safety.

35. No individual dwelling shall be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason:

To promote sustainable travel and healthy communities

36. The Residential Travel Plan hereby approved, dated 2nd August 2023 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason:

To reduce vehicle movements and promote sustainable access.

37. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:

- 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.

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.

38. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no extensions be erected within the curtilage of plot 27, 28, 29, 30, 31, 32, 33, 35 or 36 without the prior written permission of the Local Planning Authority on an application submitted to it.

Reason:

To ensure that the affordable dwellings remain of a size to be more affordable.

Voting

8 For

2 Against
2 Abstentions

The Chair declared the motion **CARRIED**.

212/23 - APPLICATION NO. 23/00447/FUL

7:16pm - Councillor Stuart Lees left the room for the consideration of this application.

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 Jon Imber (Agent) spoke in support of the application.

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

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

RESOLVED (unanimously)

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

The Chair declared the motion **CARRIED**.

213/23 - APPLICATION NO. 23/00448/LBALT

Councillor Stuart Lees remained absent for the consideration of this application.

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

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

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

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

RESOLVED (unanimously)

That Listed Building Consent be granted, subject to the conditions set out in the report.

The Chair declared the motion **CARRIED**.

214/23 - APPLICATION NO. 23/00765/FUL

7:27pm - Councillor Stuart Lees re-entered the meeting.

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

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

In accordance with the procedure for public participation, Ms Cathy Cooke (Applicant) spoke in support of the application.

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

It was moved by Councillor Marilyn Franks, seconded by Councillor Nick Whitehead and

RESOLVED (unanimously)

That planning permission be approved as it was determined that the preservation of what remained of the building and the benefits to wildlife outweighed the harm to the character and appearance to this part of the Bolehill conservation area.

The Chair declared the motion **CARRIED**.

215/23 - APPLICATION NO. 23/00768/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 Vicki Raynes (Local Resident) and Mr Ian Strange (Local Resident) spoke against the application.

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

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

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

RESOLVED

That planning permission be approved subject to the conditions set out in section 8 of the report and the additional condition below, and that the application be linked to the S106 legal agreement pertaining to hybrid planning permission 20/00037/FUL.

1. That appropriately sized badger holes be established in order to allow for badgers to pass through property boundaries thereby preserving the established badger corridor.

Voting

11 For

01 Against

00 Abstentions

The Chair declared the motion **CARRIED**.

216/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At 8.30pm, it was moved by Councillor David Hughes, seconded by Councillor Peter Slack and

RESOLVED (Unanimously)

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

The Chair declared the motion **CARRIED**.

217/23 - APPLICATION NO. 23/00912/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 Vicki Raynes (Local Resident) and Mr Ian Strange (Local Resident) spoke against the application.

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

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

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

RESOLVED

That planning permission be approved subject to the conditions set out in section 8 of the report and the additional condition below, and that the application be linked to the S106 legal agreement pertaining to hybrid planning permission 20/00037/FUL.

1. That appropriately sized badger holes be established in order to allow for badgers to pass through property boundaries thereby preserving the established badger corridor.

Voting

9 For

3 Against

0 Abstentions

The Chair declared the motion **CARRIED**.

8:45pm - meeting adjourned for 10 minutes.

8:45pm - Councillor Nick Whitehead left the meeting.

218/23 - APPLICATION NO. 23/00209/FUL

8.55pm – The meeting reconvened.

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 Scott O'Dell (Agent) and The Hon David Legh on behalf of the Trustees of the Meynell and South Staffordshire Hunt (Applicant) spoke in support of the application. Mr Nigel Francis (Local Resident) spoke against the application and Mr William Hudson (Local Resident) 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 a summarised letter of representation received from a local resident.

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

RESOLVED (unanimously)

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

1. Notwithstanding the approved plans, prior to the first occupation of the dwelling within the Whelping Lodge, a detailed scheme for additional planting along the northern boundary of the site, timescale for implementation and ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter not be carried out other than in accordance with the approved details.

Reason: In the interests of protecting the amenity of neighbouring properties in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

2. Prior to the first occupation of any part of the development hereby approved, a scheme of drainage measures to alleviate surface water run-off from the paddock and existing drive shall be submitted to and approved in writing by the Local Planning Authority. The drainage measures shall thereafter be implemented in full prior to the first occupation of the development.

Reason: To ensure that surface water drainage is adequate in accordance with policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

The Chair declared the motion **CARRIED**.

219/23 - APPLICATION NO. 23/00210/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 Scott O'Dell (Agent) and The Hon David Legh on behalf of the Trustees of the Meynell and South Staffordshire Hunt (Applicant) spoke in support of the application. Mr Nigel Francis (Local Resident) spoke against the application and Mr William Hudson (Local Resident) commented on the application.

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

It was moved by Councillor Stuart Lees, seconded by Councillor Kelda Boothroyd and

RESOLVED (unanimously)

That the application for Listed Building Consent be approved subject to the conditions set out in section 8 of the report.

The Chair declared the motion **CARRIED**.

220/23 - APPLICATION NO. 23/00959/LBALT

9.30pm - Councillors Peter Dobbs, David Hughes and Stuart Lees left the meeting for the consideration of this application.

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 Zach Croft (Agent) spoke in support of the application.

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

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

RESOLVED

That Listed Building Consent be granted subject to the conditions set out in section 8 of the report.

Voting

7 For

0 Against

1 Abstentions

The Chair declared the motion **CARRIED**.

221/23 - APPEALS PROGRESS REPORT

9.42pm - Councillor Peter Slack left the meeting.

Councillor David Hughes put forward the following motion:

“That Derbyshire Dales District Council Planning Committee requests that the Chair of the Planning Committee writes to the Head of the Planning Inspectorate and the Planning Inspector who conducted the appeal ref. APP/P1045/W/22/331609 noting the Committee’s disappointment with the decision reached, and noting further its disappointment that the Inspector did not consider the rights of children to play safely in their front gardens. When playing, children, and particularly small children, are often oblivious to traffic dangers. The danger to children in changing a private if shared drive into a highway is manifest and should have been given due weight in coming to a decision instead of being ignored.”

It was moved by Councillor David Hughes, seconded by Councillor Dermot Murphy and

RESOLVED (unanimously)

That the appeals progress report be noted and that the Chair of the Planning Committee writes to the Head of the Planning Inspectorate regarding the appeal ref. APP/P1045/W/22/331609 noting the Committee’s disappointment with the decision reached.

Voting

7 For

0 Against

1 Abstentions

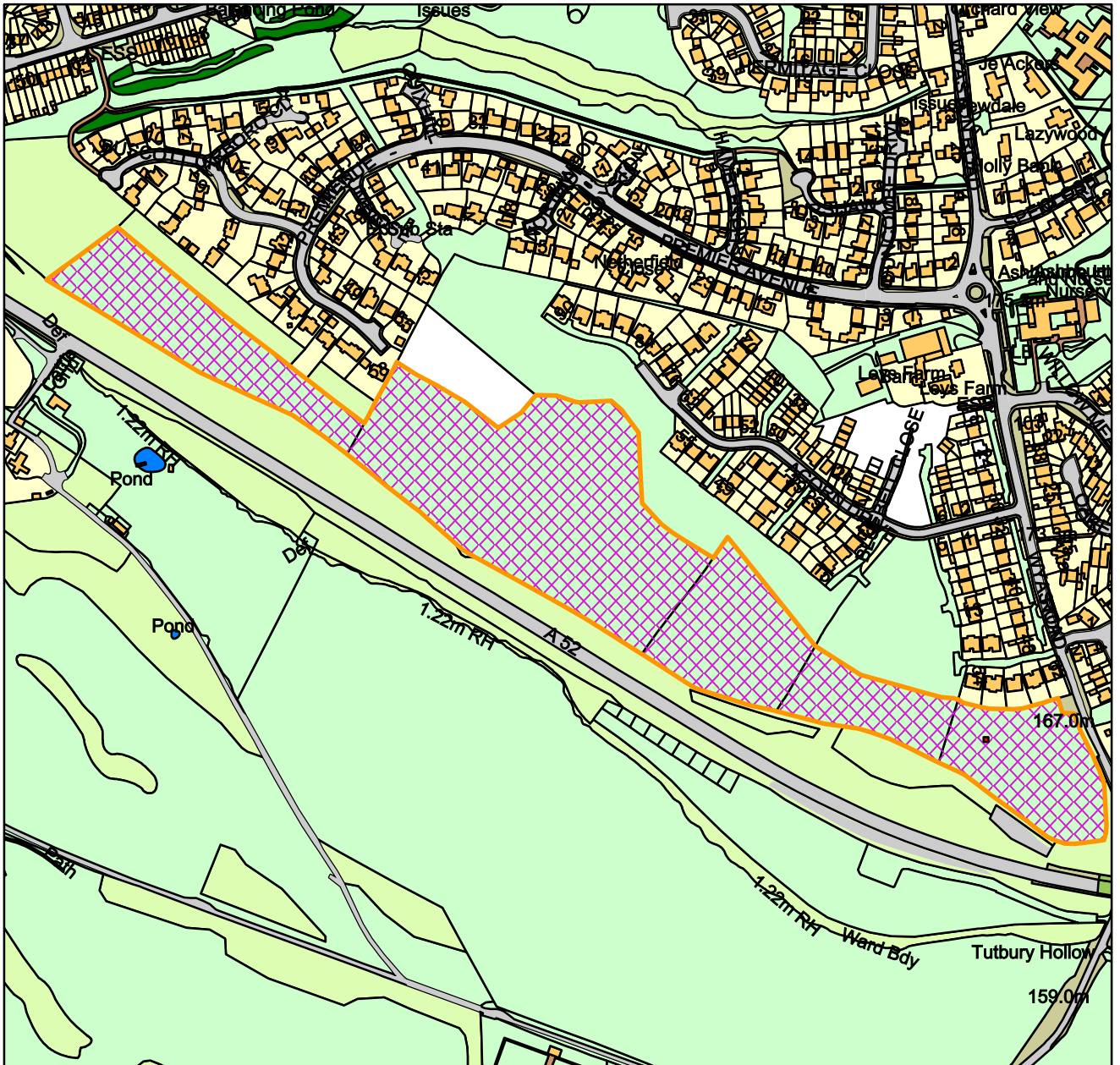
The Chair declared the motion **CARRIED**.

Meeting Closed: 9.52pm

Chair

22/01339/FUL

Lot 2, Leys Farm, Wyaston Road, Ashbourne, Derbyshire



Derbyshire Dales DC

1:4,750

Date: 30/11/2023

100019785

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

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APPLICATION NUMBER		22/01339/FUL	
SITE ADDRESS:		Lot 2, Leys Farm, Wyaston Road, Ashbourne, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Residential development of 87no. dwellinghouses with associated landscaping, infrastructure and access	
CASE OFFICER	Mr J Baldwin	APPLICANT	Woodall Homes
PARISH/TOWN	Ashbourne South	AGENT	Mr R Piggott
WARD MEMBER(S)	Cllr R Archer Cllr A Bates Cllr N Wilton	DETERMINATION TARGET	14.12.2023
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 The application site is located between Acorn Drive and the A52 toward the southern edge of Ashbourne and is accessed via an existing field access off the western side of Wyaston Road. The site currently comprises agricultural fields with existing dense planting along the southern boundary of the site, adjacent to the A52. The land on site falls from Acorn Drive, toward the A52 and also toward the western portion of the site.
- 1.2 The site is located outside of the Ashbourne Settlement Boundary as defined by policy S3 of the Adopted Derbyshire Dales Local Plan (2017). The land to the north of the site, including the properties along Acorn Drive, is located within the defined settlement boundary and has recently been developed following planning permission being granted under application ref codes. 15/00319/OUT and 17/00250/REM.



2.0 DETAILS OF THE APPLICATION

- 2.1 The application initially sought full planning permission for 102 dwelling houses. During the consideration of the application, and following negotiation, the application has been revised and now seeks full planning permission for 87 dwelling houses as set out on the amended plans and documents received by the Local Planning Authority on 11.08.2023.
- 2.2 The development would comprise a mix of 1–5 bedroom properties with a total of 26 affordable units (29.89%) as broken down below:

Number of bedrooms	Number of Market Dwellings	Number of Affordable Units	Total number of units	%
1	0	12	12	13.79%
2	6	8	14	16.09%
3	21	6	27	31.03%
4	30	0	30	34.48%
5	4	0	4	4.6%

- 2.3 The amended site layout plan shows the development would be accessed off the western side of Wyaston Road. An indicative location for a play area has been shown in the centre of the site. The belt of mature trees along the southern boundary would be retained with supplementary planting proposed within the site.
- 2.4 The development is proposed to be constructed utilising two types of red brickwork with a small number of rendered properties. Chimneys are also proposed on a number of properties within the development.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - S1: Sustainable Development Principles
 - S2: Settlement Hierarchy
 - S4: Development in the Countryside
 - S8: Ashbourne Development 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
 - HC19: Accessibility and Transport
 - HC21: Car Parking Standards
2. Ashbourne Neighbourhood Plan (2021)
 - HOU1: Housing Mix
 - DES1: Design
 - TRA1: Transport
3. Landscape Character and Design SPD (2018)

Developer Contributions SPD (2020)
Climate Change SPD (2021)

4. National Planning Policy Framework (2023)
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

None.

5.0 CONSULTATION RESPONSES

Ashbourne Town Council

5.1 08.02.2023:

Objection.

The proposed development is outside of the settlement boundary and on a greenfield site. There is one proposed entrance and exit to the proposed development; which is in a dangerous spot on the edge of a narrow brow; this will also cause additional traffic issues on the main entrances to and from the housing estates on to Derby Road, particularly at peak times. There is a lack of infrastructure in Ashbourne to support the number of housing developments over the past few years and here is already pressure on the existing resources.

The proposed development will have a negative impact on the wildlife; the area has living there, and the land is also contaminated with lead. There is a risk of increasing the flooding on Clifton Road, which already has issues with serious flooding. The application is contrary to the Neighbourhood Plan Policies DES1 and TRA1, and not in line with the National Planning Framework. Members asked that the Planning Application be taken to DDDC's Planning Committee and that Planning application 22/01407/FUL also be taken into account at the same time due to both developments having a major impact on Derby Road.

31.08.2023:

Objection.

Members note that this is a greenfield site; and there are area's more suitable for development including a brownfield site which was refused Planning Permission.

Members commented that this area acts as a buffer between the existing housing estate and the A52 by-pass; and will have a negative impact on the wildlife including buzzards; kites and bats.

The single entrance and exit is on the top of a brow with poor/limited visibility in either direction and the continuation of Wyaston Road is 60mph (in the direction of Wyaston).

There is no mention of any additional facilities including doctors, dentists, recreation facilities, for example play areas or football pitches.

The flood elevation shows at 75%; which Members feel will cause additional flooding issues in other lower parts of Ashbourne.

The roads surrounding the proposed development, Wyaston Road/ Derby Road are already at capacity and additional issues with parked vehicles close to and on the surrounding residential streets close to Hilltop School. There will be an increase in vehicle usage and increase in pollution and congestion on Willow Meadow road estate as this is a singular exit onto the A52. 2

Members also stated that it contravenes the following Local Plan Policies HC18; HC19; HC20; HC21. DES1 and the NPFF Biodiversity.

Environment Agency

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

Derbyshire County Council (Highways)

5.3 19.01.2023:

The Highway Authority has considered this application based on its individual merits regardless of its local plan status, however it is expected that it should align with the plan period to ensure that the development does not result in additional infrastructure need beyond that anticipated.

The applicant should prepare a TA addendum to address the following matters:

1. The vehicle visibility splay has been adjusted and off set backed on MfS guidance. However, the TA does not include a long section of Wyastone Road and give the vertical alignment the applicant should demonstrate that the splay line is achievable in the vertical plane.
2. The footway connection to the north is compromised in width to 1.6m, this is not considered to be acceptable give the reliance the application has on it for all pedestrian movements. Opportunity exists to realign the highway to ensure that pedestrian needs are catered for.
3. The access does not provide a footway to the south. There is an existing footway immediately adjacent to the access, and therefore the development should connect into it.
4. Car parking explanation is available on request (3.2 of the TA). The applicant should provide this.
5. The proposals do not show where bicycle parking will be provided. The location and design should be shown on the submitted details.
6. Public Transport for the proposal exceeds recommended distances. The TA identified the nearest stop to be 300m from the site access, however 400m is the desired maximum distance and when you account for the distance of the access road many properties exceed the 400m distance.
7. The future assessment year used is 2029, however the end of the plan period is 2032. Whilst the analysis doesn't show any junctions being close to capacity, the assessment underestimates the background traffic flow. As such the applicant should review the growth factors using the latest version of TEMPRO.
8. The internal site layout is a matter of concern. Its linear design does not provide natural traffic calming as required in manual for streets, nor does it address the design approach in the DSP 2017. The layout is car dominated and does not prioritise pedestrians or cyclists, also the site is on significant gradient, yet no long section has

been provided. The applicant should review the layout to ensure that the 20mph design is maintained through natural traffic calming, it should also use national guidance such as LTN 1/20 and inclusive mobility to ensure that the layout address the needs of active travel users.

9. The road stub adjacent to plot 37 serves no highway purpose and should be removed from the proposal.
10. The proposal has not accounted for paragraph 131 of the NPPF, as no street trees are provided. No justification is provided to explain why it is not possible in this instance.
11. The travel plan does not provide a strong framework to encourage non car trips. All the proposed measures are about sharing information, no incentives such as free bus passes are included which would help to encourage sustainable trips. The TP should be improved with stronger measures of how mode shift will be achieved. The plan should follow the Locally adopted standards and take an ambitious approach to encourage alternatives to single occupancy vehicle trips.

The proposal, as submitted, does not align with transport policies in the Derbyshire Dales Local Plan, it conflicts with paragraphs 110, 112 and 131 of the NPPF and policies within the Ashbourne neighbourhood Plan, the Local Transport Plan and the DSP. It is reasonable to seek revisions to address these shortcomings as it is considered that they are addressable through design alteration and the provision of additional information.

07.09.2023:

The applicant has submitted revised details to address the comments previously made, this includes an updated layout with reduced quantum of housing and updated transport evidence.

Having reviewed the revised details the Highway Authority can confirm that the external impact in terms of vehicle movements and accessibility has now been addressed and it is considered that there will not be a severe impact on capacity or an unacceptable impact on safety.

The Highway Authority remains unsatisfied with the design of the internal street. The street should be designed to 20mph and whilst the proposal does include buildouts these will not be sufficient. The nature of residential streets is that they experience an outbound travel pattern in the morning and inbound in the evening.

There is effectively little opposing traffic flow to make these effective, furthermore the forward visibility splay allows drivers to see a significant distance ahead so they can see that there is not an oncoming vehicle and maintain speed through the feature.

The street also conflicts with paragraph 131 of the NPPF which requires all streets to be tree lined. The proposal provides sporadic trees along the street and in private spaces, as such it does not represent a tree lined street.

The Highway Authority considers that there is a design solution available that integrates green infrastructure into the prospective highway which also addresses the design speed difficulties, and there is no obvious reason why such a solution couldn't be presented.

In order to establish good travel habits it is important the design of the street enables active travel, and despite occasional features, the street remains car dominated.

It is therefore recommended that this application is not determined and the applicant provides revised drawings that addresses the concerns expressed on the internal street design.

27.09.2023:

The applicant has provided amended site layout details on 21st September 2023, this comment updates the Highway Authority recommendation based on that additional information.

Following on from the consultation response dated 5th September 2023, the applicant has further amended the internal street design to address the comments made. The layout now proposes a series of traffic management measures which are designed to limit vehicle speed, provide pedestrian crossing facilities and integrate street trees as far as reasonable practical given the linear nature of the site. It is considered that the details now shown on drawings 600539-HEX-XX-XX-DR-TP-0105 P04 and 008 Rev L are acceptable, and with all other matters of external impact having been resolved there are no outstanding transport matters.

Planning obligations are required for the travel plan bond and monitoring fee for a 5 year period and these should be secured through a suitable legal agreement.

It is therefore recommended the if permission is granted that conditions and obligations are recommended.

Planning Policy (Developer Contributions) (Derbyshire County Council):

5.4 **Education:**

Primary Level

The proposed development falls within and directly relates to the normal area of Ashbourne Hilltop Primary School, Ashbourne Primary School, and St Oswald's CofE Primary School. The proposed development of 87 (discounting 12 one bed) dwellings would generate the need to provide for an additional 18 pupils.

Ashbourne Hilltop Primary School has a net capacity for 140 pupils, with 121 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 124.

Ashbourne Primary School has a net capacity for 315 pupils, with 208 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 200.

St Oswald's CofE Primary School has a net capacity for 210 pupils, with 205 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 214.

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 18 primary pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of Queen Elizabeth's Grammar School. The proposed development of 87 (discounting 12 one bed) dwellings would generate the need to provide for an additional 21 secondary including post16 pupils.

Queen Elizabeth's Grammar School has a net capacity for 1645 pupils with 1342 pupils currently on roll. The number of pupils on roll is projected to decrease to 1289 during the next five years.

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 21 secondary including post 16 pupils arising from the proposed development.

Mitigation

The above analysis indicates that there would be no need to mitigate the impacts 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.

Should it emerge that there are viability issues associated with the proposals in the above planning application and the District Council is in agreement with the applicant's financial appraisal, there may be some flexibility in the payment triggers. The full contribution, however, would still be required to fully mitigate the impact that the proposed development would have on the normal area primary school and secondary schools. The County Council requests that its officers are also party to any further negotiations on developer contributions.

If there is insufficient capacity to accommodate the increase in pupils forecast to be generated by this proposed development and the development itself cannot enable the necessary provision, the County Council wishes to highlight that the proposed development may not provide for a sustainable form of development.

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.

Ashbourne Library is the nearest library to this site, however, no capital improvements to Ashbourne 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 £6131.06 is sought.

The County Council also recommend that Local Planning Authorities should attach advisory notes to planning permissions to request that developers work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. However, if it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.

Monitoring Fees:

In line with the revised Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 2(a), the County Council will seek a monitoring fee towards the monitoring and reporting of S106 contributions. The fee will be based on the cumulative number of triggers to be monitored for County Council obligations x £77 (based on officer time Grade 12).

Planning Policy (Derbyshire County Council)

5.5 Derbyshire County Council's Overall Assessment and Conclusions on the Planning Application:

On the basis of the detailed Officer comments below, Derbyshire County Council considers that the proposed development would provide for a sustainable form of development in an accessible location, provide for much needed affordable housing and is particularly proposed in circumstances where the District Council cannot demonstrate a five year land supply, where there would be a presumption in favour of the application proposals in terms of policies in the NPPF and the adopted DDDL P.

There is concern that the 30 dwellings proposed for affordable housing out of the total of 102 dwellings does not meet the required 30%. The ratio presently proposed equates to only 29.41%. The Borough Council is respectfully requested to negotiate with the applicant for 31 affordable dwellings out of the total of 102 dwellings proposed which would equate to 30.39%. The proposed childrens play area and areas of informal open space represent significant benefit to the community. A community fund could be considered as part of on-going community involvement.

Key to Derbyshire County Council's consideration and assessment of the application proposals is Paragraph 11 of the National Planning Policy Framework (NPPF) (July 2021) which states that:

Paragraph 11: The Presumption in Favour of Sustainable Development

Plans and decisions should apply a presumption in favour of sustainable development.

For decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

Member Comments:

Councillor Steve Bull, County Council Member for Ashbourne Electoral Division responded on 23 January 2023. Councillor Bull's comments are as follows:

My feelings are that it is too many more houses over developments in the same area. The road infrastructure is not good enough to deal with the extra vehicle movements in that area. It just makes the country lanes that run parallel with the main A52 very dangerous and a rat run. All the villages should be given a 30mph speed limit through them before any developments take place.

Development Control Archaeologist (Derbyshire County Council):

- 5.6 Thank you for consulting on this proposed housing development on a greenfield site of around 6.6ha. The site comprises the downslope portion of the Leys Farm housing development consented under 15/00319/OUT. Both sites were subject to geophysical survey as part of the original application, and the upper site then underwent trial trenching evaluation in 2016, with no significant archaeological remains identified.

The geophysical survey of the lower (current) site shows no archaeological targets. As the site is on a slope it is necessary to consider whether colluvial (slopewash) deposits could be concealing archaeology, but the LiDAR for the site does not indicate colluvial formation, and the original slope base is a little further to the south coincident with the stream and parish boundary, though this area has been relandscaped as part of the A52 bypass.

On balance therefore I feel that the site has been adequately demonstrated to have little or no archaeological potential, and that there is no need for further work under the policies at NPPF chapter 16.

Sport England

- 5.7 The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306). Therefore, Sport England has not provided a detailed response in this case but would wish to give the following advice to aid the assessment of this application:

The proposal would involve the provision of additional housing. The Planning Statement submitted with the application includes reference to an additional 250 residents being generated by the proposal. The proposed development along with other housing developments scheme in the area would generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in the Playing Pitch Strategy and/or Built Sports Facility Strategy that the local authority has in place. An assessment of whether the sports facilities in the area could cope with this additional demand should be commissioned and this should include analysis of the facilities provided for at Ashbourne Leisure Centre which is in close proximity to the proposed development.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, would provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

Designing Out Crime Officer (Derbyshire Constabulary)

- 5.8 24.01.2023: From the perspective of reducing crime and disorder by design, there are no reasons why we should object to this application in principle. If structural and policy constraints can be resolved, and you are likely to recommend approval of the application, there is one matter of detail currently proposed requiring comment, and some minor boundary additions which I would recommend.

The matter of detail is the proposed pedestrian link from the site through to the existing turning head of Premier Avenue, which is questionable for two reasons. The first is the amenity affect upon existing residents of Premier Avenue, in particular those close to where the road terminates. At present the road is an enclosed cul-de sac with post and rail fencing

separating a small patch of soft landscaped land beyond the road kerb from the fields and balancing pond beyond. Whilst this fencing isn't secure, and it is possible to squeeze between fencing and hedging into the area of the balancing pond, the road is in essence currently principally private, with no real evidence of foot movement as described. Consequently, to introduce a public route onto Premier Avenue will fundamentally alter the hierarchy of space here and weaken any sense of defensible space for its residents. Leaking cul-de-sacs are a design feature associated with raised levels of crime and nuisance, so the proposal at best will weaken territoriality and amenity, and at worst cause problems of lower-level crime and nuisance at the end of Premier Avenue. I have to accept that in context this is less likely than, for example, two connected cul-de-sacs in a challenging urban area, but is nevertheless worthy of mention.

The second matter is that of the proximity and separation from the balancing pond from the proposed route. I understand that there have been incidents of children playing within the enclosed area, and evidently some unsuccessful attempts to restrict this with temporary fencing, as an addition to the surrounding mid height post and rail fence. A public route which would need to run around and parallel to the balancing pond is likely to increase this type of incident. The water is currently frozen, bringing to mind the tragic recent events in Solihull, and every step should be taken to avoid a repetition here. 2 Therefore, if you are minded to recommend retention of this proposed footpath link on the grounds of convenient and safe circulation, this should be conditional upon a satisfactory separation and definition from both the curtilage of the end plots of Premier Avenue, and the balancing pond. I accept that both are out of the red lined site development area, but intrinsically linked irrespective of this.

Other than this matter, the details proposed are acceptable from our perspective. The corner plots at the site entrance from Wyaston Road would benefit from a front and side boundary treatment to define the private space for plot 102 and shared private space for plots 1 and 2 from the road edge. A short run of the post and rail fence used elsewhere on site would be acceptable.

22.08.2023:

There are no issues with the changes as proposed. However, the amended detail does not address, nor acknowledge my prior points concerning the footpath link to Premier Avenue, and the likely issues connected to neighbour amenity and water safety around the balancing pond. Without a clear rationale over the inclusion for this path, or mitigation against the likely effects as previously suggested, this element of the scheme remains questionable from a community safety perspective.

Trees and Landscape Officer (Derbyshire Dales):

5.9 02.02.2023:

Impact on existing trees

It is widely recognized that trees provide a wide range of benefits to people, society, ecology, wildlife, landscape, climate, water management and economy. Large mature trees provide the greatest benefits; these take many decades to grow and are not easily replaced. They should therefore be regarded as valuable assets being retained and protected as such in the planning and execution of development.

It is regarded as industry best practice for development to aim to retain as many of the best quality trees as possible and to successfully incorporate them into the scheme for long term retention. This means that they should be protected from harm during on-site development works, given ample room for their canopies and rooting systems to continue to develop and generous distance between trees and development to avoid potential conflict which could lead to future pressure to prune or remove trees.

An arboricultural assessment report (by fpcr, dated November 2022) has been submitted as part of the planning application for this site.

The report indicates that all the trees in the highest quality (category A of BS5837:2012) would be retained within the current site layout design. A number of individual trees in DDDC TPO 182 and 107 lie within or close to the boundaries of the site and the report indicates that all of these would be retained.

The report identifies several individual trees, groups of trees and sections of hedgerow that would need to be removed to facilitate the current site layout design. I do not object to these removals because these are of lower quality and so their loss is less important. Furthermore, their loss would be mitigated through the proposed planting scheme which includes an appropriate mix of native trees and hedgerow.

I note that development in many instances extends right up close to the edge of the root protection areas of retained trees. While this is not unacceptable, it represents the very minimum space that the trees should be given. I suggest that it would be better practise to leave greater distance between trees and development than this. I recommend that the distance should be equal to at least the height of retained trees - not current height, but expected height at maturity. This would minimise potential future pressure to remove trees due to perceived or real risk of branch / tree failure and ensure plenty of space for trees to thrive and maximise the amenity they provide. I recommend that the current site layout design should therefore be redesigned to accommodate this. Perhaps this may necessitate slightly reducing the number of houses by removing those closest to retained trees.

I recommend that a detailed site-specific arboricultural method statement be required to be submitted for approval as a condition to any grant of planning consent. This should include a tree protection plan that locates, specifies and gives timings for installation and removal of temporary tree protection fencing and any temporary ground protection in the vicinity of trees.

Tree and hedgerow planting proposals

Having reviewed the planting proposals I am of the opinion that tree and hedgerow losses required to facilitate the proposals would be adequately replaced through proposed planting. However, I am concerned by the limited range of tree species included in the roadside planting in the front gardens of the plots. I recommend that improved biodiversity, visual interest and resilience could be achieved by increasing the range of appropriate small native tree species used, eg apple, pear, plum, damson, hawthorn, hazel, etc...

17.08.2023:

I have no objections from an arboriculture point of view to the updated proposals in terms of tree removals/retentions and proposed site layout with respect to retained trees. I recommend that all the guidance provided by the submitted updated Arboricultural Assessment report should be required to be followed. This could be in the form of a condition to a grant of planning consent. I also recommend that a Tree Protection Plan and site-specific Arboricultural Method Statement should be required to be submitted for approval. This could be required as a condition too.

Of particular importance regarding the proposed tree planting is to ensure that planted trees are provided with sufficient rooting volume of soil. The details provided by section 6.11 of the Arboricultural Assessment report in this regard should be required to be followed. This would provide the trees with sufficient soil volume to support the trees and help reduce the risk of them causing damage to nearby surfacing. Where development close to proposed new trees limits the amount of unsurfaced ground around the trees then it may be necessary to include tree planting pits to provide the required soil volume. Examples where this may be needed are to the front of plots 25, 22, 19, 17. Doing this would reduce the likelihood of

future root growth of the trees causing damage to surrounding surfacing which may result in trees being removed to prevent damage. A suitable system may be <https://greenblue.com/gb/products/arborsystem/> or similar. This could be required as a condition too with details being provided on the Arboricultural Method Statement.

Clifton Parish Council:

- 5.10 Clifton Parish Council Object to this application. The development would result in the loss of a green field site, with an impact on existing wildlife habitat and infrastructure. The site itself is on a very steep slope, which is not ideal at all.

Flooding has already been experienced at Waterside Retail Park due to high rainfall and this development would potentially put it at greater risk of flooding with less natural ground drainage.

Infrastructure in the town is overstretched. Over development of houses will have a severe impact even more on these services, healthcare and educational facilities.

The increase in traffic on this already very busy road will have an impact on the environment and safety.

Planning Policy (Derbyshire Dales)

- 5.11 Conclusion:

Overall the proposed site lies outside of the defined Settlement Development Boundary of Ashbourne, and is therefore classed as development in the countryside. Policy S4 allows for residential development adjacent to first tier settlements, where it cannot demonstrate a five year supply of housing. The District Council's latest supply assessment at 1st April 2022 concludes that the District Council falls below the requirement. Therefore in principle housing development of the edge of Ashbourne may be considered acceptable. However to meet the full requirements of Policy S4, the District Council is to consider the proposal against other policies within the Derbyshire Dales Local Plan (2017).

There are other issues that are still to be addressed as part of this proposal. The District Council must be satisfied that the valued priority habitats present on the site can be conserved and mitigated against the development proposals. Further details should also be sought from the applicant regarding a plan for providing biodiversity net gain to compensate for any loss due to the development on site.

Whilst the proposal seeks to deliver both market and affordable housing on site, there is no justification in the supporting information that sets out why the housing mix is not in accordance with Policy HC11. 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 Ashbourne.

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. As previously stated the applicant has not submitted a financial viability assessment report to support the application, therefore there is no evidence to justify why other infrastructure requirements have not been taken into account as part of assessing the overall deliverability of the proposals for this site. 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 known as Fibre to the Premises (FTTP). Nor has the applicant set out any S106 contributions towards healthcare or education. Clearly further information to support the application should be sought from the applicant before a decision is made.

Environmental Health (Derbyshire Dales)

5.12 After reviewing the Noise Impact Assessment submitted with this application, I have no objections, providing that the recommended noise mitigation methods are implemented. Should the site design/layout be changed or altered in any way then the noise assessment should be reviewed. I am satisfied that no contaminated land remediation is required but as recommended in the Geo-Environmental Report, should any unexpected signs of contamination be identified during construction, work should cease, and an assessment of the potential contamination be carried out.

Derbyshire Fire and Rescue:

5.13 I can confirm that Derbyshire Fire and Rescue Service, working on behalf of the Derbyshire Fire and Rescue Authority, have no objection to the proposed construction of 102 dwellinghouses on Lot 2 Leys Farm, Wyaston Road, Ashbourne, subject to the following: -

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

Lead Local Flood Authority (Derbyshire County Council):

5.14 Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 11.08.2023. The LLFA has no objection subject to conditions.

Derby and Derbyshire Integrated Care Board

5.15 The development is proposing 102 (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 255 (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;

- Ashbourne Medical Practice
- Ashbourne Surgery

We would like to discuss the potential for S106 funding to be used to increase clinical capacity in Ashbourne. The Draft Primary Care Estates Strategy for Derbyshire highlighted Ashbourne as a growth area with concern around clinical capacity. Ashbourne Medical Practice has some scope to increase it's list, however, Ashbourne Surgery is fully utilised giving a concern around the ability of the two practices to accommodate the housing planned around Ashbourne.

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 £91,800.

Officer note: No further response from the ICB has been received following the revision of the application and reduction to 87 dwellings. Any further response will be updated at the meeting.

Using the calculation provided by the ICB the financial contribution for 87 dwellings would equate to £78,480.

Derbyshire Wildlife Trust

5.16 22.02.2023:

The Bat Report (FPCR, November 2022) recorded up to seven species of bats across the surveys undertaken to date, with 50 % of bat registrations comprising light-sensitive species. Brown long-eared, noctule and soprano pipistrelle bats were all recorded, which are priority species listed on the local Lowland Derbyshire (Claylands) Biodiversity Action Plan. Local Plan Policy PD3 states that planning decisions will encourage the protection and recovery of priority species linked to national and local targets. The Bat Report states that sufficient mitigation will be provided within the scheme design, however this seems questionable when the majority of the site will comprise built environment and the only retained habitat will be adjacent to the busy A52, plus pockets of open space between the housing. A sensitive lighting scheme is advised but street lighting cannot be avoided and this will fundamentally alter the nature of the site from dark agricultural fields, standard trees and hedge lines to a residential estate.

We have reviewed the Ecological Appraisal (FPCR, November 2022). The site comprises five field parcels of 'other neutral grassland', largely in moderate condition. A total of five native hedgerows in moderate and good condition were recorded, along with three mature oaks and three mature ash trees. Almost all habitat will be lost to facilitate the development due to the topography of the site, although the report states that hedgerows will be retained where feasible.

No Biodiversity Net Gain Assessment has been completed for the site. This should be submitted to enable the LPA to assess the scheme against local and national BNG policies. Specifically, PD3, states that biodiversity aims of the Local Plan will be achieved by, "Not permitting any development proposal which would directly or indirectly result in significant harm to geological and biodiversity conservation interests, unless it can be demonstrated that: c) appropriate conservation and mitigation measures are provided, such mitigation measures should ensure as a minimum no net loss and wherever possible net gain for biodiversity'.

Currently, we advise that proposals are unlikely to comply with local and national planning policies relating to biodiversity. A metric should be completed and submitted to the LPA and consideration should be given to our comments above regarding bats.

14.09.2023:

Onsite landscaping, combined with an offsite BNG offsetting area, will result in an overall net gain of +0.86 habitat units (1.86 %). A gain of +2.03 hedgerow units (73.42 %) is also predicted.

The offsite location is in Brailsford, within the Derbyshire Dales, and the BNG Report states that it comprises a habitat bank for the purposes of delivering biodiversity net gain. Arable land will be converted into 'other neutral grassland' to offset the losses incurred on site. This should be secured for at least 30 years through a Section 106 Agreement, to include sufficient funding for appropriate management and monitoring throughout that period.

However, whilst an overall gain is predicted, the trading rules of the metric are not met. Despite the trading rules being acknowledged in Revision B of the BNG Report (FPCR, November 2022), proposals do not fully address these and an actual loss of -12.42 units of

other neutral grassland will occur as a result of the scheme. This has been offset with units of other habitats to achieve an overall gain in units, despite the metric requiring the same broad habitat or habitats of higher distinctiveness to be created.

The BNG Best Practice Guidelines (CIRIA C776a, 2019) state that, "A BNG design should improve the extent or condition of biodiversity affected by a project. It should not result in lost or damaged features being replaced by features of lower biodiversity value. This is regardless of whether a metric shows an increased amount of biodiversity after a project compared with the baseline".

We advise that the trading rules are an intrinsic mechanism of the metric and are intended to ensure proper functionality and realise a true net gain.

Furthermore, we consider it likely that the units achieved through urban tree planting have been over-valued. The most up to date metric guidance states that proposed tree planting within gardens should not be included separately within the metric figures. The classification 'Vegetated garden' should be used, which takes into account potential tree (and other) planting and considers the lack of future safeguards on garden trees. It appears that some of 91 urban trees are included within gardens.

The size class of the tree should be based on the projected diameter at 30 years. All trees are proposed as 'medium', which should reach greater than 30 cm in diameter in 30 years. Some of the species listed in the landscape plan seem unlikely to achieve this target. Current guidance states that most street trees should be classed as 'small' unless evidence is provided to justify the input of larger size classes.

Ultimately, it is up to the LPA to take a decision on whether they would approve a scheme that achieves a net gain but does not satisfy the trading rules. However, we hope that further clarity will be provided on this once the 10 % gain is mandated in November 2023 and we envisage that robust justification will be required where they are not met. We do advise that the urban tree figures should be reviewed as this may have a bearing on the overall gain value.

17.10.2023:

Further to our comments dated 14th September 2023, FPCR have provided a letter response dated 26th September 2023. This addresses our queries regarding tree planting in the BNG metric.

Whilst an overall net gain is predicted by the metric, the trading rules are not met due to a net loss of -12.42 units of other neutral grassland. The metric is quite clear that any losses of other neutral grassland should be offset with either "the same broad habitat or a higher distinctiveness habitat". Currently the proposals do not provide enough grassland or higher distinctiveness habitats to fully compensate for the habitat losses and meet best practice.

We agree that in some instances it may be appropriate to apply some flexibility to the trading rules e.g. in cases where restoration or enhancement of a meadow would result in a net loss of scrub. However, this should be guided by ecological expertise and judgement. Ultimately the goal of BNG is to leave biodiversity in a better state than before the development. In this case we are dealing a substantial area of other neutral grassland (est. -1.7 ha) that will be lost and not be compensated for, which is not in the best interests of local biodiversity.

We agree that the scheme includes well-designed open space and acknowledge that it is not possible to compensate fully onsite within the parameters of the current proposals. However, if compensation cannot be accommodated onsite, then the principles of BNG allow this to be created offsite. Whilst an offsite compensation scheme has been proposed in this instance, it does not encompass enough land to fully address the losses resulting

from the scheme. After investigating the metric, it seems that -1.4 additional ha of other neutral grassland would be required to satisfy the trading rules, providing all offsite grassland were targeted at 'fairly good' condition. Our comments on landscaping and the recommended conditions are still relevant.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 70 representations have been received in response to this application including comments from Ednaston and Wyaston Parish Council. A further 11 non-attributable representations have also been received in objection to the proposed development. A summary of the representations is outlined below:

Objections

- Concerns regarding noise during construction.
- Plant will be left on the highway and could cause damage.
- The development would result in an increase in traffic and could cause highway safety issues due to poor visibility and the current width of the highway.
- The development will devalue nearby properties.
- The development will put strain on existing facilities such as schools, doctors etc.
- Concerns regarding drainage from the site and potential flooding.
- Concerns regarding the impact of the development on existing wildlife and habitats on site.
- Concerns regarding increase in traffic in close proximity to a school.
- Development should be focused on brownfield sites rather than greenfield sites.
- The site is outside of the settlement boundary.
- Ashbourne is already ahead of its target for new housing therefore greenfield land should not be developed.
- Concerns regarding footpath link to Premier Avenue.
- The estimated growth and housing requirement stated by Derbyshire Dales has been grossly overestimated.
- There is a disproportionate amount of housing being developed in the Ashbourne area.
- The development does not meet the housing mix requirements of the Local Plan.
- The application is speculative and should be refused.
- Concerns regarding potential lead pollution on site.
- Concerns regarding the landscape impact of the development particularly when assessed alongside the existing, adjacent developments.
- Concerns that visitors may park on the new spine road which causes access issues for emergency services.
- Concerns regarding the environmental/carbon impact of the development.
- Concerns regarding the stability of the ground during construction and the impact on existing properties.
- Concerns regarding overlooking from new dwellings.
- Concerns regarding impacts on protected species.
- Government may be removing the housing target requirement.
- Concerns regarding increase in pollution from additional vehicles.
- Redrow assured homeowners that the field would not be developed.
- The visibility splays are lower than previously required under ref code 15/00319/OUT nearby.
- There is no public transport in close proximity to the site.
- Ashbourne is currently suffering with pollution in the town centre.
- Concerns regarding limited parking within the development
- Concerns that all vehicles would need to use narrow roads/estates to reach town centre.
- The affordable housing is unlikely to be truly affordable.

- Concerns regarding an increase in crime in the area.
- The development will obstruct views from existing properties.
- Concerns regarding increase in litter and dog litter.
- There is a lack of traffic calming measures in place.
- The proposed dwellings appear too close to the road.
- The visibility splays are insufficient.
- A new crossing should be required close to the school.
- There are no areas for vehicles to turn within the development.
- Installing the access at the western end of the site would alleviate traffic and emerging visibility concerns.
- Any closure of Wyaston Road during construction can have large impacts on businesses along this road who would need staff and customers to take large diversions to gain access.
- There are still new build properties nearby which have not sold so is there a need?
- There has been no ornithological records search and the site hold a red listed species.
- There is insufficient pedestrian and cycling access to the site.
- The District Council may be liable for and dangerous circumstances arising from the development.
- Concerns regarding subsidence of existing properties nearby which would be exacerbated.
- The amendments to the scheme do not address the highway safety and traffic concerns already raised.
- Wyaston Road forms part of a national cycling route. The near access would be dangerous to cyclists on the road.
- The site has been assessed as undevelopable by the Strategic Housing and Land Assessment sub group in 2021.

Non attributable objections:

- The development will result in a loss of wildlife and habitats.
- Concerns regarding highway safety
- Concerns regarding flooding.
- Concerns regarding strain on existing facilities and services.
- No additional services or facilities are proposed as part of this application.
- The development puts cars before pedestrians and cyclists.
- Redrow assured homeowners that the field would not be developed.
- The amendments to the scheme do not address the previous concerns raised.

Ednaston and Wyaston Parish Council:

The Parish Council would like to state that they strongly object to this application. If the houses were built it will channel traffic through Edlaston & Wyaston on roads that are not suitable for this amount of traffic. The road going through Wyaston especially has no pavements and children walk along the road to catch the bus to school. This will therefore cause a problem with public safety. There is currently a 30-mph speed limit through the village however this is not adhered to and therefore not suitable for additional traffic.

7.0 OFFICER APPRAISAL

- 7.1 This application seeks full planning permission for up to 87 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:
- Suitability of the location
 - The effect of the proposal on the character and identity of the settlement and the local landscape
 - 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

Suitability of the location

- 7.5 The application site is located outside of, but immediately adjacent to the settlement boundary of Ashbourne, a first-tier settlement as defined by policy S2 of the Adopted Derbyshire Dales Local Plan (2017).
- 7.6 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. As set out above, Ashbourne is a first-tier settlement.
- 7.8 Therefore, in principle, residential development of this edge of settlement site would in the current circumstances be in accordance with 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.

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

- 7.9 A key consideration in respect of this application is the impact of the development on the local landscape and character, identity and setting of the existing settlement. Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) advises that development will conserve and where possible enhance the natural and historic environment, including settlements within the plan area.
- 7.10 Policy PD1 requires all development to be of high-quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes.
- 7.11 Policy PD5 deals specifically with landscape character and advises that development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.12 A number of local residents have objected to the proposed development on the basis that the development would result in harm to the character and appearance of this part of Ashbourne.
- 7.13 The application site was assessed under the District Council's Strategic Housing and Employment Land Availability Assessment (April 2022 update) by Derbyshire County Council's Landscape Officer where it was concluded that whilst the development would be visible to the existing residential developments nearby and in wider views from Wyaston Road "the land has become isolated from the surrounding landscape, the majority of the area is screened by existing development and boundary vegetation so this would constitute a modest extension to an existing development area". The site was rated "green" in terms the impact of a development on this site on the landscape, the green rating determined that landscape and visual constraints are likely to be of a minor scale "although the site's relationship to the landscape character of the wider countryside should form a key component of the site's design.
- 7.14 The layout of the development is largely determined by the route of the new road within the site which, in order to meet required gradients in terms of highway safety was largely fixed. The District Council had no major objection to the route of the highway however there were some concerns relating to the locations and designs of some of the individual plots.
- 7.15 Chimneys have been added to a number of the prominent plots within the site in order to reflect the traditional character of the proposed dwellings and reflect previous housing developments nearby. The entrance to the site previously comprised a number of large dwellings which appeared overly urban in its appearance, this has now been amended and more house types introduced to appear less formal in its appearance. The proposed use of two red bricks across the site with a small number of rendered properties would be reflective of the adjacent housing developments. The design of the 1 bed quad blocks has also been amended to better respond to the character of the development.
- 7.16 In order to address separate concerns raised by Derbyshire Wildlife Trust, during consideration of the application the development proposal has been reduced from 102 dwellings to the currently proposed 87. This removed development from the western portion of the site.
- 7.17 The application site comprises a steeply sloping site which falls toward the A52 in the south. Whilst the site would be visible in local views and wider views from Wyaston Road/Ashbourne Golf Club, the site is well contained between the existing housing and the A52 which appears as a natural boundary to the southern side of the town in this location. On the basis of the amended plans and having regard to the SHELLAA assessment of the landscape impacts of this site, the development is not considered to result in any unacceptable harm to the character and appearance of this part of Ashbourne.

Transport and impact on highway safety

- 7.18 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.
- 7.19 A large number of objections received in relation to this application refer to the potential highway safety implications of the new access onto Wyaston Road, the new road within the development and the increase in traffic generated by the development.
- 7.20 A number of concerns were also raised by the Local Highway Authority with regard to the application as originally submitted. The applicant has since amended the scheme in order to introduce traffic calming measures such as build outs and raised pedestrian crossings along the new road. Additional information has also been provided regarding the visibility splays from the new access point, access to public transport services and the plan has been amended to include street trees as required by paragraph 131 of the National Planning Policy Framework (2023).
- 7.21 Having visited the site and had regard to the amendments to the scheme, 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. If permission is granted conditions would be recommended in accordance with advice from the Highway Authority including requirement for a Travel Plan the bond and monitoring for which would be secured by S.106 planning obligation.
- 7.22 The concerns raised by the Designing out Crime Officer (Derbyshire County Council) regarding the pedestrian footpath off the northern side of the new road toward Premier Avenue are noted however the footpath would offer a potential future link through the site into Premier Avenue which would be beneficial to the scheme and its inclusion in the plan at this stage is not considered to result in any significant detrimental impacts to the amenity of the existing occupants of Premier Avenue such that the application could be refused on such grounds.

Impact upon the amenity of neighbouring properties

- 7.23 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.
- 7.24 The closest residential properties to the site would be the dwellings off Wyaston Road and Acorn Drive to the north and Premier Avenue to the west.
- 7.25 The development would result in the erection of 87 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 along Acorn Drive 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.
- 7.26 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.

- 7.27 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.
- 7.28 The application is supported by a noise impact assessment which Environmental Health colleagues have had regard to in providing their consultation response where no objections (subject to conditions) are raised.
- 7.29 The comments raised by local residents regarding the stability of the land are noted however, the scheme will need to comply with relevant building regulations and this matter would not therefore constitute a material planning consideration in this case.
- 7.30 Subject to conditions, the development is considered to maintain a satisfactory relationship with surrounding developments and would be in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

Sustainable building and climate change

- 7.31 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.
- 7.32 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 maximum solar gain. The dwellings are designed to incorporate solar panels and would be built with high levels of insulation, efficient heating systems and high efficiency windows.
- 7.33 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

- 7.34 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.
- 7.35 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.

- 7.36 The FRA includes a drainage strategy which has been amended to reflect the reduced scheme. 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 runoff from the development is controlled and attenuated prior to discharge. 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.
- 7.37 Foul water would be to the main combined 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.
- 7.38 The Environment Agency (EA) and Lead Local Flood Authority (LLFA) have been consulted. The EA raise no objection to the development. The LLFA raise no objection to the amended drainage scheme subject to planning conditions to ensure approval of a detailed scheme, implementation and validation.
- 7.39 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.
- 7.40 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

- 7.41 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.
- 7.42 The application is supported by ecological assessments, biodiversity net gain assessment an Arboricultural Assessment and Statement.
- 7.43 The Arboricultural Assessment identifies a number of category A, B and C individual and tree groups within the site (including hedgerows). None of the trees are ancient or veteran trees. Five trees are subject to a tree preservation order (TPO) (DDDCTPO//182).
- 7.44 The report identifies that no category A trees would be removed, 3 sections of hedgerows within category B would be removed. No category C trees or hedgerows would be removed. The application proposes replacement tree and hedge planting.
- 7.45 The Tree and Landscape Officer has been consulted and raises no objection to the proposed works. If permission is granted conditions would be recommended to ensure that

tree planting is carried out in accordance with the submitted Arboricultural Assessment and a Method Statement being secured by condition.

- 7.46 There are no statutory designated sites of local conservation importance within 5km of the site boundary. The Peak District National Park is located 3km north of the site. There are four sites of local conservation value within 1km of the site including Henmore Brook Complex, Old Hill Embankment, Lodge Farm Wetlands and Tinkers Inn Bog Local Wildlife Sites. These sites would not be directly or indirectly impacted by the development, due to distance and isolation from the site.
- 7.47 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 0.86 Habitat Units on and off site (1.86%) and 2.03 Hedgerow Units (73.42%). DWT advise that biodiversity net gain (BNG) trading rules would not be satisfied because there would be a deficit in neutral grassland. However, the development would result in an overall biodiversity net gain on the site in accordance with the requirements of policy PD3 and the National Planning Policy Framework (NPPF). The provisions for BNG and the trading rules have not yet been secured through either policy or legal provision and therefore cannot be a requirement at this point in time. Therefore, the development demonstrate compliance with policy PD3.
- 7.48 Potential impacts on protected species are assessed within the submitted application and DWT advise that satisfactory mitigation for badgers can be secured within the scope of the development, subject to the imposition of appropriate planning conditions. Overall impacts on other protected species are likely to be limited, but some measures will be required to ensure that protected species are not adversely affected.
- 7.49 Having regard to the advice from Derbyshire Wildlife Trust (DWT) the application has demonstrated that, subject to planning conditions the development 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

- 7.50 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.
- 7.51 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. A contribution to library stock has been required. The contributions requested by the CCG (adjusted to reflect the reduced number of dwellings in the revised scheme) and Education Authority are reasonable, specific and proportionate and therefore would need to be secured through prior entry into a planning obligation.
- 7.52 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. Therefore, 26 units of affordable housing would be delivered on site, of which 7 should be First Homes in accordance with national planning guidance. The proposed on-site provision would equate to 29.89%, therefore a financial contribution of

£5,228.26 would also be required. This is considered to constitute acceptable provision and in accordance with policy HC4. If permission is granted a scheme would need to be agreed and secured through prior entry into a planning obligation.

7.53 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%	10%	34%	56%
Affordable HC11	40%	35%	20%	5%
Affordable proposed	46%	31%	23%	0%

7.54 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.

7.55 The affordable housing mix broadly complies with the requirements of policy HC1, with a greater percentage of smaller units. The market housing presents an under provision of 1, 2 and 3 bedroom properties and an overprovision of 4+ bedroom properties.

7.56 The applicant is accompanied by marketing information, which is referred to in a covering letter from the applicant. 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 the local area.

7.57 The applicant considers that the proposed mix provides a range of affordable homes meeting the requirements of policy HC11 and a range of two and three bedroom market properties, including bungalows, to provide choice to purchasers. The applicant also points to the direction of travel set out in the 2021 Icen report along with the fact that there are a significant number of two bedroom properties currently available for sale in Ashbourne.

7.58 Given the submitted justification, the application does demonstrate how the development would meet the needs of the district having regard evidence of local housing and market conditions. The proposed housing mix is therefore considered to be acceptable and in accordance with policy HC11. Having regard to the town fringe location of the site and its challenging topography there is also considered to be some justification for the proposed mix of housing in character and appearance terms.

7.59 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

- 7.60 The SPD sets out the provision per dwelling that is required to meet this identified deficiency. A contribution of £12,710.70 is required for parks on gardens on appropriate sites identified in Ashbourne in consultation with the Neighbourhood Manager. Allotments would not be appropriate on this site, therefore a contribution of £5,314.70 is also required. A play area is proposed on site (LAP) and therefore a further financial contribution is not required in this regard.
- 7.61 Therefore, subject to conditions and prior entry into a planning obligation to secure affordable housing provision and development contributions for affordable housing, healthcare, library stock, parks and allotments the application does demonstrate that the development is in accordance with policies S10, HC4, HC11 and HC14.

The Planning Balance

- 7.62 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:
- i. 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
 - 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.
- 7.63 The development would not result in any significant adverse visual impact or result in harm to landscape character. The development would result in modest benefit in terms of biodiversity net gain while delivering a significant amount of market housing and affordable housing at a time where the Council cannot demonstrate a 5 year supply.
- 7.64 The application demonstrates that it can be accommodated without any significant harm to highway safety or the amenity of neighbouring properties. The development would not be at risk of flooding or increase flood risk elsewhere and a sustainable urban drainage scheme would be delivered.
- 7.65 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 delivery and maintenance of bio-diversity net gain measures off-site, 26 affordable homes (including 7 first homes), a contribution of 5,228.26 (off-site affordable housing) a contribution of £58,725 (travel plan bond), a contribution of £5,000 (travel plan monitoring), a contribution of £78,480 (healthcare), a contribution of £12,710.70 (parks and gardens), a contribution of £5,314.70 (allotments) and a contribution of £6131.06 (library stock).
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 Rev A
Planning Layout – 008 Rev L
Adoptable Areas Plan – 400 Rev H
Materials Plan – 600 Rev H
Enclosures Plan – 700 Rev H
Internal Highway Layout 600539-HEX-XX-XX-DR-TP-0105 Rev P04
Proposed Site Access 600539-HEXA-XX-XX-DR-TP-0103 Rev P05
General Arrangement – 11008-FPCR-XX-XX-DR-L-0001 P09
Structural Landscape Detailed Plan (Sheet 1 of 3) - 11008-FPCR-XX-XX-DR-L-0002 P09
Structural Landscape Detailed Plan (Sheet 2 of 3) - 11008-FPCR-XX-XX-DR-L-0003 P09
Structural Landscape Detailed Plan (Sheet 3 of 3) - 11008-FPCR-XX-XX-DR-L-0004 P09
Private On Plot Detailed Landscape Plan (Sheet 1 of 4) - 11008-FPCR-XX-XX-DR-L-0005 P09
Private On Plot Detailed Landscape Plan (Sheet 2 of 4) - 11008-FPCR-XX-XX-DR-L-0006 P09
Private On Plot Detailed Landscape Plan (Sheet 3 of 4) - 11008-FPCR-XX-XX-DR-L-0007 P09
Private On Plot Detailed Landscape Plan (Sheet 4 of 4) - 11008-FPCR-XX-XX-DR-L-0008 P09
Sudbury Elevations and Floor Plans – 100-01
Kedleston Elevations and Floor Plans – 100-01
Beal (Corner turner) Elevations and Floor Plans – 100-01
Beal Elevations and Floor Plans – 100-01
Hardwick Elevations – 100-01
Hardwick Floor Plans – 100-02
Trowbridge Elevations and Floor Plans – 100-01
Trowbridge V1 Elevations and Floor Plans – 100-01
Petworth Elevations and Floor Plans – 100-01
Winster Elevations – 100-01
Winster Floor Plans – 100-02
Buckingham Elevations and Floor Plans – 100-01
Bradwell Variant 1 Elevations – 100-01
Bradwell Variant 2 Elevations – 100-02
Bradwell Variant 3 Elevations – 100-03
Bradwell Floor Plans – 100-04
Westbury Elevations – 100-01
Westbury Floor Plans – 100-01
Liversage Elevations – 100-01
Liversage Floor Plans – 100-01
Hemlock Elevations – 100-01
Hemlock Floor Plans – 100-02
1 Bed Quad Block Elevations – 100-01 Rev A
1 Bed Quad Block Floor Plans – 100-02 Rev A
1 Bed Quad Block (Hipped Roof) Elevations – 100-01 Rev A
1 Bed Quad Block (Hipped Roof) Floor Plans – 100-02 Rev A
2 Bed Affordable Elevations – 100-01
2 Bed Affordable Floor Plans – 100-02

3 Bed Affordable Elevations – 100-01
3 Bed Affordable Floor Plans – 100-02
Single Garage Floor Plans and Elevations – 100-01
Single Garage 1 Floor Plans and Elevations – 100-02
Shared Garage Floor Plans and Elevations – 100-03

Arboricultural Assessment – Rev B
Flood Risk Assessment – WAY-DCE-XX-XX-RP-C-0001 Rev P05
Framework Travel Plan – 600539-HEX-00-TP-RP-X-0001 V03
Transport Assessment – 600539-HEX-XX-TP-RP-X-0001 V03
Phase 1 & 2 Geo-Environmental Report – 100752 V1.0
Ecological Appraisal November 2022 Rev A
Bat Survey Report November 2022
Badger Report November 2022 Rev B
Biodiversity Net Gain Report Rev C
Biodiversity Metric dated 25.07.23

Reason:

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

3. 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 before the first occupation of any part of the development.

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).

4. 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.

5. 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.
 - 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.

6. No development shall commence until a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) has been submitted to, and be approved in writing by, the Local Planning Authority. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the approved Biodiversity Metric ‘Biodiversity Metric dated 25.07.23’ and to achieve no less than a [+1.86%] 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) 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.

7. No development shall commence until (including preparatory site clearance) a Badger Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following:
 - a) results of a recent survey;
 - b) the requirement for a mitigation licence, where necessary;
 - c) the specification and location for an artificial sett;
 - d) the location of any protective fencing, buffer zones or other construction-stage mitigation;
 - e) details of landscaping to benefit or safeguard badgers on site.

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

Reason:

In order to safeguard protected species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts 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. 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. Guidelines can be found in Guidance Note 08/23 -

Bats and Artificial Lighting at Night (BCT and ILP, 2023). The development shall be carried out in accordance with the approved details.

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).

9. 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:
- List the approved documents Flood Risk Assessment, prepared by Dice Consulting Engineers Ltd, Reference WAY-DCE-XX-XX-RP-C-0001 Revision PO5, dated July 2023 “including the date of the document and version number and also state “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”.
 - Site Location Plan with Topo, Drawing No. 0000 (no status provided) No objections in principle Conditions Recommended X Objection Recommended PUBLIC
 - And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015),
- have been submitted to and approved in writing by the Local Planning Authority.”

Reason:

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

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

Reason:

To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options.

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

Reason:

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development in accordance with policy PD8 of the Adopted Derbyshire Dales Local Plan (2017)₁

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. The Development hereby approved shall not be occupied until the access, parking and turning facilities that that individual building to the nearest public highway has been provided as shown on drawings 600539-HEX-XX-XX-DR-TP-0105 P04 and 008 Rev.

Reason:

To ensure conformity with submitted details and in the interest of highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) and policy TRA1 of the Ashbourne Neighbourhood Plan (2021).

14. No individual dwelling in the Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason:

To promote sustainable travel and healthy communities in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) and policy TRA1 of the Ashbourne Neighbourhood Plan (2021).

15. No works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason:

To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality in accordance with policies PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

16. The development hereby approved shall not be occupied until the site access works shown on drawing 600539-HEXA-XX-XX-DR-TP-0103 P05 have been constructed and completed.

Reason:

In the interest of highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) and policy TRA1 of the Ashbourne Neighbourhood Plan (2021).

17. The Residential Travel Plan V03 hereby approved, dated 1st August 2023 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason:

To reduce vehicle movements and promote sustainable access in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

18. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Advisory routes for construction traffic;
 - Any temporary access to the site;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud and dust being carried onto the highway;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Joint Highway Condition survey;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason:

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

19. 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, a site specific tree protection plan and Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To protect retained trees during the development phase in the interests of safety, stability and health of the trees and to ensure continuity of their contribution to visual amenity, wildlife and biodiversity benefits, human health and social benefits, climate change minimisation in accordance with policies PD3, PD6 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

20. 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 PD5 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

21. 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 PD5 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

22. Prior to the commencement of the development, 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).

23. 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.

24. 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).

25. 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).

26. 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).

27. 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).

28. Notwithstanding the provisions of Class AA 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:

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 development on the landscape, highway safety and biodiversity on site.

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.

Works on the Public Highway

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 at: development.implementation@derbyshire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's 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 Council's 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.

Street Trees

All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

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. The applicant should provide a flood evacuation plan which outlines:
- The flood warning procedure
 - A safe point of extraction
 - How users can safely evacuate the site upon receipt of a flood warning
 - The areas of responsibility for those participating in the plan
 - The procedures for implementing the plan
 - How users will be made aware of flood risk
 - How users will be made aware of flood resilience
 - Who will be responsible for the update of the flood evacuation plan
- H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.
- I. 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.
- J. 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.

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

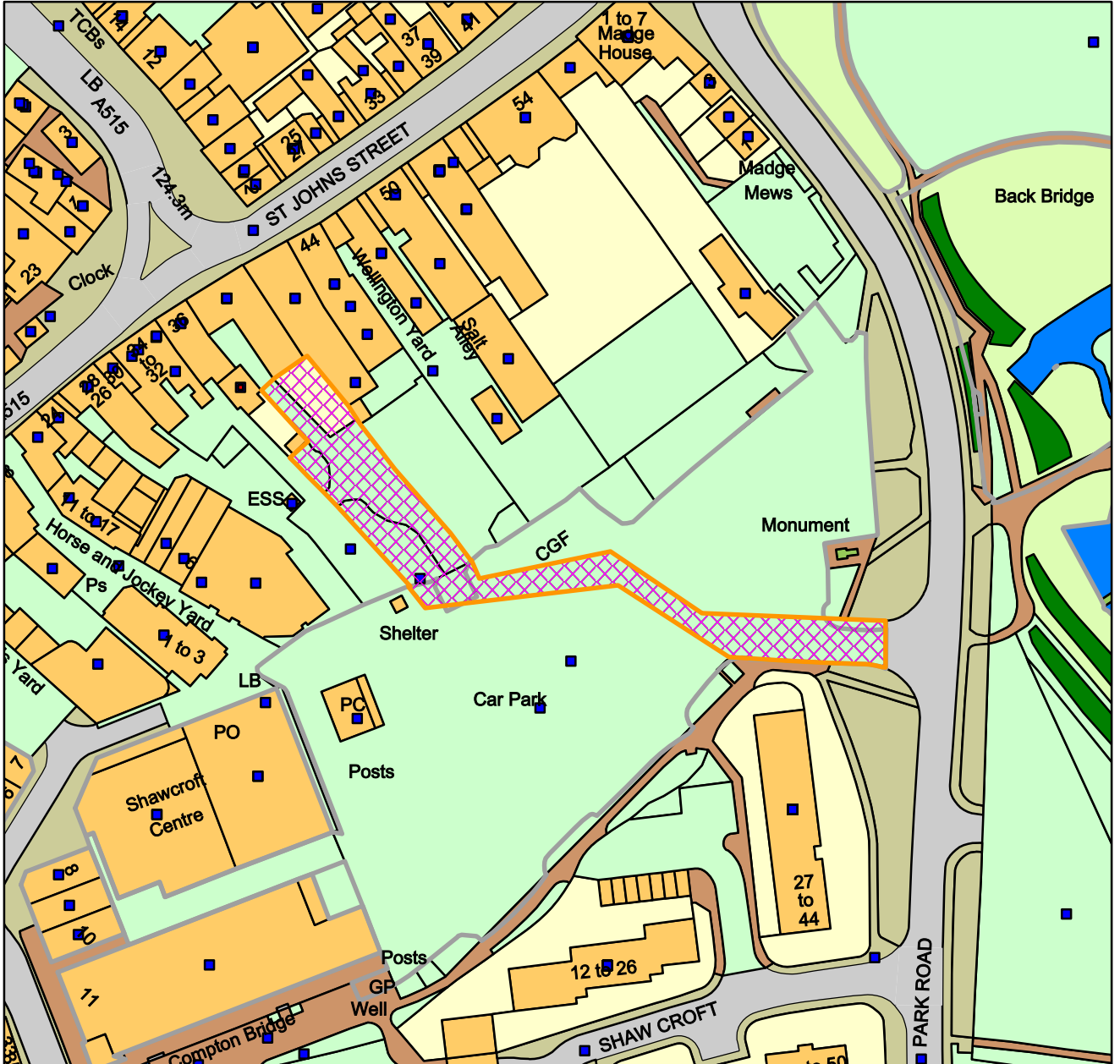
- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions 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.

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

23/00939/FUL

38 - 40 St John Street, Ashbourne, Derbyshire



Derbyshire Dales DC

1:1,250

Date: 30/11/2023

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

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APPLICATION NUMBER		23/00939/FUL	
SITE ADDRESS:		Land to Rear of 38-40 St John Street, Ashbourne, Derbyshire, DE6 1GH	
DESCRIPTION OF DEVELOPMENT		Erection in rear yard of 2no. retail units (Use Class E - Commercial), associated hard and soft landscaping works and reinstatement / repair of existing boundary walls (resubmission)	
CASE OFFICER	Mr J Baldwin	APPLICANT	M & P Properties
PARISH/TOWN	Ashbourne North	AGENT	Mrs T Critchlow
WARD MEMBER(S)	Cllr S Lees Cllr P Dobbs	DETERMINATION TARGET	16.11.2023
REASON FOR DETERMINATION BY COMMITTEE	Called to committee by local 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 on the character and appearance of the site, surroundings and heritage assets.

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

1.0 THE SITE AND SURROUNDINGS

1.1 The site is located between St Johns Street to the north and Shawcroft Car Park to the south in the centre of Ashbourne and within the Ashbourne Conservation Area. The application relates to a burgage plot to the rear of 38-40 St John Street which is a grade II listed building. The site is currently accessed via Shawcroft Car Park and is currently hard surfaced and used for vehicular parking. The site is located within the Town Centre of Ashbourne as defined by policy EC6 of the Adopted Derbyshire Dales Local Plan (2017).



2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for the construction of two new retail units adjacent to the Shawcroft car park and associated landscaping and works to boundary walls as shown on the submitted plans received by the Local Planning Authority on 21st September 2023. The proposed retail units which would be sited along the north eastern boundary would be of red brickwork construction with a Staffordshire blue tiled roof. Four car parking spaces are proposed to the northern end of the site.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- Adopted Derbyshire Dales Local Plan (2017)
 - Policy S1: Sustainable Development Principles
 - Policy S2: Settlement Hierarchy
 - Policy S3: Development within Defined Settlement Boundaries
 - 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 HC19: Accessibility sand Transport
- Policy HC21: Car Parking Standards
- Policy EC1: New and Existing Employment Development
- Policy EC6: Town and Local Centres

2. Ashbourne Neighbourhood Plan (2021)
 - Policy EMP1: Employment, Retention and Diversification
 - Policy ACA1: Ashbourne Central Area
 - Policy HOU1: Housing Mix
 - Policy DES1: Design
 - Policy AH1: Ashbourne Heritage
 - Policy TRA1: Transport
3. National Planning Policy Framework (2023)
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

22/00212/FUL	Erection in rear yard of 2no. retail units (Use Class E - Commercial) with 2no. apartments above, with associated landscaping works and works to boundary walls	Refused	05/09/2022
22/00213/LBALT	Works to boundary walls in association with development in rear yard	Refused	05/09/2022
23/00020/WREP	Erection in rear yard of 2no. retail units (Use Class E - Commercial) with 2no. apartments above, with associated landscaping works and works to boundary walls	In progress	
23/00021/WREP	Works to boundary walls in association with development in rear yard	In progress	

5.0 CONSULTATION RESPONSES

Ashbourne Town Council

- 5.1 Objection. The proposed development is at the rear of the property however this is one of the main entrances into the town off Shawcroft car park. Members feel it contravenes Local Plan Policies S3; PD1 and PD2 and the Ashbourne Neighbourhood Plan Policy AH1. They also feel that under the National Plan Policy Framework it impacts on the Heritage of the town and neither enhances or preserves the area.

Cllr Stuart Lees

- 5.2 I would like a site visit and this application brought to the planning committee.

Local Highway Authority (Derbyshire County Council):

- 5.3 The proposal appears to differ little in highway terms to the previous application 22/00212/FUL on this site. Therefore, the same highway comments remain applicable. There remain no highway objections to the proposal in view of the town centre location.

Development Control Archaeologist (Derbyshire County Council):

- 5.4 The proposed development footprint lies within the Ashbourne conservation area (DDR7017) and No's 38 & 40 St John Street are Grade II Listed Buildings (DDR5250). Please therefore also seek the advice of your own buildings and conservation officer.

The proposed development falls within an area characterised by a series of long, narrow properties on the south side of St John's Street running down to the former line of Henmore Brook. These have been identified in the Ashbourne Extensive Urban Survey (Stroud 2001) as originating from medieval burgage plots. It is thought that in the medieval and early post-medieval period, these rear plots, behind the buildings fronting the main streets, would have served for a variety of industries. In particular, proximity to water, as with Henmore Brook, might have attracted industries such as tanning and dyeing to these so-called back-plot areas. It is worth noting it is thought the construction of St. John's House (54 St. John's Street) in around 1766 replaced a dyehouse

The Heritage statement and the desk based archaeological assessment included with the application identify the potential for buried archaeological deposits, features and structures to be affected by the proposed development and so further archaeological work would be necessary in advance of any development should permission be granted. These works will consist, in the first instance, of archaeological evaluation trenching accompanied by analysis and suitable reporting. Should the evaluation trenching demonstrate archaeological survival there may then need to be further archaeological work which may comprise open area excavation. This work however could be undertaken post-consent and can be secured by attaching a staged condition to planning consent under Para 205 of NPPF.

Any submitted WSI should be authored by the archaeological organisation that will undertake the work, in the field, in consultation with this office. The WSI and all works undertaken should be in line with current industry standards and be undertaken by suitably and demonstrably experienced archaeologists.

Design and Conservation Officer (Derbyshire Dales)

- 5.5 The current proposal is for a detached, single-storey, linear commercial building adjacent and following the cranked historic boundary forming the eastern side of the medieval burgage plot. The proposed development will occupy over half the length of the open burgage plot. The western side of the plot will form the pedestrian and vehicular access to the new (& existing) commercial properties with associated car parking provision at the northern end of the plot. The south-western elevation of the proposed development is of three principal attached 'blocks' (of different lengths), each one stepping down slightly as the land slopes gently from north to south and cranked to follow the burgage line. The whole block will contain two commercial units. This elevation is to contain a series (5No.) of large segmental headed fully glazed openings incorporating two doorways. The south-west facing roof slopes are to contain 6No. conservation rooflights. The north-west and south-east end gables are to be blank as is the entire north-eastern facing elevation. The development is to be built in red brickwork with clay tiled roof and painted timber windows/doors.

The existing sections of red brick boundary walls (which are deemed to be curtilage-listed to the principal listed building) – to the east and west sides of the burgage plot – are to be repaired and new, matching, sections added in to replace sections of modern timber fencing. The land is to be landscaped with pavements, Yorkstone paving and planted areas. These proposals are generally considered to be acceptable (subject to approval of the new brick & surfacing materials etc.).

Whilst there are some garden/service buildings to the rear plots between No.s 30 & 58 St Johns Street these are small and diminutive in scale. Within this, therefore, series of relatively open plot areas to the rear of the listed & historic buildings the proposal (which has

been reduced in height from application 22/00213/LBALT) will, nevertheless, present a substantial block of built development, in terms of its scale, mass, length and width. In this relatively 'open' area this would, therefore, be a decidedly isolated architectural introduction and present an anomalous intrusion that would contrast detrimentally, and be competitive, with the largely un-developed nature of the area. The proposed development would, therefore, appear out of scale & context and present an alien built addition to this open site & area.

In terms of the burgage plot this has never had (historic) development on it and has remained open and un-developed. It is currently used for (private) vehicle parking. In this regard, the burgage plot is readily identifiable and readable and the south elevation of the listed building looks down over the plot (as it was intended to do so). The ACAA states, in reference to potential development of historic burgage plots, the 'possibility of development eroding, removing or diminishing their presence'. Whilst the proposed development is confined within the historic burgage plot (and partly cranked to follow its historic line) it is considered that it will both erode and diminish the historically open character and appearance of the burgage plot, although it will not remove the burgage plot. In terms of the architectural design, character and detailing of the proposed building it is considered that this is not convincing in its narrative – i.e. the general uniformity of its principal elevation and the run of large, unified, glazed arched-headed openings etc., and its detailing and does not, in this regard, convey a range of former, historic, service building of which it is purporting to present.

The 1990 Act Section 16(2) & 66(1) requires that when considering whether to grant Listed Building Consent/Planning Permission for any works (to a listed building), 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'. Under section 72 of the 1990 Act a general duty is also imposed on Local Planning Authorities, in respect of proposed development in a Conservation Area, that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the 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.

It is considered that the proposed development would fail to preserve the listed building(s), its/their setting(s) and this part of the Ashbourne Conservation Area. Furthermore, it is considered that the siting, scale, mass & presence of the proposed development would not constitute an enhancement to the character or appearance of this part of the Conservation Area. In this regard, there is a finding of harm. It is considered that the level of harm would not be substantial and, in that regard, paragraph 202 of the NPPF states that where a 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.

Environmental Health (Derbyshire Dales)

5.6 No objection. Comments as previous

6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 1 representation has been received in relation to the application which states:
- We have received your letter dated 22 September 23. This development would create a blank wall, two storeys high from the carpark right up to our shop - completely boxing it in. It is ribbon development and would not fit in well with the rest of the surrounding buildings - the backs of the buildings on St John Street are all Georgian buildings of historical interest and the view of them from the carpark needs to be protected - these pieces of land are all burgage plots and if developed, a sympathetic approach is required involving the other land owners in a joint development of the ground between Boots the Chemist shop and the Wellington Yard.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact upon heritage assets

Principle of Development

- 7.1 The site is located within the settlement boundary of Ashbourne, identified as a First Tier Settlement by policy S2 of the Adopted Derbyshire Dales Local Plan (2017). First tier settlements are considered to be the District's main towns and should be "the primary focus for growth and development" and are deemed to be the most sustainable locations due to the access to further facilities and services within the settlement.
- 7.2 The site is also located within Ashbourne Town Centre as defined by policy EC6 which states that "the District Council will seek to maintain and where possible, enhance the vitality and viability of town centres, district centres and local centres". Policy EC1 of the Adopted Derbyshire Dales Local Plan (2017) further supports proposals for new employment development within sustainable locations.
- 7.3 On the basis of the above, the site is located within both a defined first tier settlement boundary and a defined Town Centre. The principle of a new retail development is considered to be in accordance with the relevant policies of both the Adopted Derbyshire Dales Local Plan (2017) and the Ashbourne Neighbourhood Plan (2021).

Impact on the character and appearance of the site, surroundings and heritage assets.

- 7.4 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.
- 7.5 This application follows the refusal of previous applications 22/00212/FUL and 22/00213/LBALT which sought permission for similar repair works to the walls and a building of the same footprint as currently proposed. This application has however reduced the height of the proposed units and therefore omitted the residential accommodation which was previously proposed at first floor level. 22/00212/FUL was refused for the following reason:

The siting of a building of such scale and design in this location is considered to erode the significance of the historic burgage plot which forms the site. This is considered to result in harm to the special character and appearance of the grade II listed 38-40 St John Street and the wider Ashbourne Conservation Area that would not be outweighed by the public benefits to be derived from the proposed development. The development would therefore be contrary to policies S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) policy AH1 of the Ashbourne Neighbourhood Plan (2021) and guidance contained within the National Planning Policy Framework (2021), National Planning Practice Guidance and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

- 7.6 The site is located within the burgage plot of 38-40 St John Street a grade II listed building and within the Ashbourne Conservation Area. The survival of the burgage plots is considered by the Ashbourne Conservation Area Appraisal to be an "important town scape feature" within the Conservation Area. The appraisal continues "It is considered that as a historical and archaeological resource the burgage plots in Ashbourne should be regarded as a finite heritage asset that should be afforded protection and recognition whenever

proposals for development, that may potentially erode, remove or diminish their presence, is considered or contemplated”.

- 7.7 As acknowledged in the consultation response received from the Design and Conservation Officer, “there are some garden/service buildings to the rear plots between No.s 30 and 58 St John Street” however these existing structures are diminutive in scale. Whilst it is appreciated that the height of the building has been reduced from the previously proposed development under 22/00212/FUL and 22/00213/LBALT, the footprint of the structure remains the same and would accommodate approximately a third of the burgage plot. Concerns have also been raised by the Design and conservation Officer regarding the design of the proposed building. The uniform glazed arch headed openings is not characteristic of a former historic service building which the design is attempting to portray.
- 7.8 The burgage plots to the rear of the properties along St John Street remain largely undeveloped and can be read in accordance with their former use. This development would begin to erode and diminish the significance of the burgage plots. A structure of such scale and design is considered to appear anomalous in this location and would be harmful to the setting of both the grade II listed 38-40 St John Street and the wider Ashbourne Conservation Area.
- 7.9 The proposed repair and rebuilding works to the boundary walls of the burgage plot are largely considered to be acceptable and would have a neutral impact on the heritage asset. As set out above however, the erection of the two retail units, albeit of a reduced height than the previous scheme are deemed to result in harm to the setting of both the grade II listed 38-40 St John Street and the wider Ashbourne Conservation Area. This harm is deemed to amount to less than substantial harm.
- 7.10 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”.
- 7.11 It is acknowledged that there are some modest public benefits to be derived from the small number of additional employment opportunities provided through the retail units. Previously the proposal included the provision of two market dwellings however this element, and public benefit has been removed as part of this application. On balance, despite the amendments to the previous submitted 22/00212/FUL and 22/00213/LBALT, the public benefits to be derived from the works would not outweigh the less than substantial harm caused to the heritage assets. The development is therefore considered to be contrary to guidance contained within the National Planning Policy Framework (2023) and policies PD2 of the Adopted Derbyshire Dales Local Plan (2017) and AH1 of the Ashbourne Neighbourhood Plan (2021). A recommendation of refusal is made on this basis.

Other issues:

- 7.12 Due to the town centre location of the proposed development, no concerns have been raised by the Local Highway Authority with regard to car parking or highway safety issues.

Conclusion:

- 7.13 Taking the above into consideration the development is considered to be contrary to guidance contained within the National Planning Policy Framework (2023) and policies contained within the Adopted Derbyshire Dales Local Plan (2017) and Ashbourne Neighbourhood Plan (2021). A recommendation of refusal is made on this basis.

8.0 RECOMMENDATION

That planning permission be refused for the following reason(s).

1. The siting of a building of such scale and design in this location is considered to erode the significance of the historic burgage plot which forms the site. This is considered to result in harm to the special character and appearance of the grade II listed 38-40 St John Street and the wider Ashbourne Conservation Area that would not be outweighed by the public benefits to be derived from the proposed development. The development would therefore be contrary to policies S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) policy AH1 of the Ashbourne Neighbourhood Plan (2021) and guidance contained within the National Planning Policy Framework (2023), National Planning Practice Guidance and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

9.0 NOTES TO APPLICANT:

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

This decision notice relates to the following documents:

Design and Access Statement

Heritage Statement

Archaeological Desk Based Assessment

2017-2240-01 – Existing Conditions Plan and Site Sections

2017-2240-05 – Existing Conditions Boundary Wall Elevations A-D

2017-2240-06 – Existing Conditions Boundary Wall Elevations E-G

2017-2240-10 – Revised Planning Proposal Plans and Elevations

2017-2240-11 – Revised Planning Proposal Location Plan and Block Plan

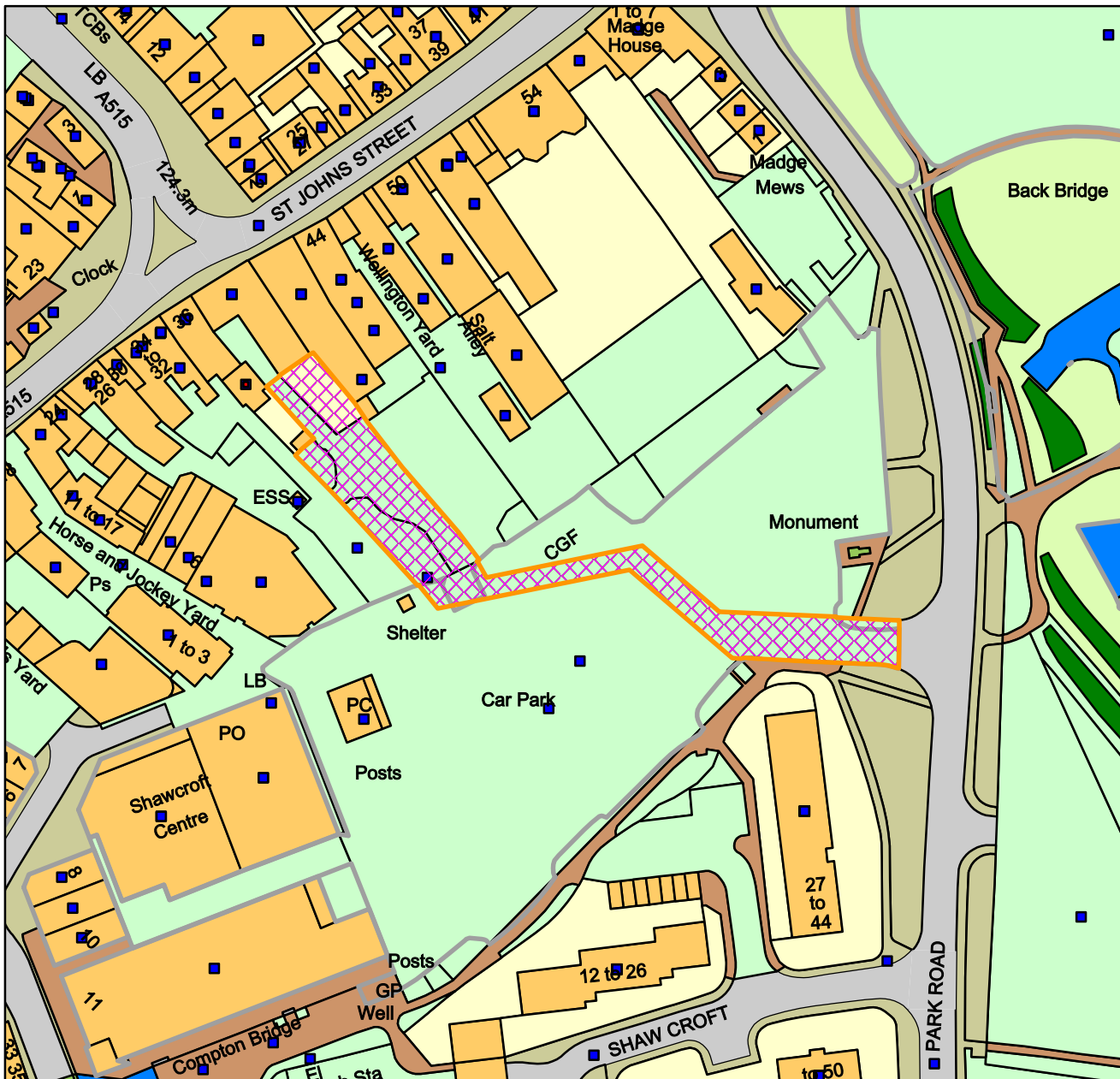
2017-2240-11 – Revised Planning Proposal Site Layout Plan

2017-2240-13 – Revised Planning Proposal Boundary Wall Elevations A-D

2017-2240-14 – Revised Planning Proposal Boundary Wall Elevations E-G

23/00940/LBALT

Land to the Rear of 38-40 St John Street, Ashbourne, Derbyshire



Derbyshire Dales DC

1:1,250

Date: 30/11/2023

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Planning Committee 12th December 2023

APPLICATION NUMBER		23/00940/LBALT	
SITE ADDRESS:		Land to Rear of 38-40 St John Street, Ashbourne, Derbyshire, DE6 1GH	
DESCRIPTION OF DEVELOPMENT		Works to boundary walls in association with development in rear yard (resubmission)	
CASE OFFICER	Mr J Baldwin	APPLICANT	M & P Properties
PARISH/TOWN	Ashbourne North	AGENT	Mrs T Critchlow
WARD MEMBER(S)	Cllr S Lees Cllr P Dobbs	DETERMINATION TARGET	30.10.2023
REASON FOR DETERMINATION BY COMMITTEE	Associated planning application called to committee by local 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

- Impact upon heritage assets

RECOMMENDATION

- Refusal

1.0 THE SITE AND SURROUNDINGS

1.1 The site is located between St Johns Street to the north and Shawcroft Car Park to the south in the centre of Ashbourne and within the Ashbourne Conservation Area. The application relates to a burgage plot to the rear of 38-40 St John Street which is a grade II listed building. The site is currently accessed via Shawcroft Car Park and is currently hard surfaced and used for vehicular parking. The site is located within the Town Centre of Ashbourne as defined by policy EC6 of the Adopted Derbyshire Dales Local Plan (2017).



2.0 DETAILS OF THE APPLICATION

2.1 Listed building consent is sought for alterations to the existing boundary walls of the site and the construction of two new retail units adjacent to the Shawcroft car park as shown on the submitted plans received by the Local Planning Authority on 4th September 2023. The proposed retail units which would be sited along the north eastern boundary would be of red brickwork construction with a Staffordshire blue tiled roof. Four car parking spaces are proposed to the northern end of the site.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. National Planning Policy Framework (2023) - 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:

22/00212/FUL	Erection in rear yard of 2no. retail units (Use Class E - Commercial) with 2no. apartments above, with associated landscaping works and works to boundary walls	Refused	05/09/2022
22/00213/LBALT	Works to boundary walls in association with development in rear yard	Refused	05/09/2022
23/00020/WREP	Erection in rear yard of 2no. retail units (Use Class E - Commercial) with 2no. apartments above, with associated landscaping works and works to boundary walls	In progress	
23/00021/WREP	Works to boundary walls in association with development in rear yard	In progress	

5.0 CONSULTATION RESPONSES

Ashbourne Town Council

- 5.1 Objection. Members feel that although the wall is to the rear of the property it is also facing a prominent and visible entrance to the town (from Shawcroft). They feel it does not blend in with the surroundings and will have a negative visual impact.

Design and Conservation Officer (Derbyshire Dales)

- 5.2 The current proposal is for a detached, single-storey, linear commercial building adjacent and following the cranked historic boundary forming the eastern side of the medieval burgage plot. The proposed development will occupy over half the length of the open burgage plot. The western side of the plot will form the pedestrian and vehicular access to the new (& existing) commercial properties with associated car parking provision at the northern end of the plot. The south-western elevation of the proposed development is of three principal attached 'blocks' (of different lengths), each one stepping down slightly as the land slopes gently from north to south and cranked to follow the burgage line. The whole block will contain two commercial units. This elevation is to contain a series (5No.) of large segmental headed fully glazed openings incorporating two doorways. The south-west facing roof slopes are to contain 6No. conservation rooflights. The north-west and south-east end gables are to be blank as is the entire north-eastern facing elevation. The development is to be built in red brickwork with clay tiled roof and painted timber windows/doors.

The existing sections of red brick boundary walls (which are deemed to be curtilage-listed to the principal listed building) – to the east and west sides of the burgage plot – are to be repaired and new, matching, sections added in to replace sections of modern timber fencing. The land is to be landscaped with pavements, Yorkstone paving and planted areas. These proposals are generally considered to be acceptable (subject to approval of the new brick & surfacing materials etc.).

Whilst there are some garden/service buildings to the rear plots between No.s 30 & 58 St Johns Street these are small and diminutive in scale. Within this, therefore, series of relatively open plot areas to the rear of the listed & historic buildings the proposal (which has been reduced in height from application 22/00213/LBALT) will, nevertheless, present a substantial block of built development, in terms of its scale, mass, length and width. In this

relatively 'open' area this would, therefore, be a decidedly isolated architectural introduction and present an anomalous intrusion that would contrast detrimentally, and be competitive, with the largely un-developed nature of the area. The proposed development would, therefore, appear out of scale & context and present an alien built addition to this open site & area.

In terms of the burgage plot this has never had (historic) development on it and has remained open and un-developed. It is currently used for (private) vehicle parking. In this regard, the burgage plot is readily identifiable and readable and the south elevation of the listed building looks down over the plot (as it was intended to do so). The ACAA states, in reference to potential development of historic burgage plots, the 'possibility of development eroding, removing or diminishing their presence'. Whilst the proposed development is confined within the historic burgage plot (and partly cranked to follow its historic line) it is considered that it will both erode and diminish the historically open character and appearance of the burgage plot, although it will not remove the burgage plot. In terms of the architectural design, character and detailing of the proposed building it is considered that this is not convincing in its narrative – i.e. the general uniformity of its principal elevation and the run of large, unified, glazed arched-headed openings etc., and its detailing and does not, in this regard, convey a range of former, historic, service building of which it is purporting to present.

The 1990 Act Section 16(2) & 66(1) requires that when considering whether to grant Listed Building Consent/Planning Permission for any works (to a listed building), 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'. Under section 72 of the 1990 Act a general duty is also imposed on Local Planning Authorities, in respect of proposed development in a Conservation Area, that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the 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.

It is considered that the proposed development would fail to preserve the listed building(s), its/their setting(s) and this part of the Ashbourne Conservation Area. Furthermore, it is considered that the siting, scale, mass & presence of the proposed development would not constitute an enhancement to the character or appearance of this part of the Conservation Area. In this regard, there is a finding of harm. It is considered that the level of harm would not be substantial and, in that regard, paragraph 202 of the NPPF states that where a 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.

6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 1 representation has been received in relation to the application which states:
- We have received your letter dated 5th September 23. The boundary wall fell down over 15 months ago, we notified the property owners, but nothing has been done and we have had to erect Heras fencing to secure our own property. Also, during the last windy days some 3 weeks ago, the fence was blowing backwards and forwards that much that we had put bollards on our own property with tape in between as we felt they were a danger to anybody walking up the carpark.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Impact upon heritage assets

7.1 This application follows the refusal of previous applications 22/00212/FUL and 22/00213/LBALT which sought permission for similar repair works to the walls and a building of the same footprint as currently proposed. This application has however reduced the height of the proposed units and therefore omitted the residential accommodation which was previously proposed at first floor level. 22/00213/LBALT was refused for the following reason:

The siting of a building of such scale and design in this location is considered to erode the significance of the historic burgage plot which forms the site. This is considered to result in harm to the special character and appearance of the grade II listed 38-40 St John Street and the wider Ashbourne Conservation Area that would not be outweighed by the public benefits to be derived from the proposed development. The development would therefore be contrary to policies guidance contained within the National Planning Policy Framework (2021), National Planning Practice Guidance and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

7.2 As set out during the consideration of the previous applications The re-instatement and repairs to the boundary walls of the site are, in isolation considered to be largely acceptable. However, as the boundary wall would be physically attached to the proposed retail units and the units would form part of the enclosure of the burgage plot, this element of the development should also be assessed under the application for listed building consent.

7.3 The site is located within the burgage plot of 38-40 St John Street a grade II listed building and within the Ashbourne Conservation Area. The survival of the burgage plots is considered by the Ashbourne Conservation Area Appraisal to be an “important town scape feature” within the Conservation Area. The appraisal continues “It is considered that as a historical and archaeological resource the burgage plots in Ashbourne should be regarded as a finite heritage asset that should be afforded protection and recognition whenever proposals for development, that may potentially erode, remove or diminish their presence, is considered or contemplated”.

7.4 As acknowledged in the consultation response received from the Design and Conservation Officer, “there are some garden/service buildings to the rear plots between No.s 30 and 58 St John Street” however these existing structures are diminutive in scale. Whilst it is appreciated that the height of the building has been reduced from the previously proposed development under 22/00212/FUL and 22/00213/LBALT, the footprint of the structure remains the same and would accommodate approximately a third of the burgage plot. Concerns have also been raised by the Design and conservation Officer regarding the design of the proposed building. The uniform glazed arch headed openings is not characteristic of a former historic service building which the design is attempting to portray.

7.5 The burgage plots to the rear of the properties along St John Street remain largely undeveloped and can be read in accordance with their former use. This development would begin to erode and diminish the significance of the burgage plots. A structure of such scale and design is considered to appear anomalous in this location and would be harmful to the setting of both the grade II listed 38-40 St John Street and the wider Ashbourne Conservation Area.

7.6 The proposed repair and rebuilding works to the boundary walls of the burgage plot are largely considered to be acceptable and would have a neutral impact on the heritage asset. As set out above however, the erection of the two retail units, albeit of a reduced height than the previous scheme are deemed to result in harm to the setting of both the grade II listed 38-40 St John Street and the wider Ashbourne Conservation Area. This harm is deemed to amount to less than substantial harm.

- 7.7 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”.
- 7.8 It is acknowledged that there are some modest public benefits to be derived from the small number of additional employment opportunities provided through the retail units. Previously the proposal included the provision of two market dwellings however this element, and public benefit has been removed as part of this application. On balance, despite the amendments to the previous submitted 22/00212/FUL and 22/00213/LBALT, the public benefits to be derived from the works would not outweigh the less than substantial harm caused to the heritage assets. The development is therefore considered to be contrary to guidance contained within the National Planning Policy Framework (2023) and a recommendation of refusal is made on this basis.

8.0 RECOMMENDATION

That planning permission be refused for the following reason(s).

1. The siting of a building of such scale and design in this location is considered to erode the significance of the historic burgage plot which forms the site. This is considered to result in harm to the special character and appearance of the grade II listed 38-40 St John Street and the wider Ashbourne Conservation Area that would not be outweighed by the public benefits to be derived from the proposed development. The development would therefore be contrary to policies guidance contained within the National Planning Policy Framework (2023), National Planning Practice Guidance and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

9.0 NOTES TO APPLICANT:

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

This decision notice relates to the following documents:

Design and Access Statement

Heritage Statement

Archaeological Desk Based Assessment

2017-2240-01 – Existing Conditions Plan and Site Sections

2017-2240-05 – Existing Conditions Boundary Wall Elevations A-D

2017-2240-06 – Existing Conditions Boundary Wall Elevations E-G

2017-2240-10 – Revised Planning Proposal Plans and Elevations

2017-2240-11 – Revised Planning Proposal Location Plan and Block Plan

2017-2240-11 – Revised Planning Proposal Site Layout Plan

2017-2240-13 – Revised Planning Proposal Boundary Wall Elevations A-D

2017-2240-14 – Revised Planning Proposal Boundary Wall Elevations E-G

23/01033/FUL

Atlow Mill, Mill Lane, Hognaston, Derbyshire



Derbyshire Dales DC

1:2,500

Date: 30/11/2023

100019785

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website :www.derbyshiredales.gov.uk

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APPLICATION NUMBER		23/01033/FUL	
SITE ADDRESS:		Atlow Mill, Mill Lane, Hognaston, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Cladding of static caravan and installation of decking and screening with associated engineering works to form 1no. holiday let (part-retrospective)	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr James Jarvis
PARISH	Atlow	AGENT	Planning Design Practice
WARD MEMBERS	Cllr. P. Dobbs Cllr. S. Lees	DETERMINATION TARGET	13 th December 2023
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the development in its context

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Background • Planning Policy • Policy justification and impact on the character and appearance of the area • Highway matters • Public Rights of Way • Impact on trees • Climate change • Drainage • Land stability • Impact on wildlife • Archaeology

RECOMMENDATION
That the application be refused.

1. THE SITE AND SURROUNDINGS

- 1.1 Atlow Mill is located approximately half way between Ashbourne and Kirk Ireton. It is situated at the bottom of a lane in a rural location. Although it is an old, historic, stone-built Mill, it is not a listed building or within a conservation area, but is nevertheless considered to be a non-designated heritage asset. The site was granted planning permission for a change of use to a flexible C2 Use (Residential Institution) and C3 (Holiday Accommodation) in 2020 (ref: 20/00117/FUL) and prior to that was used as an educational centre with the permission granted for conversion of a barn to two dwellings (ref: 0197/0022) and the conversion of a barn to 10 no. guest bedrooms (ref: 0597/0294) granted in 1997.





2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the cladding of a static caravan and installation of decking and screening with associated engineering works in order to facilitate its use as a holiday let. This is a part retrospective application as the works have commenced. To date, the static caravan has been relocated to the site from an area nearer to the buildings and has been set on a raised decked structure. A framework has been constructed around the caravan but works ceased when the applicant was made aware that planning permission was required for the development and an enforcement notice was served on the following basis:

The development is in an unsustainable, rural location and is unjustified, encroaching and harmful to the character and appearance of the open countryside and contrary to the aims of Policies S1, S4, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

To this end, the requirements of the enforcement notice to address the above are as follows:

- a) *Permanently remove the static caravan, associated timber cladding, decking structure and retaining walls from the land edged in blue on the attached plan, and from the land area shown in red on the attached plan.*
- b) *Reinstate the slope of the field in the area edged blue to its condition prior to the unauthorised works having taken place, i.e., reinstate the sloping land and return the land to its previous condition.*

The applicant states that the enforcement notice was served without written warning and work ceased immediately.

- 2.2 With regard to this part retrospective planning application, the applicant advises that Atlow Mill is a well established complex of holiday lets and that they have invested heavily in recent years restoring and improving the group of buildings. It is advised that the units are popular, with visitors who come and stay in the Derbyshire Dales and contributing significantly to the local economy. The site was operated for many years by previous owners to provide a residential education centre for disadvantaged children. At this time, the courses would hold up to 40 people on them. Short-term accommodation use was therefore well established, and the dominant planning use on the site is short term holiday accommodation.
- 2.3 The static caravan is advised to have been at Atlow Mill for 10 years and, prior to that, there was another static caravan since before the year 2000. The caravan served as teacher's accommodation for the previous owners, and was then occupied by the current applicants when they renovated the site; its existence, and occupation, is therefore well established. The applicants recently relocated the caravan to the southern end of the site and began

cladding it with a timber frame, in an effort to improve its appearance and re-purpose it as holiday accommodation.

- 2.4 This part retrospective application proposes a scheme for the caravan to be finished with natural timber cladding on an insulated timber frame, and traditional 3" profile metal cladding on an insulated pitched roof, essentially creating a chalet. The windows are proposed to be more efficient UPVC frames. As existing, there are 11 openings on the static caravan, which will be reduced to 10 openings on the cladded proposal. The chalet would provide double bedroom, a bathroom and open-plan living area.
- 2.5 It is proposed that there will be timber decking surrounding the chalet, which is proposed to be stained in a darker colour. This would provide a step-free access to the accommodation, which is also all on one level, and has the advantage of further insulating the underside of the chalet to protect it from the wind. There is also proposed to be a 6.5ft, locally made hazel screen at the northernmost edge of the decking which, when coupled with the proposed tree, agricultural style hedge and wildflower planting to the east of the chalet, with the aim of providing a natural-looking privacy screen.
- 2.6 The applicant advises that the business has a 3-night minimum stay, meaning the caravan will generate £450 for the local economy for every 3-night stay and is expected to attract around 60 stays per year, which gives a total of £27,000 to the local economy. The business itself also spends a significant amount in the local economy, totalling to £116,000 per year, broken down as follows:
- cleaning - £26,000 per year, supporting 4 local people
 - food & drink in the cottages - £9,000 per year with the farm shop in Hulland Ward and other shops in Ashbourne
 - gardening - £14,000 per year, supporting 3 local people
 - maintenance - £43,000 per year, supporting 1 local person
 - building materials - £24,000 with local builders merchants
- 2.7 Guests staying at the business also spend money in the local pub and tourist attractions. As such, the development supports the three pillars of the NPPF's policy for achieving sustainable development. From an economic perspective, the proposal will promote tourism within the Derbyshire Dales. From a social perspective, the proposed development can support the community of Atlow through tourism and the promotion of the area. The development also supports the environmental objective through the planting of trees, hedging and wildflowers, which will further enhance the already biodiverse rich site. The proposal makes use of an existing structure that has been on site for at least the last 10 years, albeit having moved from its original siting. This means that the number of structures on the site has not intensified, and the movement of the caravan creates a less cluttered environment.
- 2.8 Whilst the applicant acknowledges that Policy EC9 of the Adopted Local Plan 92017) requires for holiday accommodation sites to be within a sustainable location, that is within, or in close proximity to an existing settlement, it is considered that the proposal needs to be assessed with the whole of the Local Plan in the round, and the compliance with the NPPF. Therefore, despite not being within an existing settlement, the applicant considers the proposal supports other policies of the Local Plan and the NPPF, through the expansion of an existing rural business that will promote tourism in the area and, therefore, helping to sustain and increase the local economy. For these reasons, the applicant considers the conversion of the static caravan to holiday accommodation can be considered acceptable in principle.
- 2.9 In terms of the character and appearance of the development, the applicant advises that the proposed cladding of the static caravan will be natural timber cladding on the external

walls and traditional 3" profile metal cladding on the roof. The timber applicant considers that the cladding will assimilate with the surrounding character of the area, which is heavily wooded, whilst the metal cladding will assimilate with another building on the site which is a converted agricultural barn. The applicant considers that the mixture of the two claddings will give the appearance of a modern design, without the caravan looking out of place in the context of the site. Similarly, the applicant is of the view that the timber decking will conform to the wooded character of the area, and will be stained a darker colour to further 'blend in' with the trees surrounding. Locally made hazel privacy screens are also proposed to further emphasise the wooded nature. This wooden character will be softened by proposed planting of trees, wildflowers and hedging to the east of the site, and potted plants in front of the privacy screens.

- 2.10 By virtue of the site being located in a valley, with a Public RoW running alongside the site up the hill, the applicant recognises that the development could be quite visible but that the current and proposed planting and privacy screens will mitigate the impact of the impact on the character of the area, especially from the view of the public footpath. The planting has been picked specifically for larger canopies that will 'bush' out and block the view of the caravan from the footpath. Hedging is proposed to soften the character of the existing fence between the site and the field. It is also advised that, as the redeveloped caravan is some distance away from the historic mill buildings, it will not harm the setting and, in moving the caravan further away and improving its appearance, it will improve the setting of the non-designated heritage asset in accordance with Policy PD2 of the Adopted Local Plan (2017).
- 2.11 With regard to the impact on amenity the proposal includes planting of trees and the use of hazel privacy screens. When combined, these will prevent the amenity of neighbouring holidaymakers and footpath users from being adversely affected. With regard to biodiversity, it is advised that no trees will be affected by the proposal, and further tree planting has been proposed. The proposed wildflower and hedge planting will also provide a net gain of biodiversity on an already biodiverse rich site
- 2.12 Given the above, the applicant considers that the proposal will adhere to the policies in the NPPF and the Adopted Local Plan (2017), through the sustainable expansion of an already profitable rural tourism-based business.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S4	Development in the Countryside
S9	Rural Parishes Development Strategy
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD3	Biodiversity and the Natural Environment
PD4	Green Infrastructure
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC19	Accessibility and Transport
HC21	Car Parking Standards
EC8	Promoting Peak District Tourism and Culture
EC9	Holiday Chalets, Caravan and Campsite Developments

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

4. RELEVANT PLANNING HISTORY

0384/0215	Conversion of derelict mill to residential music centre	PER	10/05/1984
0197/0022	Conversion of barn to two dwellings	PER	24/02/1997
0597/0294	Conversion of barn to 10 no. guest bedrooms	PER	10.07.1997
19/00562/CLEUD	Certificate of Lawful Existing Use - Use of 'The Milking Parlour' as a C2 - Residential Institution	REF	24/07/2019
19/01350/FUL	External alterations to mill building to provide additional windows	PER	17/01/2020
20/00117/FUL	Change of use to flexible C2 Use (Residential Institution) and C3 (Holiday Accommodation) Uses	PER	16/04/2020
21/00586/FUL	Proposed conversion to building and change of use to holiday lets and conferencing facility	REF	12/08/2021
21/01451/FUL	Extension and alterations to building	PER	14/02/2022

5. CONSULTATION RESPONSES

Parish Council

- 5.1 - details of application sent to all Atlow members and 11 responses were submitted (an unusually high number) and all were strongly in favour of the proposals
- in its old position, the caravan was extremely obtrusive and unattractive both to occupants and persons walking in the locality
- new position allows the caravan to be screened by vegetation and the cladding will greatly improve the appearance of the structure and allow it to be far more energy efficient
- new position and cladding bring the caravan more in keeping with the work already done by the applicant to restore and improve other buildings and grounds at The Mill
- everything has been done to a very high standard and is appropriate and sympathetic to the site and has generated strong approbation from residents
- if allowed to remain in new position with full wood-cladding will no longer detract from views and experience of local walkers, will make the stay in the caravan more pleasant, will provide a much needed holiday facility in Derbyshire Dales for those with special accessibility needs and will benefit the environment

- The Mill has a proud history as a water powered corn mill possibly built before or renovated extended in 779, and then as an educational centre and charitable organisation allied to Derby University which provided much benefit and enjoyment to the many adults and children who attended courses and events there, but which invested its income in its activities rather than infrastructure
- Mr. Jarvis and Ms Thacker have regenerated this beautiful spot which is very important to Atlow residents
- have created a new and excellent amenity of which Atlow and Derbyshire Dales can be proud and which is already bringing many new visitors and welcome business and funds to the whole area
- Parish Council strongly in favour of the application and would be most grateful if Members allow their decision to be led by common sense and the best interests of the village and local area.

Environment Agency

- 5.2 - the Flood Map for planning (flood zone outlines) is deemed not sufficiently accurate to resolve the details of possible flooding for individual properties or sites
- based on the topographic land data, can advise that the site lies on land in flood zone 1 (FZ1) which is located outside of the area of fluvial flood risk (with the exception of the unlikely failure of Carsington Reservoir which, due to inspection and maintenance requirements for this reservoir, poses a low risk to the proposed development) and therefore have no fluvial flood risk objections to the proposals as submitted
 - request that the applicant be advised with regard to a permit, protected species and biodiversity.

Local Highway Authority (Derbyshire County Council)

- 5.3 - given the current use of the caravan, do not consider that the holiday let use will result in any significant impact on existing highway conditions and therefore there are no highway objections to the proposal.

Public Rights of Way (Derbyshire County Council)

- 5.4 - confirm that Atlow Public Footpath No. 3 runs northeast southwest to the east of the proposed development
- no objection to the proposals as it appears that the route will be ultimately unaffected by the proposed works
 - confirm that, as of 9th November 2023, no applications which affect the site have been received under Section 53 of the Wildlife and Countryside Act 1981 but that this information is provided without prejudice to any claimed rights, which might subsequently be proven to exist under Section 53 of the Wildlife and Countryside Act 1981
 - ask that informatives are attached to any grant of planning permission.

Peak and Northern Footpaths Society

- 5.5 - no objection.

Ramblers Derbyshire Dales Group

- 5.6 - no objection providing that:
- Atlow FP 3 remains unaffected at all times, including the path surface, both during and after any development
 - consideration should be given to the safety of members of the public using the Right of Way during the proposed works - RoW FP 3 crosses the access track Mill Lane and appropriate safety measures should be considered

- iii) any encroachment of the path would need consultation and permission with/from the DCC Rights of Way Team.

Arboriculture and Landscape Officer (Derbyshire Dales District Council)

- 5.7 - no objection.

Derbyshire Wildlife Trust

- 5.8 - based on the proposals and the information submitted, advise that the application is considered low impact and unlikely to have a substantive adverse effect on biodiversity
- do not consider ecological surveys or Biodiversity Net Gain assessment necessary or proportionate in this instance
 - due to the small scope of works, do not consider that the development will have an impact on the adjacent potential Local Wildlife Site or Henmore Brook
 - advise that developers should be cautious and limit any potential pollution leaking into the adjacent brook during works by following best practice guidelines for pollution prevention
 - welcome the proposed wildflower, hedgerow and tree planting and providing native species are chosen, and that the site is likely to secure a net gain for biodiversity, in line with the objectives listed within the National Planning Policy Framework (2023)
 - advise that a lighting condition should be secured, if new lighting is proposed to be installed to safeguard the nearby bat roost and reduce light pollution on the nearby brook.

Environmental Health (Derbyshire Dales District Council)

- 5.9 - no objection but request informative be attached that this site has a private water supply and should be sampled once per year if operating as a holiday let.

Development Control Archaeologist (Derbyshire County Council)

- 5.10 - proposed development lies over three heritage assets recorded on the Derbyshire HER.
- at the juncture of extant medieval earthworks (MDR15759) in the form of ridge and furrow cultivation platforms to the east; and parts of the Parkside Brook Medieval Deer Park (MDR14232) to the west
 - access road within the proposed application area also crosses part of the late 18th century corn mill complex (MDR8567) and there is a clear rectangular depression close by to the north-west of the proposal area, which lies beneath medieval earthworks
 - note from the proposed sections that ground works will entail ground reduction of up to 1m, to create a terrace to accommodate the proposed building
 - potential for impacts to archaeological deposits of medieval or earlier date to be occasioned by this application and archaeological works, in the form of archaeological monitoring of ground reduction, should be undertaken
 - the works could be attained by the inclusion of a suitably worded condition into planning consent, under para 205 of NPPF.

6. REPRESENTATIONS RECEIVED

- 6.1 Six letters of support for the application (two non-attributable) which are summarised as follows:

Planning Policy

- caravan itself has been on site for many years

- accommodation currently provides holidays for tourists who use the local facilities, shops, pubs and local attractions which is vital to our rural communities, economy, jobs especially in this difficult time
- present accommodation is high end and attracts regular bookings
- provides between 20 and 40 hours a week in cleaning hours which not only provides the rural work force with full time work but keeps people local
- other local trades also benefit from the complex such as builders/gardeners/electricians/etc
- making the caravan into accommodation is a great way of providing further guest accommodation for the 1000s that visit every year
- visitors are looking for high-end holidays somewhere different
- too many cottages/ houses in the local area are used as businesses/2nd homes
- sure it could help take some of the pressure off small villages and towns, where currently there is nowhere long term rentals available.

Impact on the Character and Appearance of the Area

- recent work carried out at Atlow Mill is a brilliant example of how buildings can be restored and improved while keeping the character of the building intact
- have full confidence that any further work will be of a similar high standard and be in keeping with the surrounding buildings and countryside
- the movement of the caravan to the end of the site has improved the setting of the original buildings and will be more visually attractive from the footpath that runs close by
- the fully cladded caravan is now in a sheltered site and only visible from the footpath running from Atlow Mill to Atlow Village - it is not visible from any public roads or from any other footpaths
- this rather ugly static off-white caravan has been part of the accommodation available at the property for well over 10 years and was previously sited right next to the field boundary along which runs Atlow Footpath Nr.3
- any walkers using the footpath were within touching distance of the caravan, which was far from a visual asset, and there was no privacy for occupants
- its pale colour made it stand out, disrupting the view, for a long distance in any line of site
- the applicant halted the cladding process as soon as he realised he should have sought permission beforehand, but the cladding was being done as part of the screening effort, to help the caravan to blend in with its environment
- improving the experience of local and visiting walkers

Amenity

- has so far, and can continue to be achieved, with no disruption to anyone while the work is undertaken.

Accessibility

- providing accessibility for those with special needs
- the caravan has been moved a short distance across the end of the applicant's garden or yard, to a lower position where it is possible to provide screening and a flat surround, which will improve access for everyone as the previous position was on a slope and rather muddy in winter, and will also allow the caravan to be used by wheelchair users and those with other disabilities.

Climate Change

- would allow the caravan to be made much more energy-efficient
- a good idea to reuse// recycle something that could of been easily scrapped

Other Matters

- owners have invested a considerable amount of money and time into this property as a whole, ensuring its survival and future, preventing another rural/ historical complex
- a number of Atlow residents have commented on the huge amount of work that Mr Jarvis and his partner have undertaken to restore and improve the buildings and surrounds at The Mill
- clear to us all that they have gone to much effort, and no doubt expense, in doing everything to a high standard which is in keeping with the surroundings and the history of the site
- are creating an amenity of which Atlow and Derbyshire Dales can be very proud, and which is already bringing many new visitors and welcome business and funds to the whole area
- having worked closely with Planning Officers on the earlier refurbishments around the site during the past 2 years, know that Mr Jarvis is mortified that he did not realise he should have applied for planning permission before moving the caravan, but he stopped the work as soon as he realised and is now anxious to do anything he can to fit in with any planning requirements.

6.2 Letter of support from previous owner which is summarised as follows:

- lived there for 25 years and, during that time, installed a static caravan on the site
- had been there for 6 years when sold the property
- replaced a previous caravan which had been there for the previous 10 years
- current owners have moved the static van to a site further down the field where it is much more shielded from view
- previously, could clearly see the installation from the public footpaths just above Atlow Mill in the adjacent field and from the path leading to Madge's ridge
- now hidden from view and, due to the sensitive cladding, much more in keeping with the landscape
- during the years the van was in situ, it was used to house charity staff and volunteers, course participants and occasionally for holiday use
- present owners have much enhanced the site with landscaping and refurbishment which, as a charity, former owners were unable to afford to do
- they have put a great deal of money into this and sure you will not deny them the opportunity to further enhance their business and their livelihood
- also provide work for people in the local community.

6.3 Letter of support from employee which is summarised as follows:

- have worked at Atlow mill for over two years and seen a steady progress of quality redevelopment at the site and the recent static caravan project is a further addition to a very successful holiday accommodation business
- almost all of the tourists visit cafe's , restaurants, and many visitor attractions in the local area benefiting local community financially
- the caravan project will be another addition adding varied tourist accommodation to this attractive site,
- sure that the static caravan project will blend it perfectly in the lower corner of the site with consideration for all plants and wildlife,

6.4 Letter of support from applicant's grounds manager which is summarised as follows:

- believe that there have been some concerns about the site,
- have taken on board where the site is, and put a lot of thought into not just planting to be seasonal, but also for the longevity of the areas
- planting has all been sourced locally and also to attract pollinators to add to the rich diversity of the site
- eventually it would be lovely to have some bee hives to be able to carry on the sustainability
- where cess pits are have planted fragrant plants that not only create a sensual feel, but also a fragrance
- have fruit trees to create an orchard that visitors will be able to help themselves as with the plum trees
- believe that the planting enhances an already beautiful site, and that as it grows will provide a rich and diverse site encouraging not only bees, but butterflies, insects and birds
- visitors to the site have commented on how beautiful the gardens look when in full bloom, and the water course only adds to the beauty of the site.

7. OFFICER APPRAISAL

Background

- 7.1 The applicant has advised that there has been a mobile home at the property for in excess of 10 years, and this replaced a previous caravan; this has also been advised to have been the case by the previous property owner.
- 7.2 However, the caravan has not been in continuous use for holiday let purposes and has been relocated to an area at the far end of the site, away from the existing building. In relocating the caravan, significant works have been undertaken to set it into retained land and to erect a decked structure to allow level access into the caravan. The caravan is being clad with timber and it is intended that the caravan would be better insulated. As such, the proposals amount to the erection of a new build holiday chalet for which planning permission is required and for which a certificate of lawful use or development cannot be granted. Therefore, this development needs to be assessed against the relevant policies of the Adopted Derbyshire Dales Local Plan (2017).

Planning Policy

- 7.3 The applicant has identified policy considerations in their Design and Access Statement. In terms of national guidance, the NPPF advises the following in paragraph 8:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

c) *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

7.4 Paragraph 84 advises that:

Planning policies and decisions should enable:

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses;*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside; and...*

7.5 Paragraph 130 advises that:

Planning policies and decisions should ensure that developments:

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

7.6 Atlow Mill is a non-designated heritage asset and, as such, regard should also be given to paragraph 203 of the NPPF which states:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

7.7 The applicant goes on to refer to relevant policies contained in the Adopted Derbyshire Dales District Council Local Plan (2017). Policy S1 (Sustainable Development Principles) advises that:

All developments should seek to make a positive contribution towards the achievement of sustainable development by improving the economic, environmental and social conditions of the area wherever possible. This will be achieved by:

- *...Making efficient and effective use of land, particularly land which has been previously developed, (including the remediation of contaminated land and addressing land instability issues), buildings and existing infrastructure (Policy PD9).*
- *...Making efficient use of land by optimising the use of sites whilst also reflecting the character, accessibility and infrastructure capacity of the area.*
- *...Supporting the local economy and businesses by providing for a range of economic developments that provide employment opportunities suitable for local*

people in environmentally, socially and economically sustainable locations and generally encourage larger developments to incorporate mixed uses, where possible, to do so as to reduce the need to travel (Policies EC1, EC2, EC3, EC4 and EC5).

- *...Seeking to secure high quality, locally distinctive and inclusive design and layout in all development (Policy PD1).*

7.8 However, in making such a reference, the applicant omits reference to the requirement of the Policy that sustainable development will be met by:

- *Meeting most development needs within or adjacent to existing communities having regard to the defined settlement hierarchy (Policy S2)..*
- *Minimising the need to travel by promoting development in locations where there is access to a broad range ofservices and facilities which are accessible by foot, cycle or public transport with reduced reliance on the private car (Policy HC19).*

Policy HC19 (Accessibility and Transport) advises that:

....Proposals should minimise the need to travel, particularly by unsustainable means of transport and help deliver the priorities of the Derbyshire Transport Plan....

7.9 Policy S4 (Development in the Countryside) advises that:

Outside defined settlement development boundaries, and sites allocated for development as defined on the Policies Map, the District Council will seek to ensure that new development protects and, where possible, enhances the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development. Planning permission will be granted for development where:

- b) *...It represents the sustainable growth of tourism or other rural based enterprises in sustainable locations where identified needs are not met by existing facilities.*
- k) *...It preserves and/or enhances the character, appearance and local distinctiveness of the landscape and landscape setting of the Peak District National Park;*
- n) *...In the case of proposals to re-use an existing building or buildings that are capable and worthy of conversion. Any such conversion will involve a building that positively contributes to an established local character and sense of place. In the case of replacement buildings they must bring about environmental improvement.*

To this end, the applicant fails to refer to paragraph m) of the Policy which states:

It does not lead to excessive encroachment or expansion of development away from the original buildings;

7.10 Policy S9 (Rural Parishes Development Strategy) states that:

The District Council will seek to promote the sustainable growth of the rural parishes whilst promoting and maintaining the distinct identity and historic character of individual settlements, improving accessibility to services and facilities wherever possible and meeting the housing needs of local communities. This will be achieved by;

- c) *...Encouraging the growth of local employment opportunities and supporting the diversification and growth of local business by:*

- ...encouraging the growth of sustainable tourism in appropriate locations.

7.11 Policy PD1(Design and Place Making) states that:

The District Council will require the layout and design of new development to create well designed, socially integrated, high quality successful places, where people enjoy living and working. All developments should respond positively to both the environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place. This will be achieved by:

- *Requiring all development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes.*
- *...Requiring that development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features.*
- *Requiring that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.*
- *Requiring the inclusive design of development, including buildings and the surrounding spaces, to ensure development can be accessed and used by everyone, including disabled people.*

7.12 Policy PD2 (Protecting the Historic Environment) advises that:

The District 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 settings including:

- *...Non-designated heritage assets.*

This will be achieved by:

- *...Requiring proposed developments that affect a heritage asset and/or its setting, including alterations and extensions to existing buildings, to demonstrate how the proposal has taken account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset in order to ensure that the design is holistic, sympathetic and minimises harm to the asset."*

7.13 Policy PD5 (Landscape Character) advises that:

The District Council will seek to protect, enhance and restore the landscape character of the Plan area recognising its intrinsic beauty and its contribution to the economic, environmental and social well-being of the Plan area. This will be achieved by:

- *Requiring that development has particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, such as trees and woodlands, hedgerows, walls, streams, ponds, rivers or other topographical features.*
- *...Resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement. Development will only be permitted if all the following criteria are met:*

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

7.15 Policy EC1 (New and Existing Employment Development) states that:

The District Council will support proposals for new or expansion of existing business or industrial development in sustainable locations that contribute towards the creation and retention of a wide range of jobs, an increase in higher value employment opportunities and training provision locally in order to enhance the economic base of the Plan area. This will be achieved by:

- *...Encouraging the appropriate expansion of existing businesses requiring additional space to grow.*
- *Supporting visitor-based service sector jobs within the local tourism industry....*

7.16 Policy EC9 (Holiday Chalets, Caravan and Campsite Developments) advises that:

Development proposals for new, or extensions to existing, holiday chalets, touring caravan and camp site developments will be permitted provided that:

- a) *the development would not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape;*
- b) *any visual impact would be well screened by existing landscape features from areas outside the site to which the public has access for the whole of its proposed operating season;*
- c) *any on-site facilities are of a scale appropriate to the location and to the site itself;*
- d) *the site is in a sustainable location within, or in close proximity to an existing settlement with good connections to the main highway network, and the public rights of way network and/or cycleways, and is either served by public transport or within a safe attractive ten minute walk of regular public transport services;*
- e) *the development would not adversely affect the amenity, tranquillity or public enjoyment of any adjacent area.*

7.17 In addition to the above policies to which the applicant has referred in their Design and Access Statement, there are other policy considerations such as Policy PD3 (Biodiversity and the Natural Environment), Policy PD6 (Trees, Hedgerows and Woodlands), Policy PD7 (Climate Change), Policy PD8 (Flood Risk Management and Water Supply), Policy PD9 (Pollution Control and Unstable Land) and Policy HC21 (Car Parking Standards) which will also be considered in the assessment below.

Planning Policy Justification and Impact on the Character and Appearance of the Area

7.18 The principal policy for consideration is Policy EC9 (Holiday Chalets, Caravan and Campsite Developments) given the nature of the development proposed. This advises that such development will be permitted where it addresses all the following criteria.

- 7.19 a) *the development would not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape;*

In this respect, the development is set away from the existing buildings at the property and is prominent, and is likely to remain prominent, despite proposed and recently planted

screening that will take time to develop, being that it is in such close proximity to the public footpath.

- 7.20 b) *any visual impact would be well screened by existing landscape features from areas outside the site to which the public has access for the whole of its proposed operating season;*

The siting of the chalet is close to a public footpath to the east of the site and, despite planting which has been put in, this will take time to establish and it is not considered, in such proximity, that the chalet will be capable of being screened throughout the year.

- 7.21 c) *any on-site facilities are of a scale appropriate to the location and to the site itself;*

As advised above, the chalet is set away from existing buildings on the wider site and would be of a form, design and materials that would not reflect on the existing, modern 'utilitarian/agricultural' buildings on the site which have been converted. This could be addressed in part with the use of materials to reflect upon those of the existing buildings, but the positioning of the chalet is such that it appears divorced from the group and unrelated in its proposed character and appearance.

- 7.22 d) *the site is in a sustainable location within, or in close proximity to an existing settlement with good connections to the main highway network, and the public rights of way network and/or cycleways, and is either served by public transport or within a safe attractive ten minute walk of regular public transport services;*

The chalet is sited in a location that has immediate and direct access onto the public footpath network. However, access to the property would be likely to be by car, and access to public transport would be limited in this isolated rural location and some distance away from the nearest sustainable settlement.

- 7.23 e) *the development would not adversely affect the amenity, tranquillity or public enjoyment of any adjacent area.*

There would be no harm to general amenity associated with other properties given the isolated location of the application site. However, the siting of the chalet is such that it would appear more intrusive than if it had been located where the caravan was previously located and adjacent to existing buildings, where the chalet would have been viewed contextually with that development. In addition, the decking structure creates a clear sense of domestication to the chalet's setting, in that the development could not be construed as having a more befitting utilitarian/agricultural appearance. It is appreciated that the applicant has advised that the decking is required to allow level access to the chalet, and that it can be treated in a dark colour. However, this does not alleviate the concern with regard to the visual impact that the chalet development would have in such a location.

- 7.24 The chalet is sited such that it provides a further intervention into views of the landscape, particularly down to the watercourse which is an attractive feature in views from the public footpath. To this end, the proposals are considered to be contrary to the aims of Policy EC9 and, in similar regard, also be contrary to the aims of Policy S1, S4 and PD1, which seek to achieve appropriate design and Policy PD5 which seeks to protect and enhance the landscape character of the Plan area.

- 7.25 In addition, the chalet and its raised deck setting, are considered at odds with the existing development, and contextually with the former mill which, whilst not a listed building or within a Conservation Area, is nevertheless a non-designated heritage asset. To this end, it is considered that the development fails to meet the aims of Policy PD2, which seeks to conserve such heritage assets and their setting where they contribute positively to the

environment, which the former mill certainly does, and it is recognised that the applicant has played an important role in conserving such.

Highway Matters

- 7.26 The Local Highway Authority has considered the application and have advised that, given the current use of the caravan, it is not considered that the holiday let use will result in any significant impact on existing highway conditions. However, the Local Highway Authority has failed to appreciate that the caravan is not a lawful development on the site. Nevertheless, given the extent of the accommodation provided, it is not considered that the additional comings and goings, likely associated with a single vehicle, will constitute a significant impact to highway safety.
- 7.27 In terms of parking provision, the site has an extensive area of hardstanding and it is considered that a parking space can be provided to facilitate for visitors to the accommodation.

Public Rights of Way

- 7.28 Atlow Public Footpath No. 3 runs northeast to southwest to the east of the application site. There are no objections from the Public Rights of Way Team at Derbyshire County Council, nor the Peak and Northern Footpaths Society and Derbyshire Dales Ramblers, as the route will be ultimately unaffected by the proposed works.

Impact on Trees

- 7.29 The site is close to a woodland along the watercourse. However, it is not considered that the development has impacted significantly on trees and hedgerow and that the retention of the development would not pose significant pressure for the felling of trees, given that the proposal is for holiday accommodation and not a permanent dwelling and the wooded landscape to the west contributing to the ambience of the accommodation. In this respect, the proposals are considered to accord with Policy PD6 of the Adopted Local Plan (2017).

Climate Change

- 7.30 In the submission, the applicant has not specifically referred to Policy PD7 (Climate Change) of the Adopted Local Plan (2017) or the District Council's Climate Change Supplementary Planning Document. Nevertheless, in terms of the Policy, the development is the sustainable re-purposing of the static caravan, which is proposed to be clad sustainably in timber, set on a timber deck and is proposed to be insulated to make the chalet more thermally efficient than the static caravan was previously. Notwithstanding the above, further measures could be considered, such as rainwater harvesting and/or ground or air source heat pumps, to serve to reduce the carbon footprint of the development. The additional planting proposed would also serve to offset the development's carbon footprint.

Drainage

- 7.31 With regard to Policy PD8 (Flood Risk Management and Water Quality) of the Adopted Derbyshire Dales Local Plan (2017), the Environment Agency has advised that have no fluvial flood risk objections to the proposals. The applicant has provided no details of how surface or foul water drainage have, or will be, provided for. Given the proximity to the watercourse, it is expected that surface water would ultimately find its way down to it off the embankment. Nevertheless, the chalet would need to be compliant with the requirements of Building Regulations with respect to appropriate foul and surface water drainage provision.

Land Stability

7.32 The development has been commenced on a sloping site and therefore Policy PD9 (Pollution Control and Unstable Land) of the Adopted Local Plan (2017) has relevance. To this end, the applicant has provided no details of whether the development has been constructed to Building Regulations requirements. Nevertheless, the chalet would need to be complaint with such if it is to be used for accommodation.

Impact on Wildlife

7.33 It is unclear what impact the development may have had on wildlife. It is considered that any approved completion of the development would have no adverse effects. In addition, given the raised deck structure, and additional landscaping proposed, there would appear to be some potential for biodiversity and habitat enhancement. Derbyshire Wildlife Trust (DWT) has assessed the application and advise that, based on the proposals and the information submitted, it is considered that the development has low impact and unlikely to have a substantive adverse effect on biodiversity. In addition, DWT welcome the proposed wildflower, hedgerow and tree planting and, providing native species are chosen, the site is likely to secure a net gain for biodiversity, in line with the objectives listed within the National Planning Policy Framework (2023).

7.34 DWT advise that a lighting condition should be secured, if new lighting is proposed to be installed in order to safeguard the nearby bat roost and reduce light pollution on the nearby brook. As such, it is considered that the development is generally in accordance with the aims of Policies PD3 (Biodiversity and the Natural Environment) and PD6 (Trees, Hedgerows and Woodland) of the Adopted Local Plan (2017).

Impact on Archaeology

7.35 Concern has been raised by the Development Control Archaeologist that the development lies over three heritage assets recorded on the Derbyshire HER, and is at the juncture of extant medieval earthworks (MDR15759) in the form of ridge and furrow cultivation platforms to the east and parts of the Parkside Brook Medieval Deer Park (MDR14232) to the west. The access road within the proposed application area also crosses part of the late 18th century corn mill complex (MDR8567) and there is a clear rectangular depression close by to the north-west of the proposal area, which lies beneath medieval earthworks. It is also advised that there are potential for impacts to archaeological deposits of medieval or earlier date to be occasioned by this application and archaeological works, in the form of archaeological monitoring of ground reduction, should be undertaken.

7.36 However, the application is predominantly retrospective (i.e. all ground works have already undertaken and the applicant's agent advises that any kind of watching brief, or similar, would be superfluous in this case and unnecessary from a planning condition test perspective. It is advised by the applicant's agent that there has likely been minimal disturbance to archaeology for the following reasons:

- *the caravan has no foundations as such*
- *there has been some levelling and retaining of ground, but the area in question is at the very bottom of a steep slope near the brook and likely to have been too steep to have been ploughed historically*
- *the red line along the access drive next to the old mill was drawn only for means of showing a link to the public highway and the access drive has been in situ for many decades and no new works are proposed or have been carried out recently to it.*

7.37 To this end, it is considered that, whilst there is concern with regard to impact on

archaeology, that any which existed would have been lost/impacted upon by the development which has been undertaken. It may also be the case that, given the remoteness of the site from the former mill, and the nature of the sloping land down to the watercourse, that such archaeology may have been less likely, albeit this does not exonerate the development being undertaken without such analysis.

Conclusion

- 7.38 It is clear that the chalet would add to the holiday accommodation available at the property and in its design and form would provide level access to accommodation suitable for persons with mobility difficulties, which is a benefit to the District's wider tourism accommodation provision and opportunity to visit the area. There would be some benefit associated with bringing income into the area and there would be a certain amount of employment associated with managing the facility. It is also appreciated that there is local support for the development and no objections from the Parish Council and bodies associated with the footpath network.
- 7.39 However, there is clearly a planning policy presumption against new build tourism development in unsustainable rural locations, away from settlements or not having means of accessing them through public transport. To this end, the site, whilst already having holiday accommodation through the more sustainable conversion of existing buildings, is nevertheless in an unsustainable location. It could be argued that there is a case that the static caravan was lawful development when located in its former position nearer to the buildings; that may well have been the case and, given the appearance of the caravan, a case could have been made that this could have been clad to improve its appearance if it was deemed lawful development and the relevant planning permission sought.
- 7.40 However, the static caravan has now moved and its siting is no longer lawful. In addition, the extent of works undertaken for the re-siting of the caravan, including the engineered underbuild, extensive decking structure, the associated fencing that will be required for safety reasons and the form and appearance of the proposed chalet itself, are considered harmful in the historic landscape.
- 7.41 Whilst some amendments may be possible to improve the appearance of the building, and the structure on which it sits, in terms of using cladding materials to reflect those on the existing relatively modern buildings, planting to screen the decking to the west side and landscaping to screen/soften views of the development when viewed from the public footpath to the east, the development would nevertheless remain an unwarranted and harmful intervention in the landscape in terms of how the area would have been viewed prior to the development commencing. Whilst it may be possible to screen the development over time, this is not considered a reasonable justification for retaining an inherently intrusive development that will remain apparent as an encroachment into what is otherwise an attractive setting to the mill complex and its affiliated natural and man-made landscape features.
- 7.42 It is appreciated that if the development was required to be removed, in accordance with the requirements of the enforcement notice, as set out in Section 2 of this report, the applicant could nevertheless plant trees on this land without the need for planning permission and, in doing so, prevent a view across the property and the historic landscape in any event. Nevertheless, whilst it is appreciated that the development would provide some benefit to the provision of tourist accommodation in the District, it is recommended that planning permission be refused given the unsustainable location of the development and the impact that this has on, and would continue to have on, the character and appearance of the historic landscape.

That planning permission be refused for the following reasons:

1. The holiday accommodation would be in an isolated rural location where access to and from it will be heavily reliant on the private car and would therein constitute an unsustainable development. As such, the development is contrary to the aims of Policies S1, S4, S9, HC19 and EC9 of the Adopted Derbyshire Dales Local Plan (2017).
2. The chalet, decking and the associated engineering works are encroaching and intrusive in the setting of Atlow Mill, a non-designated heritage asset, and harmful to the character and appearance of the open countryside. As such, the development is contrary to the aims of Policies S1, S4, S9, PD1, PD2, PD5, EC8 and EC9 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

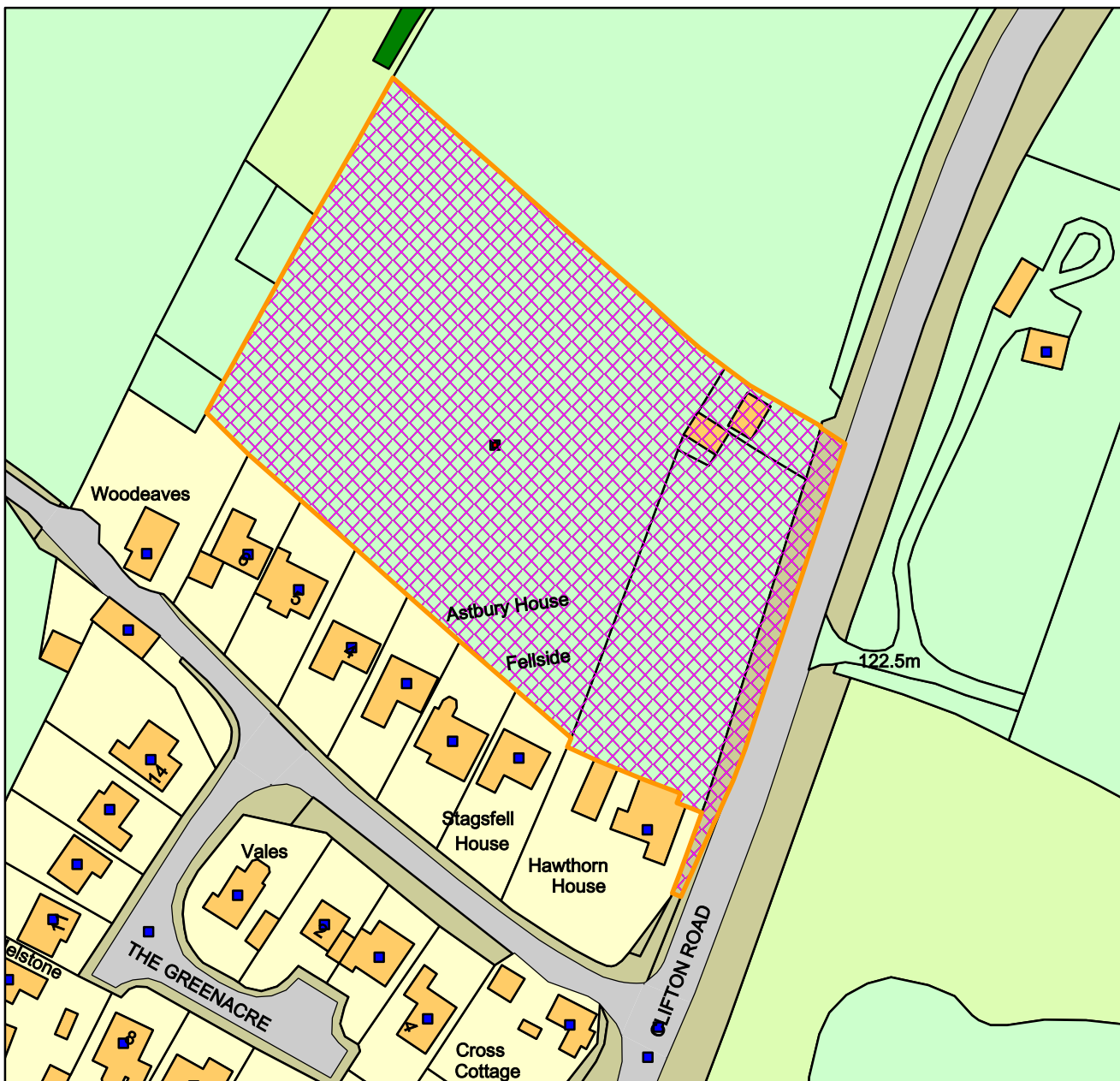
The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served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

This decision notice relates to the following documents:

Drawing Nos. 4598 – 001, 004, 005, 006 and 007 received on 18th October 2023
Design and Access Statement received on 18th October 2023.

23/01102/FUL

Land North of Hawthorn House, Clifton Road, Clifton, Derbyshire



Derbyshire Dales DC

1:1,250

Date: 30/11/2023

100019785

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

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APPLICATION NUMBER		23/01102/FUL	
SITE ADDRESS:		Land North of Hawthorn House, Clifton Road, Clifton, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Erection of 9 no. dwellinghouses and associated works	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mrs C. Potter
PARISH	Clifton And Compton	AGENT	Sammons Architectural Limited
WARD MEMBERS	Cllr. R. Archer Cllr A. Bates Cllr. N. Wilton	DETERMINATION TARGET	13 th December 2023
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Members and nature of the application	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the site in its context, as development falls outside Clifton village boundary, and matters of highway safety.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Planning policy • Housing mix and affordable housing • Other contributions • Impact on the character and appearance of the area • Impact on amenity • Impact on hedgerow and trees • Impact on biodiversity and wildlife • Highway matters • Flooding risk and drainage • Climate change

RECOMMENDATION
That the application be refused.

1. THE SITE AND SURROUNDINGS

- 1.1 The application site comprises a broadly rectangular parcel of land of some 0.90 ha. The site is on the western side of the A515 close to the junction with Doles Lane. The application site which is greenfield in nature and belongs under the ownership of Hawthorn House which lies to the south. A detached timber stable block, shed and greenhouse are located within the north eastern corner of the site. Residential development lies to the south west with open countryside to the north and west. The land falls away gradually in an east to west direction.
- 1.2 The site lies outside the settlement of Clifton but it immediately abuts it to the south.





2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the demolition of a stable block, shed and greenhouse and the redevelopment of a field to provide nine open market, detached dwellings with open space, soft and hard landscaping, highways and drainage infrastructure and associated works. The dwellings are proposed to be set in a cul-de-sac with a new access formed directly off the A515.
- 2.2 The dwellings are all proposed to comprise of detached dwellings with detached garages set in spacious plots. There are two house types proposed. House type A is proposed on Plots 2, 4, 5 and 6. These are proposed to measure some 11.6m wide and 8m deep, with an eaves height of 5.4m and an overall ridge height of 8.85m. They are proposed to have a footprint of some 92.8 square metres and an overall internal floor area of 210 square metres. The accommodation would provide an open plan kitchen, family room, hallway, w.c., utility room and separate lounge at ground floor with an en-suite master bedroom, two further bedrooms and family bathroom at first floor level and a further bedroom and play room in the attic.
- 2.3 House type B is proposed on Plots 1, 3, 7, 8 and 9. These are proposed to have the same ground floor layout as house type A with ensuite master bedroom, three further bedrooms and family bathroom above. Whilst the footprint of house type B would be the same as house type A, it is proposed that the floor area would be less, at 160 square metres, as no rooms are proposed in the roof space. All properties would be provided with a detached double garage, measuring 6.5m x 6.5m with an eaves height of 2.35m and an overall ridge height of 5.2m, with additional parking and turning spaces also provided.
- 2.4 In terms of materials, it is proposed that the dwellings would be constructed from red facing brickwork with a plain tile roof, with projecting brick eaves and verges and dentil course detailing. The windows are proposed to be timber casements set within reconstituted stone heads and cills. The proposed entrance doors would be painted timber, with the bi-fold

doors being of aluminium, again having reconstituted stone heads. Rooflights are proposed to be the Velux conservation style and the rainwater goods to be black plastic.

- 2.5 In order to provide the private access road into the site, a section of the roadside hedge, and two trees within the centre of the site, are proposed to be removed. Modifications are also proposed to the existing roadside enclosure at Hawthorn House to achieve the necessary visibility splays along the road frontage. Private amenity space is proposed to the front, side and rear of the properties. A small area of land on the southern side of the access is proposed to be given over to Hawthorn House, in order to provide it with a larger domestic curtilage. In terms of boundary treatments, a mix of black painted metal estate fencing and drystone walling are proposed to line the proposed road. Individual plots are proposed to be delineated by 1.2m timber post and rail fencing and mixed native hedgerows.
- 2.6 The applicant advises that whilst Clifton is a small rural village, it has a public house, village hall, parish church and the area is rich in tourist attractions, with many walking/biking opportunities and other attractions/activities in close proximity. It also benefits from a on demand, dial up bus service which provides connections to neighbouring towns and villages. Ashbourne lies approximately 1.25 miles to the north east of the application site, which is served by bus links.

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
S4	Development in the Countryside
S9	Rural Parishes Development Strategy
S10	Local Infrastructure Provision and Developer Contributions
PD1	Design and Place Making
PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
HC1	Location of Housing Development
HC4	Affordable Housing Provision
HC11	Housing Mix and Type
HC14	Open Space, Sports and Recreation Facilities
HC19	Accessibility and Transport
HC20	Managing Travel Demand
HC21	Car Parking Standards

3.2 Derbyshire Dales District Council Developer Contributions Supplementary Planning Document (2020)

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

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

3.5 National Planning Policy Framework

3.6 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

4.1 None

5. CONSULTATION RESPONSES

Parish Council

5.1 Policy

- the development would fall outside the settlement boundary of Clifton Village which immediately questions the point of all previous consultations and agreements on the local area boundaries
- would go against Derbyshire Dales District Council's own stipulations and would set a precedent for other developers looking to line their pockets through market sales of such large properties
- the development would not meet the top three criteria (S2, HC4 and HC13) which refer to higher order 4th and 5th tier villages however, Clifton is recognised as a 3rd tier village within the Derbyshire Dales District Council Local Plan: "Accessible Settlements with some facilities..... they will provide for reduced levels of development in comparison to higher order settlements in order to safeguard and, where possible, improve their role consistent with maintaining or enhancing key environmental attributes....New development should be focused within the settlement boundaries of these settlements in accordance with their scale, role and function unless otherwise indicated in the Local Plan." DDDC Local Plan 2017
- planning application does not offer the normal permitted development requirements outside an outlined area and appears to have been deliberately restricted to 4 bedroom properties (x9) in order to avoid the need to deliver required 'affordable housing' alongside (HC4), a quota which Ashbourne has clearly met across its several new developments
- the strategy for the Rural Parishes is to ensure that new development does not have any significant adverse impact upon the character and appearance of these villages, and the surrounding countryside – Ashbourne has already been subjected to a significant proportion of the district's new housing provision, to agree this development application would not only change the character of Clifton Village but the designated surrounding countryside could very quickly become swallowed up by the town which is exactly why these agreed boundaries should be observed
- whilst the Derbyshire Dales District Council do consider changing demographics, in particular towards an inevitable ageing population, such a development is clearly aimed at well-heeled families
- this will put pressure on the already well subscribed local primary school within the village
- in June 2023 Derbyshire Dales District Council stated that it had re-established its Local Plan sub-committee, with the new leadership pledging to put communities at the centre of the Plan-making process – "We believe that communities themselves should be at the centre of the Plan-making process, and where our Local Plan involves change we want our communities to shape that change and to own that change" – DDDC Putting Communities at the centre of Local Plan review
- the local community in Clifton was very much involved in contributing to the existing Local Plan - much time and effort was made by the residents of Clifton and the Parish Council in particular, into establishing the settlement development boundaries which fed into the 2017 Local Plan
- request that the local community of Clifton is indeed put at the centre of the plan-making process and do not want the village to become a suburb of Ashbourne, don't want to lose our village character and neither need nor want this development and request that this planning application is immediately refused.

Highway Matters

- A515 is an extremely busy road where, contrary to that claimed by the applicant, there have been numerous collisions and even fatalities within the location directly relating to the proposed development. With this in mind, we would also like to question the issue of site vehicles entering and exiting onto this renowned dangerous main road throughout the build with only the one available, narrow entrance
- use of traffic lights would cause tremendous tailbacks and likely collision issues for the numerous large, fast moving haulage vehicles constantly arriving or leaving Ashbourne along this road
- the sight line is dubious and speeds excessive
- already have to contend with the issues currently being experienced by Clifton residents attempting to enter across into Doles Lane, which is positioned extremely close to the suggested planned site entrance
- note that the few people who have written in support of this application, none of whom appear to reside in Clifton Village itself, have advocated the location as being well served by public transport - anyone who actually lives in the village (or even nearby) knows that there isn't any public transport provision at all
- vast majority of Clifton residents are car users - they have no choice

Drainage

- planning application form states that both surface and foul drainage for the site will be pumped into mains drainage in the main road - however, in contradiction the site plan 2023-2781-02 Rev D refers to a soakaway system
- a soakaway system is strongly objected to as any surface water put to soakaway would effectively end up in the adjacent floodplain with the associated increase in flood risk for houses and land along Doles Lane and Watery Lane which suffer regularly from flooding
- an important concern alongside all inevitable Climate Change considerations for new developments

Biodiversity and Ecology

- lauding of the bio-diversity spreadsheet by distant supporters of the application (one afar as Dorset) is also of interest but obfuscates the obvious - removing trees, hedgerows and grassland, then replacing with tarmac and concrete will destroy existing habitats for foxes, badgers, rabbits, birds and many other species no matter what notional numbers are fed into excel
- concern as to how the baseline number used in the "Biodiversity Net Gain Report" for existing hedgerow H1 appears to exclude a length of hedgerow on the site which is clearly visible on aerial photography - the section of hedgerow connects to the hedgerow on the eastern side of the field and would add a further 20m to the H1 measurement on the baseline
- given that only a tiny gain appears to be achieved in the report, even when planting almost 50 trees (it will be a very cramped site), the omission of this section of the hedge raises a question mark over whether there is really any gain at all

Summary

- believe that each of the above mentioned points are pertinent to this issue but in particular, that permitting this application to go forward would set a dangerous precedent and question Derbyshire Dales District Council's own decisions which need to be seen to be enforced

Lead Local Flood Authority (Derbyshire County Council)

- 5.2 - checked mapping and the photos provided broadly reflect the flood zone outlines leaving the proposed site outside of Flood Zones 2 and 3
- being in Flood Zone 1, the proposed site has a 0.1% or less chance of fluvial flooding in any given year
 - there are currently no surface water flow routes through the site showing on the surface water flooding maps.

Local Highway Authority (Derbyshire County Council)

5.3 Comments on initial submission

- proposal will be served from Clifton Road, a well trafficked classified road subject to a 50mph speed limit in this location
- the visibility sightlines shown on the drawings appear to go through the hedge on the opposite side of the carriageway which does not appear to be controlled
- the visibility sightlines will need to be demonstrated to the nearside carriageway edge, over controlled land and they should also be shown to the tangent points
- the layout plan should also be annotated to show the carriageway and footway widths along with driveway dimensions
- a tracking plan is also required to show that the relevant refuse vehicle can suitably manoeuvre within the site
- applicant should also be aware that garages are no longer considered as vehicle parking, although they can be used for cycle parking and, therefore, sufficient parking should be demonstrated on the driveways
- request the determination of the application be held in abeyance until the above details have been submitted.

Comments on amended drawings and additional information

- having considered the details, along with the highway boundary information and accident data from the surrounding area do not consider that a highway objection could be sustained
- conditions should be included on any consent granted with regard to:
 - parking of vehicle of site operatives and visitors;
 - advisory routes for construction traffic;
 - any temporary access to the site;
 - locations for loading/unloading and storage of plant, waste and construction materials
 - method of preventing mud and dust being carried onto the highway
 - arrangements for turning vehicles
 - arrangements to receive abnormal loads or unusually large vehicles
 - highway condition survey
 - methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses
 - development shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed and access, parking and turning facilities provided as shown on drawing 2023-2781-02 Rev F
 - development shall not be occupied until visibility splays are provided for a distance of 160 metres in each direction measured along the nearside edge of the adjoining carriageway and offset
- informatives requested, including advice that the site is affected by Building Line 23B which will need to be revoked prior to work commencing within the site.

Arboriculture and Landscape Officer (Derbyshire Dales District Council)

5.4 Initial Comments

- the site and its immediate surroundings are not currently subject to DDDC Tree Preservation Order and are not 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
- submitted plans, aerial images and a site visit indicate that existing trees and established hedgerows lie within the red line boundary and/or within distance close enough to the site to potentially be adversely affected by the proposals
- while such trees may not currently benefit from statutory protection, they may provide benefits to landscape, people, society, environment, wildlife and biodiversity
- trees are a material planning consideration because of the need to balance the diverse range of services they provide against development proposals.
- Adopted Local Plan (2017) and DDDC's Landscape Character and Design Supplementary Planning Document (2018) require that trees of value be retained, protected and integrated within development wherever possible
- arboricultural report indicates that the majority of the existing trees would be retained by virtue of their peripheral locations around the boundaries of the site
- recommend that the proposed site layout be redesigned to allow retention and successful incorporation of trees T11 and T12 - current design would necessitate removal of these 2 mature Norway maples which were identified in the submitted arboricultural report as BS5837 (2012) Category B which are trees of sufficient quality to be considered constraints on development
- being large mature trees and located toward the centre of the site, they have potential to offer valuable amenity and to make a significant positive contribution to the character and appearance of the site and development
- recommend that if the proposals are to be granted planning consent with their current site layout design, then:
 - a scale Tree Protection Plan should be required to be submitted for approval pre-determination to show the location of temporary tree protection fencing
 - excessive shading of proposed houses by trees is unlikely to be a problem, and
 - a condition should be included that requires all guidance provided within the submitted arboricultural report to be followed
- proposed development of a modern-style dwellinghouse at the very edge of the built-up area of the village, bordering open undeveloped countryside and adjacent a road - has the potential to appear visually prominent from the public realm and impact the character and appearance of the site and locality
- recommend that a Landscape Visual Impact Assessment report should be submitted for approval pre-determination.

Addendum to Comments

- a new Tree Preservation Order (DDDC TPO 202) has now been made with immediate effect (to be confirmed within 6 months) that protects the 2 maple trees located within the field and 3 trees located close to/within the boundary hedgerow adjacent the A515 road, all at this site.
- the new TPO was made to protect the amenity of these trees
- the planning application should be determined bearing in mind the protected status of these trees
- they should be retained and any development at the site should be required to provide appropriate undeveloped space around them and protection for them during any development works to ensure they are not harmed.

Derbyshire Wildlife Trust

- 5.5 - have reviewed ecological appraisal, biodiversity net gain (BNG) report and arboricultural report

- do not support large trees nor hedgerows being incorporated into the curtilage of dwellings
- concerned about future pressure for tree removal and tree works such as crown reduction, branch lopping, etc.
- do not support removal of two mature trees to accommodate access road
- tree planting cannot realistically compensate for the loss of such trees in the short-medium term
- the mature trees are the main features of value on the site and should therefore be factored into the design in accordance with good practice for biodiversity net gain
- ecological work appears broadly acceptable
- have concern over the 'Ecological Enhancement Planting' areas, many of which are proposed to rear gardens, separated from garden space by either post and rail fence or hedgerow – not clear if they will be in occupiers deeds and there is no access for future management and monitoring by an external company
- 48 trees stated in the BNG report but these are not evident on the site plan
- hedgerows proposed as curtilage boundaries but there is no safeguard on these
- not satisfied that a net gain will be realistically achieved based on current design
- note that a copy of the BNG metric has not been submitted which is essential to enable proper review of the BNG calculations.

Environmental Health (Derbyshire Dales District Council)

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

6. REPRESENTATIONS RECEIVED

- 6.1 A total of 78 representations, largely from residents living in the locality, objecting to the application and which are summarised as follows:

Policy

- Council has taken the trouble to confirm and publish the Village Plan that clearly has a boundary
- land lies outside the development line which was carefully determined and thus would be seen as a precedent if approved outside the planning authority's designated settlement boundary
- find it very difficult to believe that the Ashbourne area is behind quota given the sheer amount of new housing going up and green fields disappearing
- no mention that Ashbourne and the surrounding area is currently planning to exceed its target with the already significant overdevelopment in the area - already puts a huge amount of strain on the local infrastructure so exceeding the already overdevelopment further would seem very irresponsible
- Ashbourne is ahead of new housing and currently there are surplus empty new houses on developments in the area
- Ashbourne Neighbourhood Plan (2019-2033) says housing need broadly 883 dwellings – existing housing supply is 989 dwellings based on completions, detailed and outline planning consents giving excess of 166 dwellings
- Adopted Local Plan states that Ashbourne Airfield (Phase 2) is capable of delivering in the order of 1100 dwellings 800 of which will be within the period up to 2033
- surveys have shown no demand for housing in Clifton
- settlement boundaries for First, Second and Third Tier settlements are defined on the Policies Maps - new development should be focused within the settlement boundaries of these settlements in accordance¹¹ with their scale, role and function unless otherwise

indicated in the Local Plan which does not otherwise indicate any requirement to turn Clifton village into a suburb of Ashbourne

- continued merging of quaint villages with local towns is detrimental to tourism, and property prices
- would change the nature and community feel of the village to continue drip fed expansion
- Clifton has no shops, poor/non-existent public transport, no local infrastructure and a poorly maintained and narrow footpath leading to Ashbourne alongside the extremely busy and dangerous main road
- village school already at or near capacity
- proposed houses are family houses which would impact the village school and the local health services
- was prime grazing land which was used by a local farmer for 20 years for sheep and cattle - condition of the land has only deteriorated since the purchase of Hawthorn House and that previously it was considered good land for animal grazing by the local farmer
- medical and dental practices within the town are oversubscribed, secondary school is woefully full and nightlife in the town is extremely limited
- over the last five years, a good proportion of the shops and banks have closed
- seems difficult to think that many of the people who would be residing on the proposed site would actually be able to gain employment in Ashbourne due to the limited number of jobs and would need to travel by car for work and to buy many things which couldn't be obtained locally - surely this would contravene the District Council's Adopted Climate Change Policy
- no advantages to the village of Clifton or the community not helping the cohesion or sustainability
- nothing about improvement to local infrastructure
- national shortage of appropriate affordable housing
- can applicant explain what social benefits another nine, 4 bedroom luxury houses will bring to an area crying out for affordable housing?
- would encourage further building applications on surrounding land

Character and Appearance

- since the development of the Waterside Retail Park and the Aldi supermarket in Ashbourne, the boundary between Ashbourne and Clifton has noticeably reduced
- with this additional proposal and the potential for this to bring more applications then Clifton would lose its individual village identity and essentially become a suburb of Ashbourne
- ribbon development
- Clifton is a small village and the 500 or so residents chose to live here because it is a lovely village set at the side of a wonderful market town and every effort should be made to protect this aspect of the village
- what would Derbyshire be like if all villages and towns were joined?
- site is a very pretty little paddock and obviously it has hedgerows and mature trees which would have to be eradicated
- these paddocks, orchards and crofts are disappearing at an alarming rate and they are so pretty, precious and such a quintessential part of Britain

Amenity

- noted that there is no BRE (2022) Site Layout Planning for Daylight and Sunlight report included in this application to confirm the impact that the new buildings will have on neighbouring amenity

- given the relative levels and the modest separation distances, particularly between gardens, the applicant should demonstrate that there will be no adverse impact to amenity (rooms, windows and the rear garden)
- housing on the eastern part of Greenacre will lose privacy and views
- dwellings in question will overlook the rear of property and back garden and will look directly into the two rear facing bedrooms
- elevated aspect of the site in relation to neighbours' property means any fencing put up to aid privacy would cut off any light into garden.
- land stands approximately 1meter above the neighbour's and any dwellings would severely impact the light into back garden
- as back garden is south facing, any dwellings would shade light into the garden and the rear rooms of home, risking the integrity of house for damp and air flow.
- due to heavy traffic air pollution is already an increasing problem, not only for Clifton School, which sits metres away from the A515 but other properties near to the road

Drainage and Flooding

- drainage details are very vague
- indicate that storm water from dwelling roofs will discharge to soakaways but foul drainage and storm drainage from driveways will be via a pumped system to the main sewer – an attenuation system is proposed to deal with excess storm water but this means a very large tank or storm water lagoon
- applicant states that pump system would have dual power in case of power failure – what would the back-up system be
- where is all the equipment – pumps, tank overflow lagoon going to be housed – will not fit in the 12m² service compound indicated
- who pays for the cost of running and maintaining the system
- proposed method of dealing with the drainage is neither workable, sustainable nor environmentally friendly
- area around the site is a massive flood plain as recently witnessed in the latest storms throughout the country
- Imperative that the Environment Agency are consulted as soon as possible on the disposal of surface water from the site
- Environment Agency's flood risk map clearly shows the extent of the risk to the field immediately below the proposed development
- there are a plethora of photos which clearly endorse the plight of residents to the north and west of the proposal
- is not the site itself which is at risk of flooding, but it is the consequences of the buildings on the site that will cause many properties in the valley below to have their flood risk increased
- any surface water put to soakaway would effectively end up in the adjacent flood plain with the associated increase in flood risk for houses and land along Doles Lane and Watery Lane
- rainwater falling on the proposed site, which would be captured and diverted into its own sewage system, could exacerbate the problem that the pumping station has along the main A52 road (to which the wastewater would be sent)
- adding hard standing ground in the area this will only exacerbate the issue
- the land level of the field proposed is currently above many of the gardens and houses on Doles/Green Lane so any significant rainfall will only lead to these houses flooding
- surface flooding from the overloading of the drainage systems causing huge expense and damage to property in addition to the dangerous flooding levels already achieved by the Henmore Brook
- in December 2018, a young woman lost her life in flood waters at the Henmore Brook, Doles Lane

- the Local Authority is charged with answering the question, “can sustainable development be achieved through new development located entirely within areas with a low risk of flooding?” - clearly the answer to this is, “yes” and hundreds of homes have been recently built, approved and applied for on the high ground immediately to the south of Ashbourne
- sewage system from Clifton Village runs across the fields of the valley to a pumping station located adjacent to the main A52 road and is already inadequate
- there are frequent complaints from the residents of Hanging Bridge as to the inability of the pumping station to clear the sewers
- Seven Trent have recently been clearing the system in order to facilitate the overflow from the pumping station into The River Dove - this is regarded as unacceptable and adding to the problem may prove disastrous from an ecological standpoint
- noted that the applicant does not provide a definitive way of dealing with the waste and could demonstrate that little thought has been given to this difficult issue
- due to the agricultural history of the field, it is cross hatched with unmapped water pipes put in to service the stables and water troughs which currently run through neighbour’s garden and service several households on the main road.

Highway Safety

- A515 is a major road with very high levels of traffic at high speeds due to the 50mph speed limit without any speed cameras to keep people within the speed limit
- a large quantity of this traffic is lorries/HGVs due to the lack of a bypass around Ashbourne
- have been several fatalities on this road and a recent report from the Road Safety Foundation stated the A515 to be one of the most dangerous roads in the County
- have been a significant number of incidents recorded and many more that have not
- according to Derbyshire County Council’s personal injury collision data, there have been eight recorded injuries/collisions between the A515/Cock Hill junction to A515/A52 roundabout over the past ten years
- as a village, have been asking for the speed limits on the A515 to be reduced as there have been a number of serious accidents on this stretch of road and this will increase that danger
- magnitude of traffic has increased dramatically over the years and it is sometimes extremely difficult to pull onto the A515
- proposal indicates that there would be provision for at least twenty-seven cars
- proposed access is situated directly after a blind corner when travelling between Ashbourne and the A50
- adding another access point onto the will make the road more dangerous for all road users
- proposes to add a fifth access onto the A515 over a short stretch of 120m of highway
- exit from the site is on an upward gradient and vehicles would need to accelerate at some speed to join the flow of traffic and entry to the site would require following traffic to slow down rapidly
- footpath between the proposed development and Ashbourne is not maintained and is overgrown and would need significant upgrade if this development were to go ahead
- site plan below shows that Plots 1 and 9 have small driveways - visitors and deliveries may only be able to park on the road, therefore restricting easy access to/from the development
- parking on the proposed development does not appear to be at a premium, which could lead to residents/visitors using Doles Lane as a parking ground
- when road parking occurs large service vehicles will be unable to turn and will have to reverse onto A%15 and the danger that entails

- documented that options A and B of the proposed Ashbourne bypass will only add more traffic to the A515 so no further developments with access to/from this road should be approved, now or in the future
- have seen tyre tracks on the grass verge on more than one occasion indicating that lorries mount the curb, which also makes frequent pedestrian access even more risky
- no street lighting along footpath and the existing street lighting linking Doles Lane to Clifton village is poor, which creates a number of dark areas.

Biodiversity and Wildlife

- the Biodiversity Net Gain Report (which has attracted people from all over the UK to sing the praises of this application) suggests the development will increase Biodiversity - find it hard to believe that the addition of 48 small trees is even possible around nine houses, garages and a road to each of them on this footprint
- the Biodiversity Net Gain Report misses out the hedge altogether in the calculations it clearly is part of the hedge that runs along the eastern perimeter and is referred to as H1 – if it had been included, approximately 20m would be needed to be added to the H1 baseline measurement - presumably, it's omission avoids the very negligible gain reported may become a loss if it was included on the baseline
- suggest that biodiversity net gain should be 10% but also that aspirational and not mandatory – assessed net gain of 1.28% comes nowhere near this target
- states a net gain of 52.39% in hedgerow units with some 105m being along the south west boundary with existing dwellings on Green/Doles Lane – not convinced much wildlife will be attracted to hedgerow between gardens
- 1m area adjacent to hedge would be undisturbed ground – presume this is on both sides and hedge would have to be planted 1m from existing residential boundaries – who will maintain this and how will it be accessed
- shows 'other grassland' to be managed to create a varied sward, to be cut each year and cleared of bracken, bramble or scrub clumps – once plots sold these would be under the ownership of residents and retention could not be guaranteed let alone their management policed
- biodiversity net gain strategy relies on the creation, and retention, of new habitat areas within private curtilage - entirety of the scheme should be re-worked to provide areas of habitat that can be managed separately outside of private curtilage, as it is unlikely that the proposed habitat creation areas will remain once conveyed to private owners
- field and surrounding area is the habitat of many local animal species including rabbits, foxes squirrels, badgers, birds and bats
- new trees are no replacement for mature trees
- hedgerows and habitat would be lost forever and a huge proportion of the site would be set under concrete
- ask how it can be claimed, "it is not considered that the proposed development would have any adverse impact on biodiversity."
- two Norway Maples noted as "Moderate" but these trees are in very good condition and are very distinctive in the way they have grown together
- are 2 mature trees in the midst of this proposed development but no suggestion of retaining them and they are in the path of the planned access road
- valuable hedgerows and other smaller trees will be lost.

Other Matters

- beyond the green belt
- previous application to build on land within the then village plan less than 400m away was turned down and the land placed outside of the village boundary

- one representation on the planning website in favour of the application from person who resides in Dorset and shares the same surname as the applicant, previously worked for FPCR Environment and Design Ltd who performed the report

6.2 A total of 14 representations, from residents largely living in the wider locality and in other Counties, supporting the application and which are summarised as follows:

- a small development on a site which could potentially accommodate many more houses
- additional family accommodation can only be good for Derbyshire dales and in line with national priority
- site's strategic location allows residents easy access to the town on foot which adds to its appeal
- close to the local amenities and to existing residential properties
- proximity to local schools, shops and public transport offers convenience to future residents, reducing the need to travel by car
- given the availability of public transportation and walkable amenities, this development is unlikely to significantly increase traffic congestion in the area
- refreshing to see the site not overcrowded
- proposed design of the houses in keeping with the surrounding neighbourhood and will enhance the area in providing new houses in a sought after location
- looks a well considered layout, with ample light and space between dwellings
- very little impact on current dwellings, only ones contained within the plans
- generous parking to ensure that the development will not put additional strain on local parking resources
- the loss of agricultural land is insignificant - 2 acres of permanent grass cannot sustain many livestock
- will benefit the town of Ashbourne
- applicant has been proactive and demonstrated biodiversity net gain when it is not yet mandatory
- developed by a well known and long established local family.

7. OFFICER APPRAISAL

Planning Policy

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 in making any determination under the Planning Acts, regard is to given 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 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.

- 7.3 Policy S2 of the Adopted Derbyshire Dales Local Plan (2017) designates Clifton as a Third Tier settlement, not a Fourth Tier settlement as referred to be the applicant. A Third Tier settlement is one defined as a village possessing with some facilities and services that, together with local employment, provide the best opportunities outside of First and Second Tier settlements. However, it is advised that Third Tier settlements will provide for reduced levels of development in comparison to higher order settlements in order to safeguard and, where possible, improve their role consistent with maintaining or enhancing key environmental attributes. It is also advised that new development should be focused within the settlement boundaries of these settlements in accordance with their scale, role and function, unless otherwise indicated in the Local Plan
- 7.4 Policy S4 deals with development in the open countryside and sets out instances where new build dwellings may be approved outside settlement boundaries. With regard to this planning application, the Policy reflects on the guidance in Paragraph 11 of the NPPF and advises that planning permission will be granted for development on non-allocated sites on the edge of defined settlement boundaries of First, Second and Third Tier settlements (Policy S2) in circumstances where there is no 5 year supply subject to consideration against other policies in the Local Plan and the provision of the NPPF.
- 7.5 The applicant advises that, whilst the development would conflict with some parts of Policy S4, concerning new development in the countryside, there is a recognised need for rural housing within the Derbyshire Dales area and, as the District Council is currently unable to demonstrate a 5 year housing land supply at this time, the tilted balance in favour of the development is therefore engaged by virtue of Paragraph 11 of the NPPF.
- 7.6 Having regard to the location of the site and its close proximity to both Clifton village and the neighbouring town of Ashbourne, the applicant considers that development of the land for residential purposes, in the form of a small select and high quality housing scheme, will help to underpin and sustain important services and facilities within the village and make the best use of land. Contrary to the applicant's submission, Clifton is a Tier 3, not a Tier 4, settlement in its designation within Policy S2 of the Adopted Local Plan. This would make it a more sustainable location than the applicant actually advocates in their submission.
- 7.7 Third Tier settlements have defined boundaries and it is recognised that they provide for reduced levels of development in comparison to higher order settlements in order to safeguard and, where possible, improve their role consistent with maintaining or enhancing key environmental attributes. Nevertheless, Policy S4 clearly states that planning permission will be granted for development on the edge of defined settlement development boundaries where the five year housing land supply cannot be demonstrated. Policy HC19 (Accessibility and Transport) also has an overall aim of minimising the need to travel, by promoting development in locations where there is access to a broad range of jobs, services and facilities which are accessible by foot, cycle or public transport with reduced reliance on the private car. Whilst the Clifton is separated from Ashbourne, such facilities are reasonably accessible without having to rely on the private car. However, notwithstanding the above, other material considerations need to be assessed as set out below against the tilted balance in policy principle in favour of the development.

Housing Mix and Affordable Housing

- 7.8 The applicant is of the view that, whilst it could be argued that there is opportunity to potentially provide a higher density housing development on the site, given that the District Council is unable to demonstrate a 5 year housing land supply, that the proposed development of nine dwellings reflects the grain and character of the surrounding area which is characterised by large detached dwellings set within reasonably sized spacious plots. The applicant considers a more intensive development of the site would be likely to be considered inappropriate contextually, having regard to the application site and its

surroundings and, rather than appear as encroaching or harmful, the development presents itself as a logical extension to the village. The applicant states that the proposed development would be constructed from high quality materials which would provide a cohesive appearance to the development and ensure that it is quickly assimilated into its surroundings.

- 7.9 It is the view of Officers that the applicant has purposefully chosen to place nine, large detached dwellings on the site to avoid the policy requirement for affordable housing provision and other physical or financial contributions to the provision of open space, etc. as required by Policy HC14. There is also clearly opportunity to place a mix of dwellinghouses on the site, to accord with Policy HC11 of the Adopted Local Plan (2017). The applicant refers to the development reflecting upon a hamlet; a hamlet does not comprise two house types of four bedroomed houses and the proposals are merely for an enclave of larger dwellinghouses to realise a financial premium from the site development.
- 7.10 In terms of affordable housing provision, Policy H4 requires that all residential developments of 11 dwellings or more, or with a combined floorspace of more than 1000 square metres, should provide 30% of the net dwellings proposed as affordable housing. The applicant is of the view that the amount of development is such that there is no requirement to make any developer contributions or to deliver any affordable housing. However, the site is quite capable of taking 11 or more houses and, therefore, there should be onsite affordable housing provision for 30% of the net dwellings. Therefore, it is not beyond the site parameters to be able to provide for at least three affordable dwellinghouses. The mix of houses would also be more characterful as a 'hamlet' and the use of more than two house types could be used to create a more 'organic' appearance of the site.

Other Contributions

- 7.11 Given that it is considered that 11 or more dwellings can be provided on the site, Policy HC14 requires the provision or contribution towards public open space and sports facilities. The Adopted Developer Contributions Supplementary Planning Document (SPD) 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 sufficient, in most cases, the following deficiencies were identified as likely to occur by 2033:

- Parks and Gardens – 2.42h
- Natural and semi natural greenspaces – 16.16ha
- Amenity greenspace – 2.54ha
- Provision for children and young people – 0.13ha
- Allotments – 0.45ha.

- 7.12 The SPD sets out the provision per dwelling that is required to meet this identified deficiency. In this rural location, natural greenspace would be appropriate, as it would reflect the character of the area and bring biodiversity benefits. There would also be benefits to providing improvements to local recreation facilities. Whilst the lack of provision is not a reason for refusal of planning permission, it is nevertheless worthwhile detailing these other benefits which the development could afford if it were to provide for an appropriate amount and mix of housing development.

Impact on the Character and Appearance of the Area

- 7.13 A key consideration in respect of this application is the impact the proposed development would have upon the local landscape and character, identity and setting of the existing settlement. The specific design policies of the Adopted Local Plan (2017) seek to promote local distinctiveness and positively contribute to the area, as reflected in the NPPF which

confirms that the Government attaches great importance to the design of the built environment. The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Developments should function well and establish a strong sense of place, creating attractive and comfortable places to live, work and visit. Proposals should optimise the potential of the site to accommodate development and respond to local character and history including local materials and the use of good architecture and appropriate landscaping. Developments should also create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.

7.14 To this end, Policy S1 of the Adopted Local Plan (2017) advises that development will need to conserve and, where possible, enhance the natural and historic environment, including settlements within the plan area. Policy S4 seeks to ensure that new development in the countryside protects and, where possible, enhances the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment. Policy PD1 requires development to be of high-quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, Policy PD5 seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape.

7.15 Taking the above into consideration, the application site is a greenfield site and its development would undoubtedly result in harm to the landscape. The applicant considers that such harm needs to be balanced against the provision of housing at a time when the Council has an identified shortfall. The applicant considers that the proposed development provides for a sensitive, high quality housing scheme and believes that the proposed layout of the development is relatively 'organic' and responds positively to the rural character of the countryside. The applicant refers to generous spacing between the plots and believes that this would retain the verdant and open feel. The applicant also considers the size, scale, form and design of the proposed dwellings are appropriate and would provide a mixed scale of development. The applicant adds that the amount of development, and mix of housing, makes full and effective use of the site and respond positively to its constraints and the character of the surrounding area.

7.16 It is the view of Officers that the development is not an 'organic' form; an 'organic' form relates to how development interacts positively with the environment. The development proposed is merely a cul-de-sac of large dwellinghouses. As advised above, the housing mix is limited to two dwellinghouse types and the applicant's belief that this constitutes 'organic' development is considered flawed. For a development to have a sense of being 'organic,' it would either relate to the natural environment and/or would be of a form where the development would have a sense of having developed over time. It may include open spaces, connectivity and the retention of landscaping/trees that merge the development into the landscaping; the development proposed merely bulldozes the site and green spaces are essentially those of private gardens. To this end, it is considered that this separate development to the village does not appear in any way to form an 'organic' expansion of village; in fact, the applicant refers to the proposals seeking to replicate detached residential development, to which it is proposed to abut, but in no way to integrate.

Impact on Hedgerow and Trees

7.17 The proposals will require the removal of the existing frontage hedgerow between Hawthorne House up to, and including, the proposed access to the site in order to achieve the appropriate visibility splay to the south. Whilst this will cause a degree of harm to the streetscene, it is nevertheless necessary for the development to be provided. It is proposed to reinstate the hedgerow to the back of the visibility splay.

- 7.18 With regard to trees, an arboricultural assessment has been submitted and identifies 16 individual trees, one group of trees and three hedgerows. It is advised that none of the trees are of high quality and trees surveyed and that trees and hedgerows in general were of moderate/low quality. To this end, the applicant advises, from an arboricultural perspective, that the proposed layout retains a high proportion of the tree cover by maintaining the trees around the peripheries of the site and new planting will go towards mitigating the loss of trees within the site.
- 7.19 Policy PD6 (Trees, Hedgerows and Woodlands) of the Adopted Local Plan (2017) and the District Council's Landscape Character and Design Supplementary Planning Document (2018) require that trees of value be retained, protected and integrated within development wherever possible. To this end, the proposed site layout requires the removal of trees T11 and T12; these are two mature Norway maples which were identified in the submitted arboricultural report as BS5837 (2012) Category B which are trees of sufficient quality to be considered constraints on development.
- 7.20 The Norway Maples are large, mature trees, and located toward the centre of the site, they have potential to offer valuable amenity and to make a significant positive contribution to the character and appearance of the site and development. However, this would require a fundamental reconsideration of the site layout, which has not been sought given that the development of this greenfield site is nevertheless deemed inappropriate as advised above. Nevertheless, given the potential threat to remove these trees to facilitate the proposed development, they have been protected through the serving of a tree preservation order (Tree Preservation Order (TPO) 220). Further tree planting cannot realistically compensate for the loss of such trees in the short-medium term.
- 7.21 In addition, an Ash, a Lime and a Beech tree on the highway frontage of the site have also been deemed to be at threat and have also been included in the TPO. The incorporation of large trees and hedgerows into the curtilage of dwellings raises concern about future pressure for tree removal and tree works such as crown reduction, branch lopping, etc. The concerns above are reflected in the comments of the District Council's Arboriculture and Landscape Officer and Derbyshire Wildlife Trust.

Impact on Biodiversity and Wildlife

- 7.22 The conservation and enhancement of the natural environment is a core principle of the NPPF and this advises that planning policies should promote the preservation, restoration and re-creation of priority habitats and ecological networks. In determining planning applications permission should be refused if significant harm resulting from development cannot be avoided, adequately mitigated or as a last resort compensated for. Policy PD3 of the Adopted Local Plan (2017) reflects on this and seeks to protect, manage and, where possible, enhance biodiversity by ensuring that development will not result in harm. The Policy advises that development will not be permitted where it directly, or indirectly, results in significant harm to biodiversity interest, unless it can be demonstrated that there are no appropriate alternative sites available, statutory and regulatory requirements have been satisfied and appropriate conservation and mitigation measures are provided.
- 7.23 The application is accompanied by a preliminary ecological assessment and bat survey report which appear broadly acceptable. These documents conclude that there are no anticipated constraints relating to badgers, riparian mammals, bats and reptiles. Whilst it is accepted that the proposed development will impact to some extent on biodiversity, the applicant has submitted an ecological report which sets out a number of recommendations as to how these will be minimised and, where necessary, mitigated against in order that an overall net gain to biodiversity can be achieved.

- 7.24 It is advised that existing trees and hedgerows will be retained, where possible, and bat and bird nesting boxes will be provided throughout the development. On the basis of the above, the applicant considers that the proposed development would not have any adverse impacts on biodiversity and therefore accords Local Plan Policy PD3 of the adopted Local Plan and guidance contained within the NPPF in this regard.
- 7.25 However, in seeking to offset the loss of biodiversity on the site, the applicant has proposed several areas that are essentially surrounded by gardens. Much of the ecological enhancement areas identified in the application site are also to the rear of properties, and access for management and monitoring will be restricted by such. If these areas were to become untended, there would be pressure to bring them within the gardens. It is not clear if they will be in occupiers deeds and there is no access for future management and monitoring by an external company.
- 7.26 Several other concerns have been raised by Derbyshire Wildlife Trust as follows:
- 48 trees are stated in the BNG report but these are not evident on the site plan;
 - hedgerows proposed as curtilage boundaries but there is no safeguard on these;
 - not satisfied that a net gain will be realistically achieved based on current design; and
 - note that a copy of the BNG metric has not been submitted which is essential to enable proper review of the BNG calculations.
- 7.27 To this end, the layout could be altered such that any biodiversity offsetting areas are cohesively provided within the site and clearly separated from the domestic curtilages. The layout could also have regard to the two Norway Maple trees by including their retention as part of a biodiversity enhancement area on the site. This could also include the proposed additional garden space to Hawthorn House. This property currently has a reasonable curtilage in relation to the size of the dwellinghouse and allocating such land to as further domestic curtilage should not therefore be used to constrain development on the application site. If this land, the area of the two Norway Maple trees and land to the rear of the frontage boundary hedge was set aside for biodiversity, this would allow for ease of maintenance and long term retention and go some way to setting the dwellings back on the site and making them less conspicuous.

Impact on Amenity

- 7.28 The applicant advises that careful consideration has been given to the layout of the proposed dwellings and it is considered that the juxtaposition of these and separation distances between ensure that the proposed development would not be prejudicial to the amenity currently afforded to the occupiers of the existing dwellings or neighbouring land uses. The applicant advises that the proposed dwellings would exceed minimum national space standards and would be sited so that there would be no significant overlooking between occupants of the development and neighbouring properties and the development would not result in any significant loss of light or be overbearing. The applicant is of the opinion that the scheme would not have any physical impact on any residential properties, nor would it be likely to give rise to noise and disturbance implications as far as residential amenities are concerned. In this respect, the applicant considers that the proposal complies with Policy PD1 of the Adopted Local Plan (2017) and paragraph 130(f) of the NPPF in this regard.
- 7.29 As the applicant advises, the development is laid out in a manner where the proposal could not be reasonably substantiated for refusal on the grounds of there being a significant loss to light, outlook or privacy to the neighbouring residential properties, given the relative distance between existing and proposed dwellings. Whilst the development will clearly impact on views of the open countryside, the impact on a view is not sufficient justification for a refusal of planning permission.

7.30 The District Council's Environmental Health Section has assessed the application. To this end, it is advised of no objection subject to a condition that no site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am-6pm Monday to Friday and 8am - 1pm Saturdays and at no time on Sundays, Bank or Public Holidays.

Highway Matters

7.31 Paragraph 110 of the NPPF states that development should provide a safe and suitable access for all users, with Paragraph 111 stating that development should only be prevented or refused on transport grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. Policy S4 of the Adopted Local Plan (2017) advises that development shall have a safe access and not generate traffic of a type or amount which will cumulatively cause severe impacts on the transport network and this is also reflected in the aims of Policy HC19 (Accessibility and Transport). Policy HC21 (Car Parking Standards) states that vehicular parking for new development should be provided having regard to adopted standards. The proposal seeks to provide a new access directly off the main A515, with the dwellings being served by a cul-de-sac. Each dwelling would be provided with three off road parking spaces, all of which would meet the car parking standards.

7.32 The Local Highway Authority initially raised highway safety concerns with the proposed development to which the applicant has provided further information with regard to vehicle tracking and amendments to the layout of the site to accommodate appropriate visibility splays. Whilst it is appreciated that a lot of concern has been raised by local residents to highway safety matters relating the development, the Local Highway Authority has advised that having considered the details, along with the highway boundary information and accident data from the surrounding area, that they do not consider that a highway objection could be sustained subject to conditions being attached to any grant of planning permission. Therefore, it is not considered that the proposed use would adversely affect highway safety and would therefore be compliant with Policies S4, HC19 and HC21 of the Adopted Local Plan (2017) and guidance contained in the NPPF.

Flood Risk and Drainage

7.33 The application site lies within Flood Zone 1 and is therefore deemed to be at the lowest risk of flooding. Lead Local Flood Authority has checked mapping and the photos provided by a local resident and advises that these broadly reflect the flood zone outlines, leaving the proposed site outside of Flood Zones 2 and 3. As the site is in Flood Zone 1, the proposed site has a 0.1%, or less, chance of fluvial flooding in any given year and there are currently no surface water flow routes through the site showing on the surface water flooding maps. To this end, the requirement for appropriate drainage could be secured by planning condition, if permission were granted, but this would largely be addressed through the requirement for Building Regulations compliance.

Climate Change

7.34 Policy PD7 (Climate Change) of the Adopted Plan (2017) states that the District Council will *promote a development strategy that seeks to mitigate global warming, adapts to climate change and respects our environmental limits*. The District Council's adopted Climate Change Supplementary Planning Document (SPD) also provides guidance on the implementation of Policy PD7 in meeting the following objectives:

- securing enhanced green infrastructure
- managing drainage, flood risk and conserving water
- using less energy, increasing energy efficiency and promoting renewable energy

- reducing the need to travel and promoting sustainable transport
- improving building design and layout to meet the objectives.

7.35 In order to address these issues, the applicant proposes a number of measures to use less energy and promote renewable energy throughout the scheme, including designing the dwellings to achieve a minimum of Code for Sustainable Homes level 4 and maximising solar gain through the orientation of dwellings, provision of solar panels on roof slopes and provision of air source heat pumps. Other measures include:

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

Given the above, it is considered that the applicant has sought to adequately mitigate the carbon footprint of the development.

Conclusion

7.36 Whilst there is clearly a tilted balance in favour of providing dwellinghouses on the fringes of Third Tier settlements such as Clifton, where the District Council is unable to demonstrate a 5 year housing land supply going forward, the impacts of such a development need to also be considered in that balance. Whilst the District Council cannot currently demonstrate the 5 year housing land supply going forward, and that the supply relates across the whole District, there is nevertheless substantial allocation, permission and provision of housing development in the locality, particularly Ashbourne, that a further nine dwellinghouses are deemed unnecessary on this sensitive greenfield site.

7.37 It is considered that the development would be encroaching beyond the defined settlement boundary to the village, where there is a clear, linear break between the village and fields. The applicant considers that the detached dwellings reflect on the residential development at Doles Lane and The Greenacre. Whilst those properties are similarly detached dwellings accessed separately to the village, the proposed development would add a further enclave of development beyond this without integration. The two types of dwellinghouse also reflect poorly in relation to the variety of dwellings to be found in the village and even on Doles Lane and The Greenacres. Whilst the development encroaches to the north, and whilst it would not link the Clifton with Ashbourne, it would nevertheless draw these separate settlements visually closer. The development would also be harmful to landscape features, such as the two Norway Maple trees, which have now been protected with a TPO, and the established, unbroken boundary hedge which aligns the frontage of the site and the A515.

7.38 If one was to set aside the visual harm caused by the development when having regard to the tilted balance in favour of residential development, the site is nevertheless capable of providing further dwellings beyond those proposed to meet the requirements of Policy HC11 of the Adopted Local Plan (2017) with respect to achieving an appropriate mix of house types. The properties are proposed to be large 4 bedroomed detached dwellings with detached double garages. It is clearly evident that, by reducing the size of the dwellings to reflect the expected housing mix, and with the removal of most detached double garages, this would not only provide sufficient space for a range of dwellings to meet different housing requirements, but would also present opportunity a more 'organic' development of the site

as a complex of buildings, for example, that could bridge the village and the countryside. The provision of more dwellings to achieve these aims would also trigger the requirement for much needed affordable housing provision, in line with Policy HC4 of the Adopted Local Plan (2017), and contributions towards open space and outdoor recreation facilities in line with Policy HC14.

7.39 Given the above, whilst the titled balance may favour the development, it is considered that this is ultimately outweighed by the harm of such development to the setting of Clifton and the impact on the character and appearance of the open countryside. The proposals also require the removal of two prominent trees that are now protected because of their amenity value. In addition, it is considered that the proposals have purposefully sought to provide a reduced number of houses that could otherwise be accommodated on the site in order to seek to avoid policy aims/requirements of the Adopted Local Plan (2017) directed at delivering a housing mix, the provision of much needed affordable housing and other potential community benefits. As such, it is recommended that the planning application be refused.

8 RECOMMENDATION

That planning permission be refused for the following reasons:

1. The proposed is encroaching in the open countryside location and harmful to the local landscape's intrinsic character and distinctiveness and would significantly and demonstrably outweigh the benefits of housing provision. The proposal therefore would not constitute a sustainable form of development contrary to Policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2021).
2. The development does not make full and effective use of the site, to deliver requisite open space, affordable housing and developer contributions and a mix of housing to contribute towards the creation of sustainable and balanced communities contrary to policy S1 of the Adopted Derbyshire Dales Local Plan (2017) and policy contained within the National Planning Policy Framework (2021).
3. The proposals entail the removal of two Norway Maple trees within the field, being trees that are protected by tree preservation order TPO 220 given their amenity value in the landscape. In addition, given the layout of the proposed housing development, there would be likely pressure for hedge and tree removal, and tree works such as crown reduction, branch lopping, etc., that would serve to undermine the character and appearance of the site. As such, the development is contrary to Policies S1, S4, PD1, PD3, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2021).
4. Insufficient information has been submitted in order to be satisfied that a measurable Biodiversity Net Gain (BNG) is achievable, based on the proposed layout design, and a BNG metric has not been submitted which is essential to enable proper review of the BNG calculations. As such, the development as submitted is contrary to Policies S1, S4, PD1, PD3, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2021).

NOTES TO APPLICANT:

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

issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

2. This decision notice relates to the following documents:

Drawing Nos. 2023-2781-01 Rev. A, 03 Rev. A, 04 Rev. A, 05 Rev. A, 06 Rev. A, 07 Rev. A and 16 received on 13th October 2023

Amended Drawing No. 2023-2781-02, Rev. E received on 14th November 2023

Drawing No. KT23-41-100 (Autotracking 11.6M Refuse) received on 14th November 2023

Design and Access Statement (Sammons Architectural) received on 13th October 2023

Arboricultural Assessment (FPCR) received on 13th October 2023

Ecological Appraisal (FPCR) received on 17th October 2023

Bat Survey (FPCR) received on 13th October 2023

Biodiversity Net Gain Report (FPCR) received on 13th October 2023.

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APPLICATION NUMBER		23/01120/FUL	
SITE ADDRESS:		33 Rockside View, Matlock, Derbyshire, DE4 3GP	
DESCRIPTION OF DEVELOPMENT		Retention of 5m amateur radio aerial mast holding a rotator with 3m aerial mounting pole	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Peter Watts
PARISH	Matlock	AGENT	N/A
WARD MEMBERS	Cllr. M. Burfoot Cllr. S. Burfoot Cllr. S. Wain	DETERMINATION TARGET	18 th December 2023
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Members	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the impact of the development in the public and private domains given concerns raised by neighbours

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Planning policy • Impact on the character and appearance of the area • Impact on neighbours' amenity

RECOMMENDATION
That the application be approved.

1. THE SITE AND SURROUNDINGS

- 1.1 The application property is a detached dwelling on Rockside View, which is set within a residential estate of other detached dwellings. The properties are set above other residential properties on the north side of Cavendish Road. To the south of Cavendish Road is the boundary of the Matlock Bank Conservation Area. The property is within the Settlement Boundary for Matlock.



2. DETAILS OF THE APPLICATION

- 2.1 Retrospective planning permission is sought for a 5m high radio aerial mast holding a rotator with a 3m aerial mounting pole amounting to a structure height of some 8m. The development cannot be considered as permitted development as the structure exceeds 3m in height. The mast itself has been purchased ready-made and is constructed out of 80mm steel box section with winches for tilting over.

- 2.2 The mast replaces a previous mast which was screened to a large extent by a tall hedge in views from Cavendish Road. The previous mast did not benefit from planning permission but would have likely be deemed lawful as it appears to have been in situ in excess of 4 years. The applicant advises that the former mast was installed in 2006 and held one aerial, with a second aerial added a couple of years later. The mast was replaced for a winch operated version with three aerials in 2021.
- 2.3 The applicant advises that the base for the mast was installed in 2006. At that time, a home built, manually tilted mast, using an 18ft aluminium scaffolding pole below the rotator, was used to support a beam and rotator and that configuration was in place until 2021 when he purchased a commercial unit with a winches to allow tilting and maintenance, which was becoming increasingly difficult to do manually. The applicant advises that, among amateur radio equipment, a 5m mast is the smallest configuration commercially available.
- 2.4 The applicant also advises that the property was purchased 25 years ago, on top of the hill, in order that he could partake in his hobby from a high location. It is also advised that, in July 2019, a wooden structure was replaced with an office building, where he works from and uses for hobbies; this was granted planning permission under ref: 19/00779/FUL. It is advised that, during a routine visit by the Building Regulations Inspector, it was recommended that the line of conifers be removed on account of the potential impact to the buildings foundations.

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
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD9	Pollution Control and Unstable Land

3.2 National Planning Policy Framework

3.3 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

19/00779/FUL Replacement shed/workshop in rear garden PER 23.08.2019

5. CONSULTATION RESPONSES

Town Council

- 5.1 - no objection.

6. REPRESENTATIONS RECEIVED

- 6.1 Two representations have been received (29 Rockside View and 31 Rockside View) which are summarised as follows:

- the mast is a replacement for one originally in place before the removal and development of a shed/office
- is at least 8 meters (26'3") high, with 3 large aerials (antennas) in the top section and a motor drive unit which enables the top aerials to rotate laterally

- a small pinnacle aerial is also fixed to the top and below this are numerous smaller aerals, together with spinning wind speed/direction devices
- is located near to the edge of a natural ridge which rises above the rear gardens of houses on Cavendish Road
- the mast has been an almost permanent feature and appears to be only lowered on rare occasions for alteration or to avoid severe storms
- believe the mast is taller than that previously in place and contains more aerial hardware than before
- mast was erected in 2021 without the necessary planning permission or any consideration to neighbours; certainly never gave any information or discussed the mast with anyone at my address
- erection of the mast followed the applicant clearing his garden for a revised layout with new buildings
- a high conifer hedge at the bottom of the garden, and a small tree on the east side were removed
- since first installation, more aerals and equipment have gradually been added to the mast and two further tapered pole antennas erected, approximately 8 and 6 meters in height, located west of the main mast which are not mentioned in the application
- applicant appears to work regularly from an office building located beside the mast - it is not known if any of the mast's equipment is for commercial use
- it has an overbearing, high visual impact, detrimental to the landscape and character of the area
- is an unnecessary and prominent clutter of galvanised steel poles which reflect in sunlight, spoiling what should be a reasonable south westerly outlook of the skyline and hillside opposite, when looking from the rear windows and garden of family home
- top half of the mast, bearing the large lateral aerals and other equipment, is not hidden from view, or camouflaged in any way and has a strong outline against the sky
- even the untidy cables hanging from it and draped across the garden are clearly visible - there is no question of any sympathetic design
- from a health and safety point of view, have no idea of the purpose or use of the aerals and other equipment on this mast - presumably radio waves are transmitted as well as received
- could there be an effect on our health, especially in the medium to long term?
- no details of any amateur radio licence, a requirement of which is to work with neighbours who could potentially experience interference
- no evidence has been mentioned or produced that transmissions from this mast do not interfere with existing household equipment
- regularly have issues with TV and smart meter losing signal
- note that the Planning Portal states a ground mounted antenna in a garden is allowed only up to 3 meters in height, obviously this installation far exceeds this (this is presumably considered appropriate and reasonable for a domestic dwelling and garden) and no more than two antennas on the property overall
- applicant already has a tv aerial and a satellite dish fixed to his house
- if installing the (allowed) two antennae, one is not more than 100 centimetres in any linear dimension and the other is not more than 60 centimetres in any linear dimension - the size of the 3 large aerals towards the top of the mast all exceed this and the largest aerial has a span given as 3.8 metres
- planning application box is ticked 'No' to the question '*Can the site be seen from a public road, public footpath, bridleway or other public land*' - this is incorrect as the mast is clearly visible from both Rockside View and Cavendish Road public roads
- have no problem with people pursuing their hobbies but this current installation does have a significant visual impact.

6.2 One representation has been received from a neighbour (35 Rockside View) advising of support for the application.

7. OFFICER APPRAISAL

Planning Policy

- 7.1 The principal matters for consideration are the impact of the mast on the character and appearance of this residential area, the amenity of neighbouring residents, and whether the operation of the equipment could lead to an impact on health. To this end, regard has to be given to what are deemed to be the relevant policies of the Adopted Derbyshire Dales Local Plan (2017) by which the proposals need to be assessed.
- 7.2 Policy S1 (Sustainable Development) of the Adopted Local Plan (2017) advises that development sustainable development will be achieved by seeking to secure developments which provide a high standard of amenity for all existing and future occupants of land and buildings and seeking to secure high quality, locally distinctive and inclusive design and layout in all development.
- 7.3 Policy S3 (Development within Defined Settlement Boundaries) advises that , planning permission will be granted for development where: a) the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located;
- 7.4 Policy PD1 (Design and Place Making) requires development to contribute positively to an area's character, history and identity in terms of scale, height, appearance, materials, and the relationship to adjacent buildings and landscape features. It also requires that that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion or other adverse impacts on local character and amenity.
- 7.5 The Matlock Bank Conservation Area boundary is relatively nearby and, therefore, regard should be given to Policy PD2 (Protecting the Historic Environment) and to whether the development has any impacts on its setting. As there are often concerns with regard to transmissions from masts regard should also be given to PD9 (Pollution Control and Unstable Land) which advises that the District Council will protect people and the environment from unsafe, unhealthy and polluted environments.

Impact on the Character and Appearance of the Area

- 7.6 There is concern with regard to the impact that the replacement mast is having on the character and appearance of the area. It is advised that the previous mast was erected in 2006 without the benefit of planning permission, nor with it being deemed to be permitted development. Officers are not aware of having any objections raised with regard to the former mast, which should have prompted investigation. Over the passage of time, the former mast would have become immune from enforcement action, as it appears to have been in situ for a continuous period in excess of 4 years. Nevertheless, as the mast was replaced as recently as 2021, the current mast cannot be deemed to be lawful development.
- 7.7 Google Streetview shows that, in 2019, the upper part of the previous mast was visible above the former hedge in views between properties on Cavendish Road. It is advised that the hedge was removed at the time the applicant installed the shed/workshop, which was granted planning permission in 2019 (ref: 19/00779/FUL). In addition, the mast is visible between the applicant's dwellinghouse and 35 Rockside View and from the rear gardens and windows of neighbouring properties at Rockside View and Cavendish Road.
- 7.8 Research has been undertaken to establish the need for such a tall structure. It is found

that antennas that are clear from surrounding objects have a better chance of radiating as much power as possible in the required direction. Sometimes signals are blocked by objects and antennas are therefore constructed in order to get the signal over any obstacles. To this end, the previous mast appeared above the former hedge but, with this hedge now removed, and the mast being higher, it is clearly more open to view from the neighbouring properties on Cavendish Road. The mast is also visible to the residents of neighbouring properties on Rockside View; this would have evidently been the case with the previous mast given that this was not screened in the same manner that it was to Cavendish Road.

- 7.9 Given that the intervention of the hedge has now been removed, this raises the question as to why the mast now needs to be so high in order for the equipment to function effectively. To this end, the applicant has advised that the mast and antenna are at the lower end of the size spectrum for such installations.
- 7.10 With regard to the impact on the setting of the Conservation Area, it is considered that harm cannot be substantiated, given the view of the mast is a glimpse between dwellinghouses on from the opposite side of Cavendish Road. Nevertheless, regard has to be given to the actual harm of such a mast and antenna and whether this is so harmful that a recommendation of refusal could be justified. It is clearly a hobby of the applicant and a similar facility has been in situ for some 16 years without complaint. The applicant advises that it is the smallest mast that he can obtain. Considering all the above matters in the round, it is considered that the mast does not have such a significant impact on the amenity of local residents, nor in the public domain, that would otherwise justify a recommendation of refusal in terms of visual impact.
- 7.11 In addition, consideration has been given to appeal decisions with regard to such. An appeal was allowed for a similar shortwave amateur radio mast in Ilminster, Somerset (Appeal ref: APP/R3325/W/17/3169477) in 2017. The Inspector established that the main issues were the effect of the proposed mast and antenna on the character and appearance of the area and on neighbours' living conditions, particularly in relation to outlook. That application was also for the replacement of a previous mast that was a slim pole, of 9m in height, supported by guy wires and situated in the centre of the back garden of a terraced house. The proposed mast to replace it could reach 12.3m in height when fully extended with an 8m wide antenna atop.
- 7.12 Such a mast and antenna were not deemed an incongruous feature in the residential area by the Planning Inspector. It was not considered to significantly harm neighbours' living conditions, nor to seriously harm the outlook from their windows. However, conditions were attached that the rotary antenna would be lowered when not in use and that the mast and antenna approved would be dismantled and permanently removed from the site when it became redundant or not used in over a year.
- 7.13 It is appreciated that not all cases are the same, but the above appeal decision does give a guide as to what can be deemed acceptable. The applicant has advised that, in the manner in which he operates the installation, that it is in operation all the time and that he does not lower it; to this end it is not considered reasonable to attach such a condition. Nevertheless, it is considered reasonable to attach a condition, if planning permission is granted, that the mast be removed if no longer required or if it has not been used for a period of 12 months.
- 7.14 Concern has been raised that if permission is granted that this could allow similar masts to be provided that would serve to erode the character and appearance of the area. However, the masts are for a specific purpose, usually a hobby, and it is considered highly unlikely that the residential area would become awash with such structures.

- 7.15 Research has been undertaken into the potential impacts of transmissions given the concerns raised. It is found that an antenna radiates energy in the form of an electric or magnetic field and that this is non-ionising radiation. Antennas are usually designed to send out the maximum signal power all round, or in a given direction. Simple vertical antennas radiate all of the power in a circular pattern around it. Most amateur radio operates at power levels many times lower than those required to cause any harmful physiological effect.
- 7.16 Amateur radios are designed to radiate limited, very low power levels in conjunction with a limited range of antennas, so there is no danger that these will form a hazard and little chance they will interfere with other services like broadband and television sets. If this is the case, as advised by one neighbour, it is considered that this is a matter which could be resolved between the neighbour and the operator in accordance with best practice advice that is given; it is not considered a reason in itself for justifying a reason for refusal, especially without the level of interference being clearly quantified or demonstrated.

Conclusion

- 7.17 There is clearly concern with regard to the impact that the mast and its attachments cause to the character and appearance of the area and the impact that the structure has on neighbouring residents from a visual perspective. It is also evident that the previous mast was likely to have been tolerated to a greater extent by reason of it being smaller in height, having fewer attachments and that it was previously largely screened by a substantial hedge from views from Cavendish Road. However, it is considered that the harm caused by the replacement mast cannot be deemed significant enough to justify a recommendation of refusal. Given the above, it is recommended that planning permission be granted with a condition requiring removal of the facility if it is no longer required to operate.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The mast shall be dismantled and permanently removed from the site when it becomes redundant or not used in over a year.

Reason:

The impact of the mast, albeit not significant, would nevertheless be no longer necessary and to comply with the aims of 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 the submission of further information by way of explaining the need for the height of the mast.
2. This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 23rd October 2023

Block Plan 1:500 received on 23rd October 2023

Elevation and Floor Plan Drawings received on 23rd October 2023

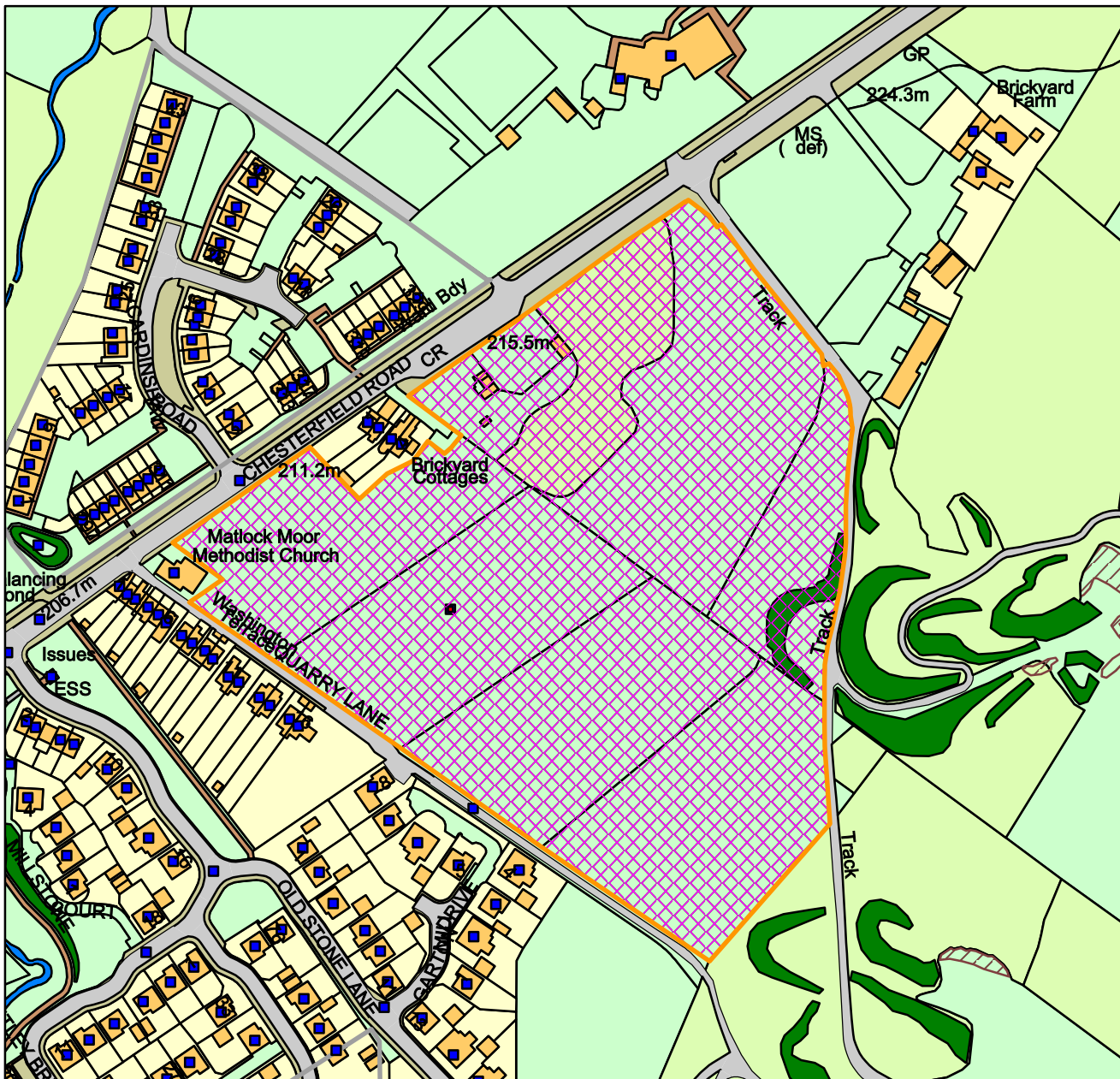
Design and Access Statement received on 23rd October 2023

Photographs received on 23rd October 2023.

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23/00695/REM

Land off Chesterfield Road and Quarry Lane, Matlock, Derbyshire



Derbyshire Dales DC

1:2,500

Date: 30/11/2023

100019785

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

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APPLICATION NUMBER		23/00695/REM	
SITE ADDRESS:		Land off Chesterfield Road and Quarry Lane, Matlock	
DESCRIPTION OF DEVELOPMENT		Approval of Reserved Matters for the erection of up to 75no. dwellings (Outline planning permission 22/01044/OUT)	
CASE OFFICER	Sarah Arbon	APPLICANT	Homes by Honey
PARISH/TOWN	Matlock	AGENT	Georgia Parker – Nineteen 47 Ltd
WARD MEMBER(S)	Cllr S Flitter Cllr D Hughes Cllr J Linthwaite	DETERMINATION TARGET	16 th October 2023 (EOT agreed 30 th November 2023)
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For members to fully assess the impacts of the development on the site and the surrounding area.

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

RECOMMENDATION
That the application be granted subject to conditions.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site concerns 4.27 hectares of land located on the south eastern side Chesterfield Road (A623). Its south western boundary abuts Quarry Lane. Matlock Moor Methodist Church sits on the corner of Chesterfield Road and Quarry Lane abutting the south western corner of the site and 4 properties known as Brickyard Cottages are located in the middle of the site's frontage, side on to Chesterfield Road with long rear gardens to the south west. The north easterly field has some small stable structures in the field nearest the road. The remaining part of the field is screened by the wooded area within it that runs to the north eastern boundary. The site is opposite the Cardinshaw Road development with Matlock golf course to the north east.
- 1.2 The site consists of agricultural grazing land with fields demarcated by dry stone walls. Land levels rise steeply towards the woodland on the site's eastern edge of the former quarry. The north eastern boundary is adjacent to a single track that provides access to the outbuildings associated with Brickyard Farm where there is an access to the farm house further up Chesterfield Road. Brickyard Farm is located on higher land, 85m north west of the site boundary with an intervening field and outbuildings. Chesterfield Road is a main bus route between the sub-regional centre of Chesterfield and Matlock and bus stops are located adjacent to the site at both ends of the frontage with Chesterfield Road. There is a layby on Chesterfield Road just north east of the access to Brickyard Cottages which is used by the residents for parking.

2.0 DETAILS OF THE APPLICATION

- 2.1 The Site is the subject of the Outline Planning Permission, under ref. 22/01044/OUT, dated 17 March 2023. This grants permission for the erection of up to 75no. dwellings and associated development. This Application seeks the approval of the following reserved matters:

- Layout
- Scale
- Appearance; and
- Landscaping.

- 2.2 Details to specifically address Conditions 5, 7 and 8 of the Outline Permission have been submitted. Condition 5 requires that an Arboricultural Impact Assessment be submitted with the reserved matters application, whilst Condition 7 requires details of the measures to be incorporated into dwellings to help mitigate the effects of, and adapt to, climate change to be provided. Condition 8 requires that reserved matters relating to landscaping shall accord with the Ecological Impact Assessment approved as part of the Outline Permission, so as to achieve no less than the predicted 10% net gain in biodiversity.

- 2.3 The breakdown of housing proposed would be as follows:-

52 market houses

- 4 x 1 bed,
- 11 x 2 bed,
- 16 x 3 bed,
- 18 x 4 bed
- 3 x 5 beds

23 affordable houses

- 8 x 1 bed,
- 10 x 2 bed
- 5 x 3 bed

- 2.4 The affordable housing proposed is a total of 23 out of 75 which equates to 30% and 5 (25%) of these are required to meet the criteria of First Homes.
- 2.5 Amended plans have been received which proposes dwellings in the north western corner of the, site adjacent to the Methodist Church which actively address and overlook the attenuation pond feature, creating a streetscene on this prominent part of the site open to Chesterfield Road. A row of properties is proposed adjacent to the site entrance that follow the alignment of the existing properties Brickyard Cottages to the south east to compliment these and form an entrance feature on Chesterfield Road. The existing woodland is retained in the north eastern part of the site forming a buffer with the countryside and retaining the mature trees adjacent to the road. Proposed dwellings adjacent to the existing terrace of properties have a side to side relationship with them that follows the streetscene pattern within the development. Properties all face the streets with corner turners used to provide front elevations on two streets. Landscaped areas provide buffers on the periphery and the higher land to the south east is to be maintained as open space with a path linking to the linear green space adjacent to the south western boundary with Quarry Lane. The location of dwellings complies with the parameters plan in the outline permission.
- 2.6 The proposed dwellings would be two storey with gable roofs, clad in stone with grey roof tiles, stone lintels and cills, flat roof front door canopies, gable features with either integral garages or detached garages. The window sizes add a contemporary appearance. The majority of properties have integrated PV solar panels on the front roof slopes.
- 2.7 The applicant has submitted the following documents with the application:
- Design and Access Statement
 - Arboricultural Impact Assessment
 - Ecological Impact Assessment
 - Sales Recommendations Report
 - Energy Statement
 - Drainage Note

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017

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

3.2. Other:

The National Planning Policy Framework (NPPF) (2023)
National Planning Practice Guide
Developer Contributions SPD (2020)
Climate Change SPD (2021)
Landscape Character and Design SPD (2018)

4.0 RELEVANT PLANNING HISTORY:

23/00867/VCOND - Variation of condition no.8 of application 22/01044/OUT to amend the biodiversity net gain requirement, granted 10th November 2023.

22/01044/OUT - Outline planning application for the erection of up to 75 no. dwellinghouses and associated development with approval being sought for access, granted 17 March 2023.

5.0 CONSULTATION RESPONSES

Matlock Town Council

- 5.1 Note that the large attenuation basin is to be located at the side of Matlock Moor Methodist Church, to manage surface water from the developed site. Surface and ground water flows from the slopes above the site, highlighted by blue arrows on the plan below appear to flow around the attenuation basin and discharge towards the highway. However there does not appear to be any land drainage outfall dedicated to deal with these flows on this plan. This must be clarified. This is deeply concerning, as should any additional flows enter the combined sewer on Chesterfield it is highly likely to surcharge the 150mm network. The Council recognises that the additional foul and combined flows from this new development will flow down Lumsdale Road and onward into Lumsdale. Matlock Town Council seek clarification that any such increase will not impact upon the Websters Terrace Combined Sewer Overflow, which spilled into the Bentley Brook 41 times for a total of 211.74 hours in 2022. They are fully aware of the significant similar issues being encountered on the Treetops development located further down Chesterfield Road. It is also understood that there are still ongoing surface water issues impacting upon the Thornberries development, so it essential that this application is rigorously assessed by STW and the LLFA to ensure that effective drainage conditions are imposed and NOT discharged before effective mitigation is in place.

Following this rainfall in July 2023, The Presentation Sisters Elderly Care Home, The Convent, and several buildings close by were significantly affected by the ingress of foul sewage. The basement of the Convent being 1 metre deep of foul sewage. There was also significant "backing up" of many properties in the area causing a serious health risk. A drain flooded St Joseph's school nursery playground with raw sewage so rapidly that several small children were caught in the mess whilst out at play. Incidents such as these never occurred prior to the building of recently completed new housing developments East of Chesterfield Road and no consideration was given to upgrading the old sewer network for this area prior to the development; the result of the failing foul sewage infrastructure with the additional pressure of the completed new housing development is all too evident, as are the serious health risks to existing residents.

The proposed building of a further 75 houses, adding foul sewage to this already failing system, will significantly add to the health risk and be detrimental to the quality of life for Matlock residents living further down Chesterfield Road East. Proposed housing developments should be halted until such time that a thorough investigation can be carried out into the causation of these major incidents of sewage ingress into properties lower down Chesterfield Road East, and remedial action has been taken to prevent further incidents arising.

Highways Authority

- 5.2 There are no objections to the proposed reserved matters application from a traffic and highway point of view subject to conditions that require the submission of a Construction Management Plan and a Residential Welcome Park.

Matlock Civic Association

- 5.3 Some of the main positive points from the application and “Planning Compliance Statement” can be summarised as follows:

Traditional built form and pitched roofs: substantial compliance with the layout plan at outline stage; acceptable percentage of affordable housing provision: a relatively balanced and wide range of housing mix and house type: pedestrian routes to and from Chesterfield Road and within the application site area: retention of substantial areas of woodland, and tree-lined streets with wide verges to include swales: re-use of stone from demolished walls on site: wide mix of quarter houses, terraces, semi-detached and detached properties: 1 parking space per 1 bed dwelling, 2 spaces per 2 and 3 bedroom properties and 3 parking spaces per each of the larger dwellings: 7KW charging point for each dwelling with a type 2 European socket for owner/occupier of each dwelling to plug in an electric car: noise attenuation measures for properties fronting Chesterfield Road.

It is considered, however, that some important amendments are required to comply with planning policy and make the overall proposal acceptable to Matlock Civic Association.

Matlock Moor Methodist Church and Brickyard Cottages

The agents’ Planning Compliance Statement confirms the intention to provide car parking for these uses. However, the relevant areas (described by a relevant plan in the Section 106 Agreement) should not be labelled “Visitor Parking” on the crucial proposed layout plan, but should be marked specifically for the Church and Brickyard Cottages, as appropriate. To do otherwise would be contrary to the terms of the outline permission.

Materials and Design

The provision of stone dwellings near the Chesterfield Rd frontage is welcomed and the cream brick (subject to officer inspection) is likely to be acceptable, but the “Payton Heath” bricks proposed appear to be a brown brick and too dark to be within the cream, beige, bluff range needed to complement and blend with the stone. Matching brick walls should be amended accordingly.

The use of darker, contrasting panels within elevations and in a relatively discordant manner should be omitted. If they are retained, they will detract from the sound and contemporary element of dark grey window frames.

The design does not follow the traditional approach of mullions and transoms being normally located through the centre of the window and will also create another discordant clash with the dark grey window frames.

The dark brick plinths below larger profile stone for elevations will also look strangely out of character. It is considered that a far better unifying element would be stone plinths throughout. The use of stone lintols and cills above and below window frames would also add substantially to the scheme as would stone quoins in selected locations.

The development at Pingle Rise off Asker Lane has far too much red brick but its positive feature of traditional lintols and cills at door and window openings is a commendable approach which would also benefit this scheme.

These measures on materials and design are needed to secure the agents intention on appearance in their paragraph 3.16 which include:

“As set out in the Design and Access Statement, the materials of construction and the detailing of the fenestration of the dwellings have been proposed to reflect local character, with the front boundaries of properties in key locations will be defined by stone walls built of walling stone reclaimed from the Site”.

The current proposals do not adequately reflect local character.

Solar panels on roofs facing, northeast, north, and northwest (e.g) views 6 and 7 from the 3D Visuals Pack) is questioned since little solar gain will be achieved. The appearance of the roofscape will be adversely affected by solar panels and the council is asked to consider whether they should also be limited to rear elevations which are not in public view.

Pedestrian Access to Quarry Lane

The commendable provision of footpath links is only diminished by the absence of a link into Quarry Lane from a break in the southeast site boundary. This is a necessary addition to ensure easy pedestrian movement between dwellings on site and Quarry Lane.

A considerable amount of well-intentioned planning is evident in these proposals, but we very much hope that the suggested amendments can be introduced, since they are important enough to convert the current proposals to a scheme which will truly be sympathetic to the traditional styles and materials which gives Matlock its important sense of place, and, therefore compliant with Local Plan policy.

Their key concerns can be summarised as follows:

- The proposed substantial use of the red/brown “Payton Heath” brick is not within the cream, beige, buff range needed to complement and blend with the proposed use of stone. Matching garden walls should also be amended accordingly.
- The darker, contrasting panels within elevations in a relatively discordant manner should be omitted. Their retention would reduce the effectiveness of the sound and contemporary element of dark grey window frames.
- The conventional approach of mullions and transoms passing through the window centre points is not being followed. Windows with transoms in the lower corner of the window will create a discordant and prominent feature throughout the estate.
- Stone lintols and cills should be used above and below windows and above door openings. Stone quoins are also appropriate.

Director of Housing (DDDC)

5.4 Plots 12 to 19: The 1 bed Quarter house type is 51m². The Nationally Described Space Standards (NDSS) for a 1 bed 2 storey property is 58m² with 1.5m² of built in storage. The elevations do not show solar PV unlike the rest of the development. It would be advisable to reduce the number of 1 bed quarter homes from 8 to 6, with the 6 being provided at the NDSS standard. The aim should be to give people with the least choice, a home that at least meets the minimum floor area requirements.

Plots 11 and 22: The 2 bed are 70m². The NDSS standard for a 2 bed 4 person house is 79m² with 2m² of built in storage.

Plots 9 and 10 and 21 are 79m² and meet NDSS.

Plots 8 and 20 are 79m² and meet the NDSS for 2 bed 4 person household.

Plots 23, 24 and 25 are 3 bed houses with a floor area of 77m². The NDSS for a 3 bed 5 person house is 93m² with 2.5m² of built in storage.

Achieving the NDSS is an important consideration for potential Registered Providers who will be asked to tender for the affordable homes. It is highly likely that some of the affordable homes will be provided as shared ownership. Experience from previous schemes including those on the site opposite, indicates that shared ownership homes that do not meet NDSS can remain empty for many months, leading to conversion to affordable rent.

No further comments have been received on the amended layout and house types and these shall be included either within late representations or verbally at committee.

Environment Agency

- 5.5 They have no new comments to make at this reserved matters stage. They will make new comments at the discharge of conditions stage, when the conditions they recommended are being discharged.

Lead Local Flood Authority

- 5.6 The detailed drainage information can be reviewed at discharge of conditions. As there has been no change to the layout that will conflict with the proposed drainage layout from 22/01044/OUT, the LLFA has no comment on this application.

Natural England

- 5.7 Natural England has no comments to make on this reserved matters application. Their standing advice should be consulted.

Derbyshire Wildlife Trust

- 5.8 They have reviewed the information submitted including the EclA report produced by RammSanderson Ecology (November 2022) and the Soft Landscaping Proposals produced by Boldby & Luck Landscape Architects (16.06.2023). They have also reviewed the Derbyshire Biological Records database which shows a record of common toad, badgers and bats nearby. The application site also lies adjacent to a non-statutory site called Lumsdale & Bentley Brook Quarry.

The site includes habitats including neutral grassland, wet woodland and two ponds. Potential for the presence of GCN has been ruled out by an assessment of pond presence/suitability and eDNA analysis. However, the potential for the presence of other amphibian species remains. Presence/absence surveys have also been completed for other protected species including bats and reptiles and none were found to be present at the time. However precautionary methods of site clearance are recommended as can never fully be ruled out if suitable habitat is present.

The development has provided sufficient information for the Council to be reasonably confident that a net gain for biodiversity can be achieved on-site and that any impacts on protected species can be avoided or mitigated provided that the following conditions are attached to any planning approval. We would therefore reiterate comments and recommendations as in our previous letter (Ref: DWTDAL915, October 2022) when the outline application was submitted.

Primary Care Estates NHS Derby and Derbyshire Integrated Care Board / Joined Up Care Derbyshire

- 5.9 A £67,500.00 towards Health Care contribution for the following surgeries is required:-

Imperial Road Surgery Matlock and Ashover Branch

Ivy Grove Surgery Matlock

It should be noted that a sum of £67,680 was secured in the S106 for the outline towards provision and enhancement of capacity and infrastructure within the above existing local medical centres.

Chesterfield Hospital

5.10 A request for a contribution of £63,621 is requested.

Tree and Landscape Officer (DDDC)

5.11 An Arboricultural Impact Assessment report has been submitted which indicates that the majority of trees on and around the site are to be retained. It is considered that the proposed tree removals to facilitate the site layout are acceptable. While they comprise mostly medium quality individual trees and tree groups (BS 5837 Category B), which should be considered constraints on development, these removals include a small percentage of the total numbers of trees on site and their contribution would be replaced through the proposed planting scheme in the longer term. A Tree Protection Plan drawing should be required to be submitted for approval pre-determination. This should indicate proposed locations for temporary tree protection fencing. Details should also be provided for timing of erection/removal of the fencing, a specification for the fencing and for signage to be attached to it. A detailed site-specific Arboricultural Method Statement should be required to be submitted for approval. It is considered that the submitted landscaping scheme is satisfactory.

Environmental Health (DDDC)

5.12 The submitted reports have been reviewed and as per their comments for the outline application, there are no objections providing that the recommendations within the reports are implemented and verified.

Noise Impact Assessment:

Should the site design/layout be changed or altered in any way then the noise assessment should be reviewed.

Geotechnical report:

Should the site design/layout be changed or altered in any way then the assessment and recommendations should be reviewed to reflect this.

Where soil/made ground is to be removed from garden/ soft landscaping areas, I would expect the area to be capped with 600mm of clean topsoil. I would also expect to see validation as to where the soil is to be re-used or disposed of.

With regards to Radon protection measures, it is recommended that advice is sought through Building Regulations and the Building Research Establishment for the exact requirements. And as noted in the geotechnical report, in certain areas a radon membrane may require upgrading to full gas protection. Once the applicants have determined the level of protection required this can be submitted to the LPA for approval.

It is recommended that construction hours be restricted by condition.

Force Designing Out Crime Officer

5.13 As with the outline application from 2022, there are no objections to the principle of development at the site. The layout broadly follows the indicative outline scheme and is acceptable. Housing treatment for key plots is mostly good with some exceptions.

The Chesterfield Road fronting plots of 1-4, 12-19, and additionally plot 7 have no side treatment overlooking the site gateway, associated car parking, Stone Lane and open

space/footpath links. Internal layouts make any remedy problematic and without a much better side outlook here generally it is not considered that this element of the scheme should be seen as acceptable from a community safety perspective. In other areas, the Jarrah house at plot 60 should have a side ground floor window added to the 'relax' area for a view of the shared drive entrance, plots 61 and 62 might be switched for a better outlook of the peripheral open space, and the Tupelo house at plot 62 might be switched for a true corner type for the same reason.

There are a handful of areas of shared parking and footpath links which potentially will not derive any benefit from an adopted lighting scheme. These are the parking allocation for plots 1-4/visitors, 8-17, 20-22/visitors, 37-40 and 72-75/visitors, and the two footpath links from Chesterfield Road to the turning heads at Stone Lane and opposite plot 70.

On this assumption the areas should be provided with a scheme of solar powered column mounted lighting. The garden access gate for plot 74 should be moved forward to a point just behind the gates for plots 72 and 73. The communal garden gates serving plots 21/24 and 9/10 need to be specified with a locking schedule which is key lockable from both faces, for practical use to maintain a secure boundary.

It should be noted that these comments relate to the original submission with no further comments made on the amended layout and housetypes and having checked the comments against the new plans the specific details in the main no longer apply.

Leisure (DDDC)

5.14 In terms of contribution, this should be:

- Parks and Gardens = £10,957.50
- Children's Play = £12,757.50
- Allotments = £4,432.50

Total - £28,147.50

It should be noted that an allotments contribution of £4,432.50 was secured in the S016 of the outline and on-site provision of public open space is proposed in excess of the Council's requirements in the SPD.

Derbyshire Fire & Rescue Service,

5.15 There are no objections to the proposed erection of 75 dwellings at the land off Chesterfield Road and Quarry Lane, Matlock, subject to the following:-

- Access for emergency service vehicles during the construction of the 75 dwellings, should be 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.

Cllr D Hughes

5.16 It is noted that the developer has yet to propose a design for runoff mitigation. Therefore, there is nothing for the LFA to assess.

In the light of further information that has come to light since outline planning permission was granted, in particular the work that Cllrs Steve Wain and Jo Linthwaite have undertaken, there needs to be a detailed appraisal of the sewage management and water runoff measures by the flood authority to ensure that current problems are not exacerbated.

A detailed design of the mitigation measures associated with the management of water on the site and runoff is required. There is no mention in the design and access statement and no drawing. Also, a draft of the S.104 agreement between the applicant and STW is required.

Finally, the planning committee will need to understand what impact this development will have on the flooding issues below Lillybank, Hurst Farm, Bentley Brook and other locations that may be affected by increased run off into the drainage system, and the impact on the sewage system, particularly for those properties that are regularly flooded with sewage now. It is suggested that the LFA undertakes that appraisal and reports to the LPA. In making these requests, I have not expressed any opinion about the scheme itself and indeed cannot yet form an opinion given the apparent lack of important information in the application. The information requested will enable me to undertake my role on the planning committee where I must have access to all relevant information before voting.

Cllr Burfoot

- 5.17 30% affordable should be on site and conditioned and it should be a tenure blind scheme and dispersed throughout the development. There should be no red brick proposed on the site. LLFA should review the proposals to manage surface water and sewerage disposal with the highest level of scrutiny and diligence. Flooding in Matlock is at crisis point and this development must not increase the risk.

6.0 REPRESENTATIONS RECEIVED

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

- a) Following yet another serious incident for Matlock during Storm Babet it is quite clear that a hold should be put on all large developments in Matlock, especially those at the top of the valley which are causing a lot of damage to properties from surface water flooding and sewage discharges.
- b) Wherever the recent large numbers of new homes have been built Matlock is suffering from repeated sewage discharges including Castle View Primary School, Presentation Convent, homes on Hurst Farm, Twiggs on Bakewell Road and outside the Premier Inn,.
- c) It is very concerning that this development will be linked into the sewers on Chesterfield Road, gravity fed, which currently has a pinch point identified at the Presentation Convent. Bentley Brook was under review as recent developments are feeding surface water down into a system that is already overcapacity.
- d) Access onto the narrow section of Chesterfield Road that already has to cope with vehicular access to and from the Golf Course, homes on Cardinshaw Road, Thornberries development and Quarry Lane will create more risk of accidents to motorists and pedestrians.
- e) The road is too narrow to provide a crossing for safety and the visibility from some of the roads are very poor.
- f) Highfields School is very near to this site and the school is very concerned regarding the safety of school children.
- g) Loss of another greenfield space and harm to wildlife when they are still brownfield sites in and around Matlock that could and should be developed.
- h) Local knowledge is that within recent years the floors of two brick kilns have been visible within the site and the Written Scheme of Investigation should include location, investigation and excavation of any brick kiln with any surviving structure considered for conversion.
- i) Matlock Moor Methodist Church are pleased that the provision of 6 parking spaces for the use of the Church is confirmed, however, they are concerned that the spaces are indicated as visitor parking and this should be changed.
- j) There is a concern that the extension measures to manage surface and ground water may impact on the foundations of the Church which has stood soundly for 120 years (built in 1903).
- k) Opposite no 8 Quarry lane there is a tree which provides screening to several properties on Quarry lane and is the roosting /nesting site of a flock of sparrows, several finches and

tits plus a wagtail and should be retained, it will only need a slight deviation of the proposed pathway to the Chapel.

- l) The stone wall on the boundary with Quarry Lane should be made good and no pedestrian access onto the lane be provided as it is private with no right of way.
- m) The woods at the top of Quarry Lane are likely to be used by the future residents and a gate should allow access to avoid increased usage of the Lane.
- n) Clarification that the swale along the boundary with Quarry Lane would drain into the SUDS and then where this would drain to is required.
- o) The dwelling proposed for Plot 20 would be higher than properties on Quarry Lane and would cause overlooking.
- p) A change to the parking layout would mean Plot 20 could be moved further away from existing properties on Quarry Lane.
- q) The erection of a large sign advertising new homes on the site prior to any decision being made gives the impression that the development is a foregone conclusion.
- r) Loss of one of the last fields in Matlock to development.

7.0 OFFICER APPRAISAL

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

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

Principle of development

- 7.2 The principle of development was established on this site in the granting of outline planning permission for 75 dwellings on the site and the layout plan accords with the developable area shown on the approved parameter plan no.005 D in condition 3 of the outline.
- 7.3 Access was approved at outline with visibility splays of 2.4m x 120m to be provided in both directions. Six car parking spaces for Matlock Methodist Church and six spaces for the residents of Brickyard Cottages have been secured in the S106 of the outline and amended plans annotate these spaces to the south east of the SUDS feature and to the north east of the existing terrace.
- 7.4 The development proposal includes two pedestrian links from the site onto Chesterfield Road, at the western and northern corners of the site. The northern pedestrian link includes a new footway along the southwest side of the Chesterfield Road carriageway, connecting to the existing bus stop to the north of the site. The Transport Statement states that the bus stops in the vicinity of the site would be improved/upgraded to provide shelters with seating and lighting, timetable displays and raised bus boarder kerbing. At the vehicular access point, footways will be provided on both sides of the carriageway and extended along Chesterfield Road; a dropped kerb pedestrian crossing with tactile paving is also proposed just to the southwest of the access. These measures are secured by Condition 16 of the Outline and as part of a Section 278 agreement with the Highway Authority.
- 7.5 Details to specifically address Conditions 5, 7 and 8 of the Outline Permission have been submitted. Condition 5 requires that an Arboricultural Impact Assessment be submitted with the reserved matters application, whilst Condition 7 requires details of the measures to be incorporated into dwellings to help mitigate the effects of, and adapt to, climate change to be provided. Condition 8 requires that reserved matters relating to landscaping shall accord with the Ecological Impact Assessment approved as part of the Outline Permission, so as

to achieve no less than the predicted 10% net gain in biodiversity as approved as part of the recent variation of condition 8 application (23/00867/VCOND).

Impact on the Character and Appearance of the Area

- 7.6 With the principle of the residential development established by the outline consent only the reserved matters below can be considered:
- a) the scale of the development;
 - b) the layout of the development;
 - c) the external appearance of the development;
 - e) the landscaping of the site.
- 7.7 The following consideration is given to the scale, layout and appearance of the development which form three of the reserved matters. The principal policies for consideration are Policies S1 S4, PD1 and PD7 of the Adopted Local Plan (2017).
- 7.8 Policy S1 advises that all development should seek to make a positive contribution towards the achievement of sustainable development and, in doing so, seek to secure development which are of high quality, locally distinctive and inclusive design and layout and which provides a high standard of amenity for all existing and future occupants of buildings. Policy S3 requires that the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located. Policy PD1 advises that there is a requirement that the new development creates well designed, socially integrated, high quality places and should respond to the challenge of climate change whilst also contributing to local distinctiveness and sense of place. This policy requires all developments to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes. New development must be designed to offer flexibility for future needs and uses taking into account demographic and other changes; and ensuring development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features.
- 7.9 The proposed layout should be considered in relation to the site's context and land level differences within the site. The site is fairly flat with land rising steeply adjacent to the eastern boundary with the woodland beyond and the developable area determined in the outline focused the development on the lower fields only. The lowest point of the site is within the north western corner where the SUDS feature is proposed. The most prominent areas of the site have been amended to provide streetscenes in context with the open space they overlook and in scale and orientation with Brickyard Cottages together with forming a strong entrance to the site that respects the character of the area. The extensive area of woodland to be retained in the north eastern part of the site helps to assimilate the development with the open land beyond and provide a transition. Within the site there are three distinct areas with stone walls enclosing front gardens on the central road, street trees adjacent to the woodland area of open space and a swale within a section of linear open space serving to introduce a feature and widen the street. Dwellings address the street with the majority of the parking to the side and trees within the highway verges. Larger detached dwellings at lower density address the open space to the south east with the private drives immediately adjacent to avoid a hard edge and provide a buffer. Corner turner properties are proposed on prominent corners to ensure that both streetscene offer a main elevation and where side gardens turn the corner stone walls curve around and walls enclose the rear gardens.
- 7.10 The ridge heights of the two storey dwellings range between 8 – 8.6m high with eaves heights between 4.7 – 5.3m. The sections provided of relationships with existing properties show these heights to be in keeping with the scale of existing properties and the floor levels are similar. Finished floor levels for all the dwellings and spot levels of the landscaping and hardsurfacing areas has not been provided and this shall be a condition of any permission. Overall, the sections indicate that finished floor levels and ridge heights are relative to

adjacent levels, therefore the proposal is considered to be in keeping with the scale of properties in the surrounding area.

- 7.11 The appearance of the dwellings has changed in the recent amended plans through discussions with officers and represents an acceptable design with the use of stone on all elevations. Traditional features have been introduced such as stone cills and lintels and chimneys and the windows openings whilst large are uniform. Eleven different housetypes are proposed with traditional detailing with the windows sizes giving a more contemporary appearance. The additional 3D visuals provide streetscenes that indicate that the different housetypes relate well and would create a development of a high quality design that is both in context with its surroundings together with providing its own sense of place.
- 7.12 Policy PD7 advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design. These Policies align with the most recent Government guidance contained in the National Design Guidance published in October 2021. Energy efficiency should be secured through building design in accordance with Policy PD7: Climate Change and the Council's SPD on Climate Change adopted in July 2021. The submitted Energy Statement includes a baseline energy consumption calculation for each housetype and methods such as thermal bridging, efficient heating and lighting systems, water consumption at the Document G levels and all dwellings would have PV panels to achieve compliance for reductions in emissions and energy demand. This accords with Policy PD7 and details of the PV panels will need to be controlled by condition.
- 7.13 Conditions 12 and 13 of the outline permission relate to a requirement that the layout and landscaping of the reserved matters accords with the recommendation of the Noise Impact Assessment and Geotechnical Desk Study reports. In respect of noise, the majority of properties the noise level criterion is achieved without any mitigation apart from standard double glazing, however, recommendations 6.5 and 6.6 relate to dwellings adjacent to Chesterfield Road with recommendations for improved double glazing and acoustic ventilators. This can be secured by a condition.
- 7.14 The recommendations of the Geotechnical Desk Studies include the following:-

Intrusive investigation works would likely comprise:

- Trial pits and / or window sample boreholes to provide systematic coverage of the area for redevelopment and target any identified potential sources of contamination / historic mining activities.
- Subsequent geo-chemical testing of soils and any potential waters encountered.
- Gas and groundwater monitoring on 12 No. occasions over 6-months.
- Geotechnical assessment of ground conditions (including CBRs) to assist with any future development design.
- Infiltration testing in accordance with BRE365 guidance to facilitate drainage options appraisal.
- Consideration of any slope stability issues that may be present on-site / close proximity.

These shall be secured by condition.

Impact on Residents' Amenity

- 7.15 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. The site has a terrace of four existing properties known as Brickyard Cottages that have a side alignment with Chesterfield Road. Plots 5, 6 and 7 are two storey properties that

would be side on to these existing properties at a distance of 7.7m from the existing single storey extension to the side of No.4 Brickyard Cottages and the gable of Plot 5 which has a small landing window on the first floor. The sections provided show the finished floor areas of plots 5 to 7 would be 1.2m higher than the existing cottages. The existing properties all have 22m narrow rear gardens. To the south east of the rear garden of No.4 a block of four 1 bed maisonettes are proposed at a distance of 20-21 metres. On the basis of the distance between properties, land levels and orientation these relationships are considered acceptable.

- 7.16 Distances between existing dwellings on Quarry Lane and Old Stone Lane and the proposed properties would be 21 metres and above with intervening linear open space. Brickyard Farm to the north east is on higher land over 100m from the site boundary with intervening outbuildings obscuring views. Having assessed the relationships with existing properties the proposal represents a scheme that would not have significant adverse impacts on the residential of neighbouring properties in accordance with the requirements of Policy PD1.

Highway Matters

- 7.17 The Local Highway Authority have no objections to the proposed reserved matters application from a traffic and highway point of view subject to conditions that require the submission of a Construction Management Plan and a Residential Welcome Park. Condition 18 of the Outline secures the submission of a Construction Method Statement so a further condition on this permission is not required, however, the need for a Residential Welcome Park can be included as a condition. Therefore on the basis that access was approved at outline and parking and manoeuvring within the site is adequate; the proposed layout is considered to accord with Policy HC19.

Flooding and Drainage

- 7.18 The Lead Local Flood Authority (LLFA) state that detailed drainage information shall be reviewed when the discharge of conditions application is submitted. They confirm that as there has been no change to the layout that will conflict with the proposed drainage layout from 22/01044/OUT they have no specific comments on this application. The principle of the drainage as detailed in the Sustainable Drainage Statement, Flood Risk Assessment and letter from BWB dated 9th November 2022 was established in the grant of outline approval with the drainage conditions that relate to foul and surface water below:-

4. *No development shall commence on any dwellinghouse construction until a scheme for the disposal of foul water discharge from the development and a timetable for its implementation have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and details and permanently retained thereafter.*
21. *No development hereby approved shall take place until a scheme for the mitigation of land drainage, to intercept surface water run-off/land drainage flows from outside of the developable area, has been submitted to and approved in writing by the Local Planning Authority.*
22. *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. BWB consulting. (Aug 2022). Sustainable Drainage Statement. CRM-BWB-ZZXX-RP-CD-0001_SDS.
b. BWB consulting. (Aug 2022). Flood Risk Assessment. CRM-BWB-ZZ-XX-RPYE-0002-FRA.*

"Including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team"

c. 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 thereafter be carried out in accordance with the approved details.

23. *No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:
 - I. into the ground (infiltration);*
 - II. to a surface water body;*
 - III. to a surface water sewer, highway drain, or another drainage system;*
 - IV. to a combined sewer.**
24. *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.*
25. *The attenuation pond should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and an associated management and maintenance plan, also in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.*
26. *Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).*

7.19 This application relates to layout, scale, external appearance and landscaping only as the outline permission made assessments on the principle in terms of drainage, however the sections of the outline committee report are included below for clarification.

7.20 *The Sustainable Drainage Statement states that the runoff is calculated not to exceed greenfield rates for the 1 in 100 year event and discharge rates have to be equivalent to greenfield rates up to the 1 in 100 year event plus climate change with 10% applied for urban creep. Sufficient surface water storage is thus required in the form of an attenuation pond in the north western corner adjacent to the Methodist Church with a minimal volume of 1,329 cubic metres at this outline stage to be re-calculated at detailed design stage. Further levels of treatment and storage would be provided by a swale along the western boundary of the site with check dams along its length to would convey flows to the attenuation basin together with tree pits and rain gardens within the site. The Strategic Flood Risk Assessment states that the site is situated within the Bentley Brook catchment which is high sensitivity catchment whereby opportunities to provide betterment to areas downstream should be considered. (SFRA p61). It was proposed that surface water runoff from the hillside would be intercepted and diverted around the site by land drainage by either terraced swales or*

filter drains installed on the eastern edge conveying flows separately from the surface water on the site directing it towards Chesterfield Road as per the existing condition. Following discussions with the Lead Local Flood Authority conditions have been agreed to secure additional storage on site and appropriate land drainage routing through the proposed development and discharge.

- 7.21 *The application demonstrates that the development would not be at risk of flooding and subject to planning conditions to secure the approval, implementation and maintenance of an appropriate SuDS scheme and finished floor levels that the development would not increase the risk of flooding elsewhere. Foul drainage would be to the main sewer on Chesterfield Road through a S104 Agreement and Seven Trent Water confirmed in their letter dated 29th June 2022 that the additional flows from the development can be accommodated within the network (Appendix 4 of the Sustainable Drainage Statement by BWB). The application is therefore in accordance with Policy PD8 and National Planning Practice Guidance.*

Ecology and Landscaping

- 7.22 Condition 9 at outline required that any approval of reserved matters application relating to landscaping and layout shall accord with the Preliminary Arboricultural Impact Assessment for the retention and enhancement of existing boundary trees and vegetation to provide a suitable landscape mitigation. The Arboricultural Impact Assessment submitted proposes the removal of seven trees and 30m² of Group 26 to provide a footpath link. Incursion within the RPA of two groups of trees (G20, G26) for the entrance road and internal access highway is required. The proposed public access footpath off Chesterfield road is located within the RPAs of retained group G21. These areas of the RPA will require a no-dig approach with permeable surfacing implemented to the manufacturer's specifications. Portions of the RPA of T4 will be incurred upon by the footprint of a proposed dwelling on Plot 58 and as a precaution any works to excavate foundations in the RPA will be undertaken manually, utilising hand tools only, to ensure that any identified significant tree roots can be managed accordingly. Overall, the majority of trees are to be retained with suitable measures for their protection during construction secured by condition and in compensation for the loss of trees the landscaping scheme proposes the planting of 173 trees.
- 7.23 The Tree and Landscape Officer has reviewed the landscaping scheme and considers it acceptable. Tree lined streets are proposed together with improvement of the existing wooded area and trees within the public open spaces on the periphery. The scheme has to secure a 10% BNG and its management is secured through the discharge of the outline condition 20 (Landscape and Biodiversity Enhancement and Management Plan (LBEMP)).
- 7.24 In terms of ecology, the outline application included Condition 8 which stated that an Ecological Impact Assessment shall achieve no less than the predicted 12.79% net gain across the site within future reserved matter schemes. This Reserved Matters application includes an overall net change in biodiversity habitats across the whole site as +10.79%. It was therefore necessary for a variation to condition 8 of the Outline permission be submitted and approved to enable the amended BNG to be provided. Derbyshire Wildlife Trust reviewed the information submitted including the Biodiversity Net Gain Assessment (BWB, July 2023) which stated that a net gain of +2.87 habitat units (+10.79 %) and +1.21 hedgerow units (+1042.27%) was predicted using the DEFRA metric. Although this is a slight reduction in HU than was predicted at outline planning stage, it is still compliant with national and local policy on biodiversity net gain. The Trust concluded that proposed site layout appears fairly sympathetic, retaining the majority of the wet woodland, perimeter trees and the onsite pond, and creating areas of species-rich grassland and swales and on this basis accepted the reduction in BNG and the variation of condition 8 was approved on the 10th November 2023 under delegated powers. Both a Construction Environmental Management Plan (CEMP: Biodiversity) and Landscape and Biodiversity Enhancement and Management

Plan (LBEMP) were secured at outline in conditions 19 and 20 that require discharge prior to commencement of development on site.

Housing Mix and Affordable Housing Provision

7.25 Condition 10 of the outline permission stated that any approval of reserved matters application shall provide for the following overall mix of housing: 1 bed - 15%, 2- bed - 40%, 3-bed - 40% and 4+ bed - 5% unless it can be demonstrated that the character of the area, evidence of local housing need or turnover of properties would justify an alternative mix.

7.26 The actual blended mix (including affordable dwellings) proposed is 1 bed – 16%, 2 – bed – 28%, 3-bed – 28% and 4+ bed – 28%. As this does not accord with the prescribed mix in condition 10 a Sales Recommendations Report has been submitted. This report reviewed properties on the market, sales and the mix of new developments in the area and concluded that there was more demand for properties 3 bed and above.

The Derbyshire Dales Housing Needs Assessment (September 2021)' produced by Icenic on behalf of the District Council as part of the Local Plan review, takes into account current housing stock and expected demographic trends, including the expectation that some older households will downsize if the right properties are available. The report points towards a need for different sizes of homes in the market and affordable sectors and demonstrates that generally a mix of smaller dwellings are still needed within the District. Icenic recommend that the table below should be used to inform negotiations regarding the mix of housing to be delivered on individual development sites. Regard should be had to the nature of the site and character of the area, and to up to date evidence of need as well as the existing mix and turnover of properties at the local level.

7.27 The mix of market housing proposed is as follows: -

4 x 1 bed = 8%
11 x 2 bed = 21%
16 x 3 bed = 31%
21 x 4+ bed = 40%
Total = 52 dwellings

7.28 Whilst the mix does not comply with the mix of market housing prescribed in Policy HC11 of the current development plan, the site is on the edge of the settlement and transitions into open countryside so any development would need to have regard to this and be less dense with larger dwellings adjacent to the boundaries with the countryside and buffers of landscaping provided. Having regard to this, the latest housing needs assessment work and the marketing information provided, the proposed mix of market housing is considered acceptable.

7.29 The mix of affordable houses is as follows:-

8 x 1 bed = 35%
10 x 2 bed = 43%
5 x 3 bed = 22%
Total = 23 dwellings

7.30 The affordable housing provision was stimulated within the S106 for the outline and as such provision would have to accord Affordable Housing Mix as follows:-

- a) 14 Rental Units comprising of 2 x 1 bed 2 persons flats, 4 x 1bed 2 persons houses, 2 x 2 bed 4 persons houses, 2 x 3 bed 5 persons houses and 4 x 2 bed 3 persons bungalows
- b) 4 Shared equity units comprising 2 x 2 bed 4 persons houses and 2 x 3 bed 5 person houses

- c) 5 First Homes being a mix of 2 bed and 3 bed houses.

The wording of the S106 does allow this mix to be varied subject to agreement with the Council. The Director of Housing comments on the affordable housing mix will be reported within late representations or verbally at committee. The blended percentages of affordable and market dwellings on site will help to contribute to balanced and inclusive communities and create flexibility in the housing market, whilst responding positively to the character of the site and its surroundings and market trends for the area.

Conclusion

- 7.31 The proposal is considered to be compatible with the edge of Matlock having regard to the scale, layout and appearance of the dwellings. The design and materials proposed would integrate and blend with this part of the settlement and no significant adverse impacts on residential amenity or landscape would ensue. The development would respect the character, identity and context of this part of the settlement and all technical matters have been addressed. Taking the above into consideration the development is considered to satisfy the relevant provisions of the development plan and national guidance and a recommendation of approval is put forward on this basis.
- 7.32 Contributions towards open space and health that are reasonably related in scale and kind to the development proposed have been secured in respect of the associated outline permission. The additional contributions requested are not CIL regulations compliant and cannot be secured on the back of this application which seeks the approval of the reserved matters, namely the scale, layout and external appearance of the development and landscaping.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. This consent relates solely to the application plan no's 006C, 007C, 008C, 009C, 300A, 700C, Landscape plans GL2151 01B and 02B, Housetype plans pack dated 27th October 2023 and 23105-RLL-23-XX-DR-C-100, 101, 102-1 and 102-2.

Reason:

For the avoidance of doubt.

2. Prior to the commencement of any works to construct the foundations of the dwelling hereby approved, full details of the finished floor levels, and of the proposed ground levels of the site relative to the finished floor levels and adjoining land levels, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be supplemented with locations, cross-sections and appearance of any retaining features required to facilitate the proposed levels. The development shall be constructed in accordance with the approved details.

Reason:

In the interests of visual and residential amenity and impacts on the landscape in accordance with Policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

3. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837 (2012), including a tree protection plan(s) and a site specific arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority.

4. Specific issues to be dealt with in the Tree Protection Plan and Arboricultural Method Statement, include:
- a) Location and installation methods of services/utilities/drainage.
 - b) Methods of demolition within the root protection area (RPA as defined in BS5837 (2012)) of the retained trees.
 - c) Details for timing of erection/removal of the fencing, a specification for the fencing and for signage to be attached to it.
 - d) A specification for tree protection fencing to safeguard trees during all phases of the development and a plan indicating the alignment of the protective fencing relative to retained trees.
 - e) A specification for ground protection where it is not possible to exclude all activity from RPAs.
 - f) Details of arboricultural inspection and supervision by a suitably qualified tree specialist.
 - g) Timing and method to be used for reporting of arboricultural inspection and supervision to the LPA and site manager.
 - h) Details of methods to improve the rooting environment for retained and proposed trees.

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

Reason:

Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

5. Notwithstanding the submitted materials plan, details of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason:

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

6. Details of all new external windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall incorporate the recommendations of the Noise Impact Assessment and include materials, finish, depth of reveal, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The development shall be carried out in accordance with the approved details.

Reason:

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

7. Details of the verges shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and so retained.

Reason:

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

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

Reason:

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

9. Drawings showing the detailing and external materials of the front door canopies shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and so retained.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason: To reduce vehicle movements and promote sustainable access.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwelling on plot 5 without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To safeguard the visual and residential amenities of the in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

15. Notwithstanding the submitted details included on the landscape plans, details of the children's play areas shall be submitted and approved in writing prior to the land formation in the areas shown on plans Landscape plans GL2151 01B and 02B with no dwelling occupied until the children's play areas have been provided in accordance with the approved details (unless agreement is given to an alternative timeframe in writing) and maintained in accordance with details first approved in association with condition 20 of the associated outline permission.

Reason:

To ensure that the play area is provided in a timely manner in the interests of the amenity of future residents in accordance with Adopted Derbyshire Dales Local Plan 2017 Policies PD1 and HC17.

16. A scheme of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority within 56 days of the commencement of development. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any dwellings or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:

To safeguard the visual amenities of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

17. No plant, machinery, deliveries to site or earth movements before 08:30 or after 18:00 Monday to Friday or before 08.30 or after 13.30 on Saturdays and not at all on Sundays and Public Holidays.

Reason:

To protect the amenities of the surrounding residents in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

18. The development hereby above shall be carried out in accordance with the recommendations of the Geo-Environmental Desk Study Report and Geo-Environmental Assessment with a remediation scheme 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 must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

19. 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 attenuation features 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).

9.0 NOTES TO APPLICANT:

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

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

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

Plan no's 006C, 007C, 008C, 009C, 300A, 700C, Landscape plans GL2151 01B and 02B
Housetype plans pack dated 27th October 2023 and 23105-RLL-23-XX-DR-C-100, 101, 102-1 and 102-2

Arboricultural Impact Assessment
Tree Constraints Plan
Tree Assessment Plan
Ecological Impact Assessment

Drainage Note
Severn Trent Water Pre-Development Enquiry
Noise Impact Assessment
Geo-Environmental Desk Study Report
Geo-Environmental Assessment
Auxesia Homes Letter
Sales Recommendation Report
Energy Statement
Planning Compliance Statement

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 cost's 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.

CMP

It is expected that contractors are registered with the Considerate Constructors scheme and CONTROLLED 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

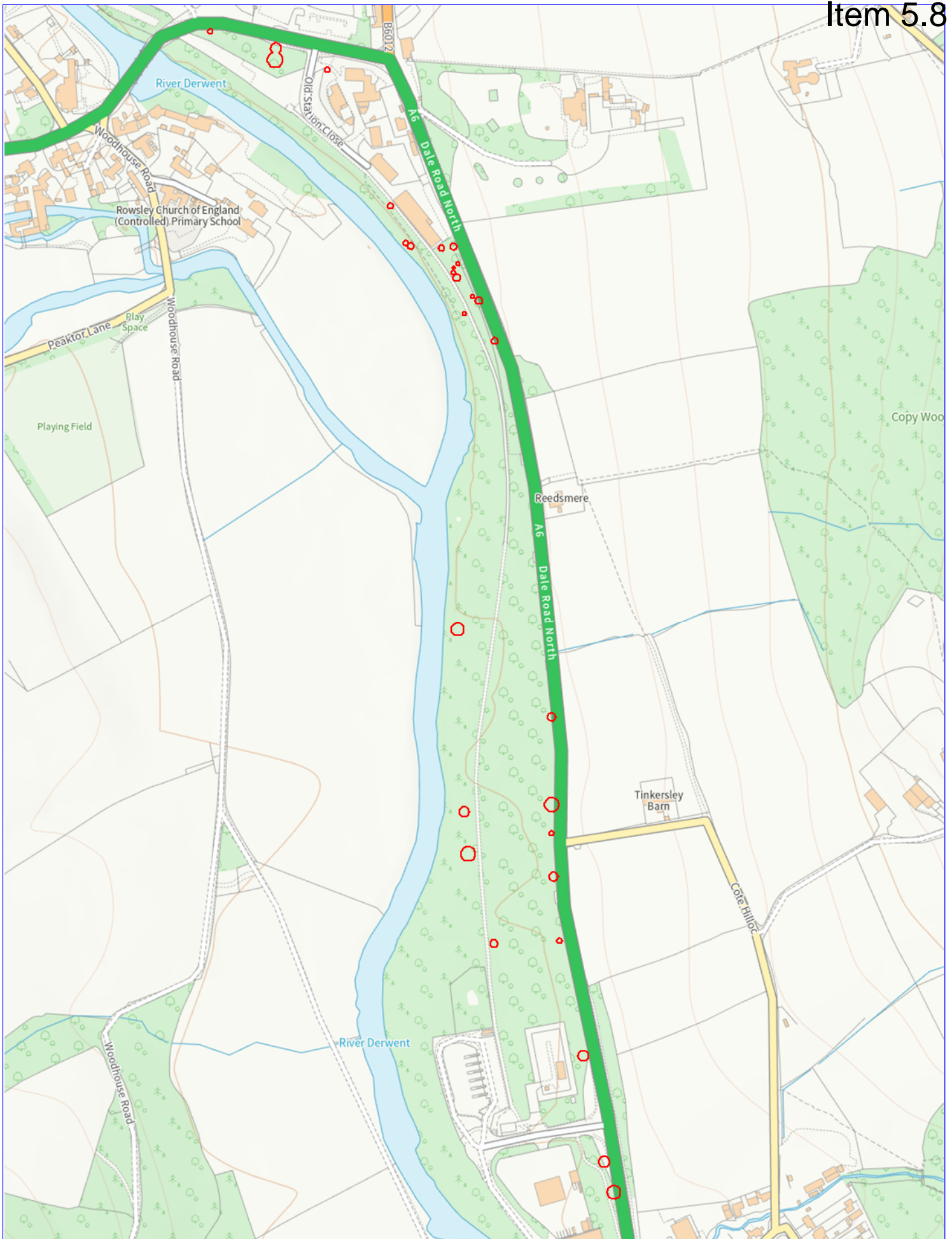
- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression and promoting the Code.

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.

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APPLICATION NUMBER		T/23/00216/TPO	
SITE ADDRESS:		Woodland between River Derwent and A6 road in area around Recycling Centre, Darley Dale	
DESCRIPTION OF DEVELOPMENT		To fell approximately 108 trees	
CASE OFFICER	Dr Chris Payne	APPLICANT	Dr Chris Payne (DDDC Trees and Landscape Officer)
PARISH	Rowsley	AGENT	n/a
WARD MEMBERS	Cllr. S. Hobson	DETERMINATION TARGET	Mon 08 Jan 2024
REASON FOR DETERMINATION BY COMMITTEE	Application submitted on behalf of the Council for its own works.	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the impact of the works on the amenity of the area.

MATERIAL PLANNING ISSUES
The impact of the proposal on the amenity of the area and whether the proposal is justified.

RECOMMENDATION
That the application be approved.

1. THE SITE AND SURROUNDINGS

- 1.1 The application site comprises woodland Between River Derwent and A6 Road in the area extending from the DDDC Northwood depot, around Recycling Centre and up to the DDDC car park near the A6 road bridge at Rowsley.

2. DETAILS OF THE APPLICATION

- 2.1 This application seeks permission to fell 108 ash trees displaying advanced symptoms of ash dieback disease which are located in positions presenting high level of risk of personal harm or damage to property. The submitted aerial photos show the locations of the trees for removal.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S4	Development in the Countryside
PD5	Landscape Character
PD6	Trees, Woodland and Hedgerows

- 3.2 National Planning Policy Framework (2023)

- 3.3 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

None.

5. CONSULTATION RESPONSES

Rowsley Parish Council

No comments received.

6. REPRESENTATIONS RECEIVED

Two representations have been received which are summarised as follows:

- Councillor Susan Hobson - requested information regarding proposed replanting.
- Dave Hepworth – asked whether felled trees could be milled to provide replacement planks for the bridge walkway just south of Rowsley where he reported that the plastic planks keep on failing. He was of the opinion that ash timber is hard-wearing and traditionally used for scaffold boards so may be able to stand considerable hammer and would be better than the plastic planks at present.

He also asked whether the felled wood could be sold to locals who have log burning stoves. He was of the opinion that ash could provide cheap winter heat for lots of people. He expressed his thanks for the work the council does for the environment.

7. OFFICER APPRAISAL

- 7.1 This application is unusual because the land is owned by DDDC but there is also a DDDC TPO on parts of it.
- 7.2 National Planning Practice Guidance advises that where a local planning authority makes an application to itself to carry works to trees protected by a TPO it must publicise the application by displaying a site notice for at least 21 days, giving details of the works and the reasons for the application and which sets out how to make representations and by when. The requisite publicity has been undertaken.
- 7.3 Before reaching its decision the authority must take into account any representations made by the date given in the site notice; and it must give notice of its decision to all people who made representations. Generally, the decision is to be taken by a committee or officer of the authority other than the one with responsibilities for management of the land in question, hence the reason for consideration of this application at planning committee.
- 7.4 Ash dieback disease is caused by a pathogenic fungus that is air dispersed. The disease is specific to ash trees. There is no known cure or treatment for the disease. It is expected that most infected trees will be killed.
- 7.5 It was first noted in England in 2012, having spread from Europe and has since gradually spread throughout the country. DDDC's area now shows infection of ash trees throughout and the symptoms displayed by affected trees are becoming more severe as the disease progresses.
- 7.6 Infected tree's symptoms include reduced numbers of leaves in the canopy, early leaf fall in autumn, disfigured twigs and sometimes abundant water sprout twig development in the canopy. Killed branches and whole trees become rapidly embrittled and have an increased likelihood of failure.
- 7.7 Official guidance recommends that trees showing significant symptoms are removed in order to manage risk from falling branches / trees where these are located in positions with higher value targets (i.e. places that are regularly occupied by people or property).
- 7.8 Many councils and landowners throughout the country are now taking action to remove infected trees to address the risks posed by ash dieback disease.
- 7.9 DDDC is currently removing infected ash trees from many other sites in Council ownership. These sites do not have TPOs so applications for consent from DDDC for these works are not needed. Felling licences have been granted by the Forestry Commission for the works.
- 7.10 The woodland subject to this application for tree removals was surveyed by DDDC's arboricultural consultants during summer 2023 to identify ash trees displaying advanced symptoms of ash dieback disease which are located in positions presenting higher level of

risk of personal harm or damage to property. Surveys were also undertaken at many other sites owned / managed by DDDC.

- 7.11 Higher risk targets at the site include the A6 road and the cycle track passing through the woodlands.
- 7.12 Some trees of other species were also identified for removal based on their poor condition and high risk locations.
- 7.13 Some of the trees for removal are located within a DDDC TPO, though it is difficult to ascertain exactly which on the ground.
- 7.14 Accordingly, this application is for all 108 trees within the woodland currently identified for removal though some of these may not be within the TPO.
- 7.15 The submitted aerial photos indicate the locations of the trees for removal.
- 7.16 Many other trees within the woodland currently show ash dieback symptoms but their locations are such that they do not need to be removed because they present acceptable level of risk.
- 7.17 Further ash trees in higher risk locations are very likely to develop ash dieback in future and will need to be removed at that time.
- 7.18 Replanting will meet the requirements of the Forestry Commission felling licence which has been granted for this work.
- 7.19 The works are necessary / justified in the interests of public safety and the replacement planting will ensure that long term adverse impacts on the amenity of the area are minimal. A recommendation of approval is put forward on this basis.
- 7.20 The conditions and advisory notes of of the felling license (which deal with replanting are as follows):

Conditions:

1. The land on which the felling took place is to be managed in accordance with the rules and practice of good forestry so as to secure restocking with Norway maple; sycamore; hazel; hawthorn & mixed broadleaves to achieve not less than 1100 stems per hectare evenly distributed over the site by 60% natural regeneration and 40% replanting.
2. All licenced trees felled are to be removed quickly and carefully so as to avoid damage to the remaining tree stumps, seedlings or coppice shoots.
3. The land is to be adequately prepared and weeded to facilitate natural regeneration or coppice regrowth (as specified under condition 1 above). Any preparation or weeding must be done in a way so as not to damage existing trees, of any age, on site.
4. If before 30th June 2029 the restocking described in 1. above is not achieved then the land is to be planted or sown before 30th June 2029 in order to secure a stocking of not less than 1100 stems per hectare of Norway maple(20%); sycamore(20%); hazel(20%); hawthorn(20%) & mixed broadleaves(20%) evenly distributed over the site.
5. For a period of 10 years from the restocking:
 - a. The plants must be protected against damage and be adequately weeded.

- b. Any failure or losses should be replaced as necessary to provide a stocking of not less than 1100 stems per hectare evenly distributed over the site.
- c. Any replanting subject to the conditions of this licence must be properly maintained in accordance with the rules and practice of good forestry.

Advisory information and guidance:

Restocking is expected in the following circumstances:

- When areas felled are 0.01ha+ in size & when 3 or more main canopy trees are removed that are next to each other & make a group. Ash natural regeneration is acceptable but only when the min stocking density has been achieved by other agreed species.
- Coppice/seedling natural regeneration to be managed to prevent encroachment onto planted stock. Regular maintenance is essential to ensure replanting component succeeds & gap up until the min conditioned density is achieved.
- Invasive vegetation and browsing mammals to be managed and/or mitigated accordingly to ensure stump, coppice and seedling natural regeneration succeeds and establishes within the stated period.
- Mixed broadleaves can include tree and shrub species with selection based on suitability to the local site conditions. Min 2 species required.

8. RECOMMENDATION

That permission be granted for the works subject to the following condition:

1. The work shall be carried out within two years of the date of this consent.

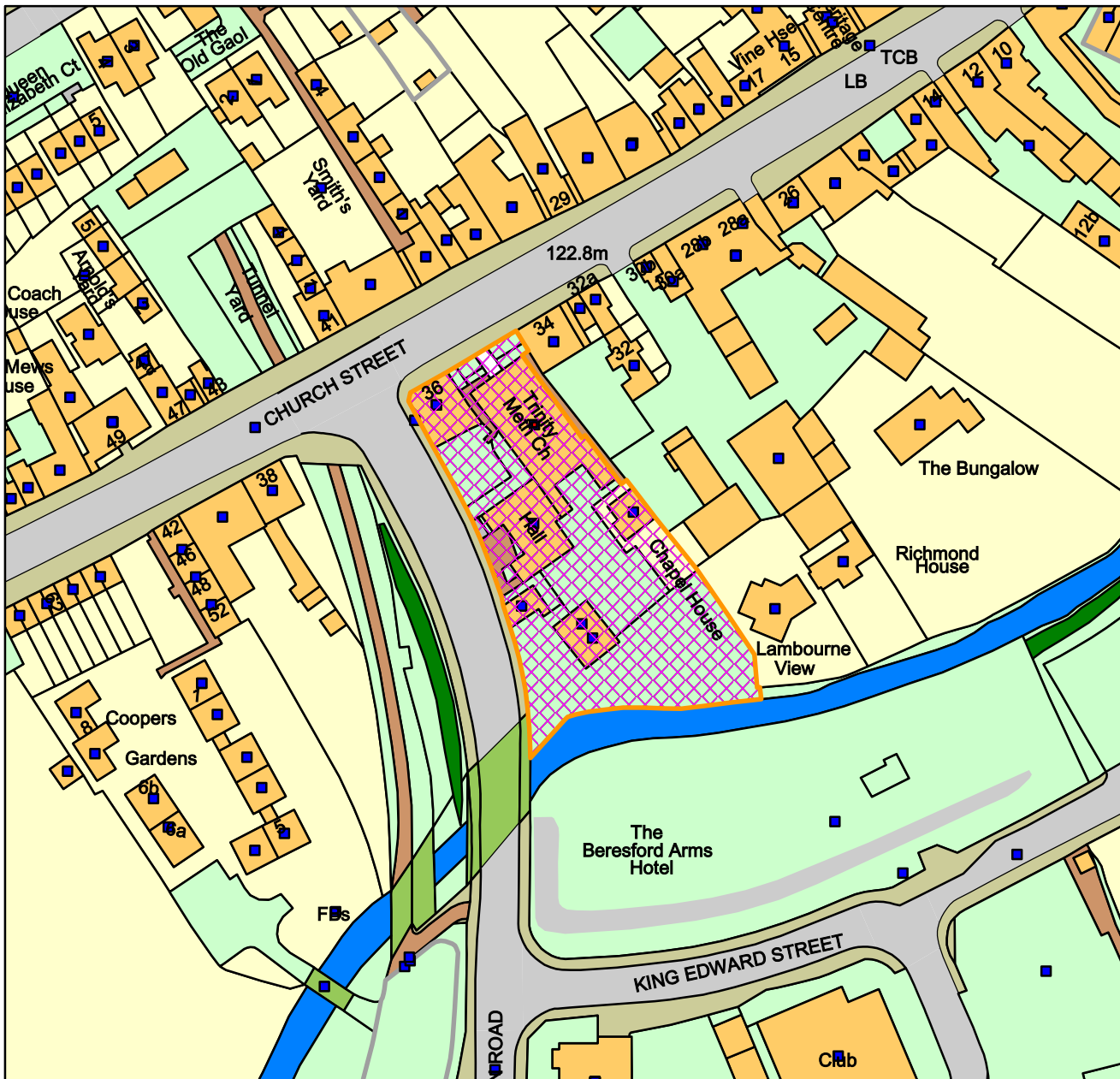
Reason:

To ensure that the tree work relates to the current condition of the tree/s and is carried out within a reasonable verifiable time period.

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23/01092/FUL & 23/01093/LBALT

Ashbourne Methodist Church, Church Street, Ashbourne, Derbyshire



Derbyshire Dales DC

1:1,250

Date: 01/12/2023

100019785

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

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APPLICATION NUMBER		23/01092/FUL	
SITE ADDRESS:		Ashbourne Methodist Church, Church Street, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Construction of link extension, extensions to new garden entrance, Gateway accommodation and Chapel House, demolition of lean-to extension to Chapel House and new community garden with ramped access.	
CASE OFFICER	Sarah Arbon	APPLICANT	Ashbourne Methodist Church
PARISH/TOWN	Ashbourne	AGENT	Mike Harrison – Allan Joyce Architects Ltd
WARD MEMBER(S)	Cllr R. Archer Cllr N. Wilton Cllr A. Bates	DETERMINATION TARGET	16 th January 2023
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For members to fully assess the impact of the development on the environment

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> – Principle of development – Impact upon heritage assets and the character and appearance of the area – Impact on residential amenity – Impact on trees and ecology – Flood risk – Highway safety

RECOMMENDATION
<p>That authority be delegated to the Development Manager or Principal Planning Officer, to grant planning permission subject to conditions set out in section 8.0 of this report, following confirmation from Derbyshire Wildlife Trust, the EA and the LLFA that they raise no objections with or without changes that do not materially alter the development being applied for and any additional conditions that they deem appropriate.</p>

1.0 THE SITE AND SURROUNDINGS

1.1 The site is located prominently on the corner of Church Street and Station Road within the Ashbourne Conservation Area. The main church is grade II listed (listed 1992) and the adjacent Century Hall (and front wall with railings) is also listed grade II (listed 1992). The lower ground floor of the church includes hostel style accommodation rented out for about 100 nights per year. The church was built in 1880 and Century Hall in 1900. In association with these principal listed buildings/structures are Chapel House (on the eastern side of the site), the small shop (on the western side adjacent to Station Road) and the Corner Café of 1902) located on the corner of Church Street and Station Road. These would be deemed curtilage-listed buildings. To the southern end of the site is a modern pre-fabricated building which has no heritage status.

2.0 DETAILS OF THE APPLICATION

2.1 The proposals involve the construction of a new extension to be primarily located within the courtyard adjacent to Station Road and formed by the church, Century Hall and the Corner Café. This courtyard (parts of which are lower than the adjacent road level) is bounded to Station Road by a brick wall and decorative metal railings (listed as part of Century Hall). The proposals also include for the retention of the detached Chapel House (and its alteration and extension) and the demolition of a detached 'pre-fab' building in the grounds and the removal of a modern lean-to attached to the small shop. The land between the buildings and the Henmore Brook is to be landscaped as a 'community garden'.

2.2 The proposed new extension is to be attached to the side of Corner Café and to the side (west) elevation of the main church building. It is set back (at a shallow angle) from the majority of the north elevation of Century Hall. This 'Upper Ground' plan includes an entrance lobby, foyer, two staircases, a platform lift and a spinal corridor adjacent to the west elevation of the church. One set of stairs (and platform lift) access this higher level corresponding to the internal floor level of the main church itself forming the spinal corridor along the external side of this part of the church and the formation of a new double-doorway into the main body of the church. This corridor continues southwards to give access into the rear of the main church, into Century Hall and to a new extension containing toilets. The other staircase (and platform lift) descends to a 'Lower Ground' level. This contains toilets, a storeroom and meeting rooms. A void or light well (fully glazed) provides some natural light/ventilation to this subterranean level. Below the new toilets, at the southern end of the proposed scheme, is an extension to the communal areas forming a 'living' space. The new extension involves the breaching of the existing brick boundary wall and railings to Station Road to create an access point into the new extension off Station Road.

2.3 The primary concept behind the new extension is to physically link the three buildings on the site – the Church, Century Hall and the Café. Its location is such that it is housed in a deep 'area' to the west of the church allowing a lower ground level for additional accommodation/use. The lower ground floor would provide seven en-suite bedrooms with communal kitchen, dining area and lounge. The extension has been designed and formulated to allow inclusive access to all of the three buildings bringing the three disparate buildings around a focal and communal hub. The design concept of the extension is 'contemporary' with the use of structural glass, zinc cladding and a cladding (stone colour).

2.4 The proposals involve the retention of Chapel House (as a curtilage-listed building) with a small extension/alteration and convert it to 2 No. apartments. The modern conservatory is to be removed and replaced by a rendered 'box' with a flat roof over.

2.5 This proposal presents an updated design of a previously granted Listed Building and Planning Application (ref:20/01035/LBAT₁₇₄ and 20/01034/FUL) and the subsequently

approved variations to Condition 2 (Approved Plans) (ref:22/01278/VCOND and 22/01279/VCOND). Following the approved variations to Condition 2 noted above, the proposed design has been further amended primarily as a result of the successful Levelling Up Fund (LUF) ‘Ashbourne Reborn’ bid by Derbyshire Dales District Council, which was granted in March 2023. The Link Community Hub project is a key component of the wider bid and so a review of the scheme was taken to best meet the Levelling Up Fund criteria.

2.6 The review included:

- Omission of the new housing and sale of that land that is no longer required to make the project financially viable. In place, a community garden is proposed.
- Further upgrade of the existing Gateway accommodation and sub-division into family sized hostel-style rental spaces. Chapel House will be similarly developed.
- Further upgrade and renovation work to the existing building group, including a full re-roof of the Church and Century Hall

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017

- S2: Settlement Hierarchy
- S3: Development within Defined Settlement Boundaries
- S8: Ashbourne Development Strategy
- PD1: Design and Place Making
- PD2: Protecting the Historic Environment
- PD3: Biodiversity and the Natural Environment
- PD7: Climate Change
- PD8: Flood Risk Management and Water Quality
- HC1: Location of Housing Development
- HC15: Community Facilities and Services
- HC19: Accessibility and Transport
- EC6: Town and Local Centres

Ashbourne Neighbourhood Plan 2021

- ACA 1 – Ashbourne Central Area
- DES 1 – Design
- AH 1 – Ashbourne Heritage
- COM 1 – Community Facilities

Ashbourne Conservation Area Appraisal

3.2. Other:

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

4.0 RELEVANT PLANNING HISTORY:

05/00616/FUL	Siting of storage container for a temporary period of 12 months (retrospective)	PERC	11/10/2005
05/00806/LBALT	Alterations to listed building - Single storey extension	WDN	25/10/2005
05/00807/FUL	Single storey extension	PERC	09/11/2005
T/16/00016/TCA	Works to trees within the Conservation Area of Ashbourne	PER	03/03/2016

19/00595/FUL	Proposed construction of 11 no. apartments, link extension and two storey extension to Church and demolition of Chapel House and Horsa hut	WDN	19/07/2019
19/00596/LBALT	Demolition of Chapel House, extensions to Methodist Chapel/Century Hall and external and internal alterations	WDN	19/07/2019
20/01034/FUL	Extensions and alterations to existing church and associated buildings, conversion of Chapel House to 2 no. apartments, construction of 8 no. apartments and demolition of hut building	PERC	12/03/2021
20/01035/LBALT	Extensions, internal and external alterations to existing church, associated buildings and Chapel House	PERC	12/03/2021
22/01278/VCOND	Variation of condition 2 (approved plans) of planning application no.20/01034/FUL to allow for alterations to approved design.	PERC	15/03/2023
22/01279/VCOND	Variation of condition 2 (approved plans) of listed building application no. 20/01035/LBALT to allow for alterations to approved design	PERC	15/03/2023
23/01093/LBALT	Construction of extensions, internal and external alterations to existing church, associated buildings and Chapel House including demolition, creation of community garden and associated works.	PCO	
0992/0726	ALTERATIONS TO LISTED BUILDING	A	28/10/1992
0497/0246	Construction of pedestrain access ramp	A	16/05/1997

5.0 CONSULTATION RESPONSES

Ashbourne Town Council

- 5.1 No Objection. Members asked that flood alleviation be taken into account in relation to adjacent properties and also the surface water run-off.

Highway Authority

- 5.2 There are no objections to the proposed development from a traffic and highway point of view subject to a condition in respect of details of the ramp facility on Station Road and submission of a Section 278 Agreement.

Director of Housing (DDDC)

- 5.3 No comments

Tree and Landscape Officer

- 5.4 The proposals include construction of a ramped access and landscaping works within the root protection area (RPA) of the large retained large mature beech tree located in the SW corner of the site. Ground works and permanent surfacing within the RPA has the potential to be harmful to this protected tree (due to its location within a conservation area) and is contrary to current best practice according to BS 5837 (2012) Trees in Relation to Design, Demolition and Construction to Construction – Recommendations. The potential harm may foreseeably include the tree's decline and may reduce its stability. It is recommended that the RPA should ideally remain completely undeveloped with no changes made to the existing ground surface levels, no excavations and no new permanent surfacing. It is suggested that it may be acceptable to construct an access through the RPA by elevating it above the ground, perhaps on screw mini-piles which would minimise potential harm to the tree. It is recommended that the applicant should reconsider the proposals in light of my comments and submit updated proposals for approval pre-determination.

Environment Agency

- 5.5 Response awaited and shall be included within late representations or reported verbally at committee.

Lead Local Flood Authority

- 5.6 Response awaited and shall be included within late representations or reported verbally at committee.

Derbyshire Wildlife Trust

- 5.7 Response awaited and shall be included within late representations or reported verbally at committee.

Historic England

- 5.8 No comments.

Force Designing Out Crime Officer

- 5.9 No objections to the amended scheme and there are no comments to make related to matters of crime and disorder.

Archaeology (DCC)

- 5.10 With regard to below-ground archaeological remains, the proposal site is within the medieval core of Ashbourne as defined in the Extensive Urban Survey compiled by Derbyshire County Council and English Heritage in 2001. The site lies within medieval component 12 'settlement along the south side of Church Street', an area of long narrow burgage plots with boundaries running back to Henmore Brook. The applicant has submitted an archaeological desk-based assessment which makes a reasonable assessment of archaeological context and potential.

The previous applications attracted a recommendation for conditioned archaeological work because of the proposed new build elements to the rear. These have now been removed from the proposals and replaced with the proposed community garden where groundworks will be relatively unintrusive. It is therefore recommended that there is no need for archaeological involvement within the current scheme.

Environmental Health

- 5.11 No objection.

Cllr A Bates

- 5.12 No objection.

Design and Conservation Officer (Derbyshire Dales)

5.13 It is considered that the principle of a modern, contemporary, extension within the courtyard is an acceptable proposal in this context but this is heavily reliant on its constructional details and materials and its relationship and abutments etc. with the adjacent buildings. It is considered that the use of a zinc cladding (subject to approval of a sample and its proposed colour finish etc.) in combination with the extensive use of structural glass will convey a relatively 'light' architectural infill to the courtyard and will be complimentary to the ornate period architecture, detailing and materials etc. of the three existing buildings surround it. It is considered that the proposed replacement structure/building to the rear of Century Hall is an acceptable replacement of the existing structure and would be complimentary to the concept of the overall scheme and to this part of the site/context. The single-storey extension to form a 'living' space is considered an contemporary extension that would sit comfortably between the two projecting elements of the south elevation of the building and provide additional accommodation for the basement and its access and connectivity to the proposed community garden area. The proposal to breach the listed boundary wall/railings is regrettable as this forms an existing continuous boundary to this side of the site. However, in considering the principle of a new extension and entrance in this location a breach of the boundary would be needed. Two new stone gateposts (matching those to Century Hall) are proposed where the boundary wall/railings is breached. Subject to exemplary detailing between the breached wall/railings and the new stone posts (and altered existing railings) it is considered that this traditional approach to this particular element is an appropriate way forward presenting an existing, but altered, connection to the past and architecturally enclosing and defining the area of the new extension. In terms of its impact on the listed buildings it is considered that the proposals have been carefully considered and junctions/abutments etc, have been thought through. Subject to exemplary detailing and external materials/finishes etc. it is opined that the new extensions would be complimentary to the existing historic buildings, its context and present a readable and definable narrative to the architectural ensemble of the building grouping.

6.0 REPRESENTATIONS RECEIVED

6.1 One letter of representation has been received which is summarised below:-

- a) There is a strong objection to the active waterfront within the creation of the community garden as it would leave all properties along the Henmore Brook more vulnerable to flooding.
- b) The existing flood wall installed by the EA after the 2016 flood was overtopped and if water levels continue to rise the wall is already too low without the steps.
- c) There is a concern for the impact on wildlife especially bats.
- d) Henmore Park is not a park but a floodplain.
- e) There has been little enforcement in the past regarding replacement trees.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact upon heritage assets and the character and appearance of the area
- Impact on residential amenity
- Impact on trees and ecology
- Flood Risk
- Highway safety

Principle of development

7.2 The site includes both principle Grade II Listed Buildings together with curtilage Listed Buildings within Ashbourne Conservation Area, occupying a prominent site on the main route through the centre. The site is within the town centre of Ashbourne but is not allocated

as Primary Shopping Frontage. The buildings are used by Ashbourne Methodist Church for community uses and the proposed extensions and alterations would create a new Link Community Hub as part of the Derbyshire Dales District Council 'Ashbourne Reborn' levelling-up transformation. The principle of the link extension and extensions and alterations to the rear of the church and Chapel House were established in the granting of Planning permission in 2021 with a variation of condition granted earlier this year.

7.3 Below is a summary of the amendments to the previous approvals:

1. Amendment to doors on northeast elevation of Cornerstone to provide access for external seating outside the church frontage – set back from Church Street.
2. Addition of re-roofing works to several elements of the existing building arrangement to ensure longevity and to minimize future maintenance requirements. All areas of re-roofing will be reinstated to match the existing materials/details. Lightning protection installed if required to main Church.
3. Amendments to the scale and appearance of the proposed flat roof extension between the main Church and Century Hall building. The footprint is increased slightly so that it can provide enough space for the required toilet facilities. The appearance is amended to better reference elements of the existing buildings.
4. Addition of a proposed extension to the lower ground level Gateway accommodation that provides a communal living area fronting onto the community garden.
5. Addition of a community garden and landscaping scheme to the rear site in place of the proposed residential accommodation and includes a proposed accessible access route directly from Station Road to the new community gardens.

7.4 Within settlement boundaries Policy S3 allows development that:- is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located, retains existing buildings that make a positive contribution to the area and the proposed access and parking provision is appropriate. The proposal would result in the retention and repair of all the existing buildings within the site that have a significant positive contribution to the Conservation Area and would include both the improvement to the existing buildings together with residential accommodation within the town centre.

7.5 Ashbourne is identified in the Local Plan as one of the three main towns within the district which are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres. Policy S8 specifically seeks to promote the sustainable growth of Ashbourne whilst seeking to safeguard its important role as a historic market town serving a wide rural hinterland. The policy goes on to state that this will be achieved by protecting and enhancing the historic environment and supporting the development of new housing on sustainable sites. The principle of residential accommodation within a town centre is considered acceptable and the proposal

7.6 Policy HC15 seeks to maintain and improve the provision of local community facilities and services by supporting proposals which protect, retain or enhance existing community facilities. The justification for this proposal is that it would connect all three buildings into one complex providing a single street-level access and by removing the fixed pews in the main worship space and addressing the heating, toilet and catering issues. This would achieve the ambition of the Methodist Church to become a 7 day-a-week church and community hub, providing such things as a large performance space, small and medium size rooms as well as halls for private hire and public use (with catering facilities), a coffee shop and open safe space which would be a community hub and drop-in centre. The church at present supports significant voluntary activity (conducted both by church members and those that are not) and with the modernisation of the premises it is expected that this activity would expand further, for the benefit of the local community.

7.7 The physical requirements in order to achieve this include:

- providing a clear, visual link into the Worship space from the new entrance foyer and from Station Road. The central position of the opening is symmetrical in the west façade when viewed from both the entrance foyer and from inside the worship space which is reflective of the existing symmetry to the interior of the worship space.
- The central position of the link building would accommodate the flow of people into and out of the worship space, particularly at the end of services when the congregation gather together. Building users would be able to stand on the galleried landing to either side of the opening so as not to restrict movement. This is particularly important for larger community events which the church is intending to host as a suitable venue does not exist in Ashbourne. The double doors also allow full access for DDA compliance
- A secondary single door into the worship space is proposed at the northern end of the galleried walkway, the purpose of which is to enable late arrivals to join services without disturbing others or allowing parents/carers quiet access/egress with children when the area is partitioned as a crèche.

Impact upon heritage assets and the character and appearance of the area

7.8 Policy PD1 requires development to be high quality that respects the character, identity and context and contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.

7.9 As the buildings are Listed and within a Conservation Area, Policy PD2 is relevant which seeks to conserve heritage assets in a manner appropriate to their significance, taking into account the desirability of sustaining and enhancing their significance and ensuring that development proposals contribute positively to the character of the built and historic environment. It states that any proposed works should be informed by a level of historical, architectural evidence proportionate to their significance. Extensions and alterations are required to demonstrate how the proposal has taken account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset.

7.10 Policy PD2 requires proposals that affect a heritage asset and/or its setting to demonstrate how it has taken into account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset. The application is accompanied by a detailed Heritage Statement (HS) which assesses the significance of the assets taking account of the Conservation Area Character Appraisal and views that allow the significance of the assets to be appreciated. In respect of views the report states:-

“The church is prominent in views in both directions along Church Street, identified in the Conservation Area Character Appraisal as key views and allowing the elaborate design of the front elevation to be appreciated. Although both the church and Century Hall are prominent in views north along Station Road, these are not identified as key views and only the church is identified as a prominent building in the streetscape”.

The conclusion of the report is that the harm caused by the development is offset by substantial public benefits with the proposals considered beneficial overall.

New Extension to Church:

7.11 It is considered that the principle of a modern, contemporary, extension within the courtyard is an acceptable proposal in this context but this is heavily reliant on its constructional details and materials and its relationship and abutments etc. with the adjacent buildings. Some details have been submitted and these show that as light a touch (i.e. in terms of abutments and junctions etc.) as possible is being proposed. The junction or abutment of the new

extension with the west elevation of the church is the most important. The proposal is to join the new extension roof at the horizontal transom point to the run of five tall, semi-circular, headed windows. Due to their height the original window frames were designed to be divided with a (painted timber) transom at half their height. In earlier iterations of the scheme the roof junction at this point was a flat roofed abutment with a narrow glazed clerestory detail. Following concerns raised about the solidity and robustness of such a junction a proposal, as now submitted, has been formulated whereby the junction/abutment is a sloping structural glass roof. The abutment detail with the transom has been submitted and this is considered to be satisfactory. Whilst glass is never truly 'invisible' the size and shape of the sloping glass roof at this point/junction would allow the lower part of the tall windows to have some visibility thus preserving, as much as possible, the western elevation of the church.

- 7.12 It is noted that the basement windows to the courtyard side of the main church (and those to the basement of Century Hall) would be fully concealed by the proposed extension. The original design concept of the main church (and in some respects to Century Hall) was for these particular windows to have a less architectural/decorative treatment than those to the main body of the church/upper part of Century Hall. This is reflected in the design of their openings and their window frames. In this regard, there is considered to be more scope to subsume these particular windows within the proposed 'Lower Ground' floor level. It is noted, however, that they would be visible/exposed within the internal circulation areas of the lower level allowing the original architectural treatment and the sense of a modern 'infill' to the courtyard to be appreciated.
- 7.13 The proposed introduction of sections of fibre cement/porcelain cladding (stone colour) is a contemporary way of representing ashlar stonework. In the areas proposed this is considered to be acceptable. The remaining external material for the main extension is zinc cladding (and structural glass). It is considered that the use of a zinc cladding (subject to approval of a sample and its proposed colour finish etc.) in combination with the extensive use of structural glass will convey a relatively 'light' architectural infill to the courtyard and will be complimentary to the ornate period architecture, detailing and materials etc. of the three existing buildings surround it.
- 7.14 The current south-western element of the church is to be demolished and replaced. The current projection is of two-storeys (originally a stilted upper floor only the lower, open part, being filled in in the later 20th century) with a dual pitched roof over. Its proposed replacement, on a similar footprint and scale, is to contain a garden entrance lobby and toilets to the first floor and is to be constructed in matching brickwork with a zinc clad coped parapet to a flat roof and stone copings. The windows are to be modern. It is considered that the proposed replacement structure/building is an acceptable replacement of the existing structure and would be complimentary to the concept of the overall scheme and to this part of the site/context. The single-storey extension to form a 'living' space for the residential units in the basement sits between the two projecting elements to either side. It is to have a sloping zinc roof (subject to detailing and finish colour etc.) and its south facing wall is to be gully glazed. It is considered that this contemporary extension would sit comfortably between the two projecting elements of the south elevation of the building and provide additional accommodation for the basement and its access and connectivity to the proposed community garden area.
- 7.15 The proposal to breach the listed boundary wall/railings is regrettable as this forms an existing continuous boundary to this side of the site. However, in considering the principle of a new extension and entrance in this location a breach of the boundary would be needed. Two new stone gateposts (matching those to Century Hall) are proposed where the boundary wall/railings is breached. Subject to exemplary detailing between the breached wall/railings and the new stone posts (and altered existing railings) it is considered that this traditional approach to this particular element is an appropriate way forward presenting an

existing, but altered, connection to the past and architecturally enclosing and defining the area of the new extension.

7.16 In conclusion, it is considered that a modern, contemporary, extension within the courtyard (and to the southern end) would be acceptable. In terms of its impact on the listed buildings it is considered that the proposals have been carefully considered and junctions/abutments etc, have been thought through. Subject to exemplary detailing and external materials/finishes etc. it is opined that the new extensions would be complimentary to the existing historic buildings, its context and present a readable and definable narrative to the architectural ensemble of the building grouping.

Chapel House:

7.17 Whilst the property has been, historically, enlarged it remains a curtilage-listed building. It is considered that the replacement conservatory is generally acceptable but this should be clad in an appropriate brickwork (not render). The amended plans have reinstated the chimney, removed the balustrade and altered the patio door to a window and therefore the proposed works to Chapel House would be deemed acceptable.

Development in curtilage:

7.18 The proposed removal of the 'pre-fab' structure and the modern lean-to to the small shop are considered acceptable. The proposed landscaping and formation of a community garden adjacent to the Henmore Brook is considered an acceptable use of this plot of land which contributes to the setting and context of the building complex.

7.19 In terms of proposed development affecting a listed building(s), the 1990 Act places a requirement on an Authority to have special regard to the desirability of preserving the building, or its setting, or, any features of special architectural or historic interest which it possesses. As a new architectural entity being imposed into a grouping of existing listed/historic buildings it is considered that there will be an element of harm to the character and appearance of the listed/historic buildings and to the setting of the historic/listed buildings. However, under the guidance of the NPPF, it is considered that the proposed new extensions would not constitute substantial harm to the significance of the designated heritage assets. The NPPF advises that where a proposal(s) will lead to less than substantial harm that harm should be weighed against the public benefits of the proposal.

7.20 It should be acknowledged that in dealing with developments that include such significant listed buildings the use of renewable energy etc.. may not be appropriate, however, the scheme would utilise and ensure the future use of all the historic buildings and in doing so would provide capital for maintenance and possible investment to improve their energy efficiency in accordance with Policy PD7.

7.21 The public benefits of the scheme are considered substantial and are twofold. The proposal would not only ensure the future of these prominent Listed Buildings of a high significance within the town; it would also provide a flexible community facility not currently found in the area. The glazed link extension subject to exemplary detailing and external materials/finishes controlled by conditions would be complimentary to the existing historic buildings, its context and present a readable and definable narrative to the architectural ensemble of the building grouping. The proposals are considered to lead to less than substantial harm to the significance of the ensemble of historical buildings through both the attached extension and to the character and appearance of Ashbourne Conservation Area. When this is weighted against the significant public benefits and the consequence of providing a viable use for all of the existing buildings to secure not only the future of the church but the long term community use of the buildings; these public benefits are considered to outweigh the harm to the heritage assets.

Impact on residential amenity

7.22 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. An assessment of the impact of the conversion and extension of Chapel House on the adjacent residential properties to the north east is required. The nearest property is located adjacent to the south eastern corner of the site and is two storey. The distance between the rear elevation of Chapel House and the nearest dwelling (Lambourne View) is 23m with the existing property at an angle with the boundary and faces north west. In 2017, planning permission was granted for a single storey garage extension within the rear garden and extending from the rear gable and this appears to be under construction. The floor plans submitted with the application indicate the ground floor windows in the rear gable serve secondary windows and the first floor window in the rear gable is also secondary as there is another window to the room on the south western elevation. The land to be used as a community garden would not give rise to unacceptable levels of disturbance or noise associated with such use in this town centre location to justify refusal on such grounds. On the basis of the above assessment, the impact on the residential amenity of neighbouring properties is not considered significant and the proposal complies with Policy PD1.

Impact on trees and ecology

7.23 The Arboricultural Impact Assessment submitted with this application which surveyed Six individual trees, Two were classified as category B quality and four were classified as category C quality. One tree group was surveyed and found to be of category C quality. Where there are impacts within retained tree RPAs, mitigation measures will be required. An Arboricultural Method Statement can provide full mitigation details and specifications. The Tree Officer has raised concerns regarding proposed works within the RPA of the retained mature Beech Tree. In terms of the community garden, this is to be the final phase of construction and as such all landscaping works to the south of the site and within 8m of Henmore Brook can be subject to condition as these would need separate EA approval and additional protected species surveys before the detail of this design can be finalised.

7.24 An update to the Preliminary Roost Assessment (PRA) was undertaken by EMEC Ecology in June 2023, a suite of bat emergence and re-entry surveys of buildings and structures associated with Ashbourne Methodist Church were completed between July and September 2023. The recommendations are for a further survey of the Church roof void to try and establish the presence or absence of the long eared brown bats they've found droppings from but not actually seen. The purpose of the survey is to try and confirm when the bats are actually using the roof void as the droppings have been increasing but no bats have been observed during any of the survey visits, it could be a maternity roost (used during the summer) or a hibernation roost (used during the winter). The latest survey was carried out in the summer so a maternity roost is looking less likely, the new survey would cover the winter period to see if there are hibernating bats. If bats are still not observed during this additional survey that would mean it probably is a maternity roost but one that is not used every year. The additional survey needs to be carried out Dec '23-Feb'24 which will mean it's not available until after the decision deadline.

7.25 A full European Protected Species Mitigation Licence (EPSML) must be sought from Natural England once further survey information has been gathered regarding the brown long-eared bat roost in B1. An EPSML can only be applied for once full planning permission is in place and all relevant planning conditions have been discharged. The licence application process includes the production of a method statement outlining a detailed mitigation, monitoring and maintenance strategy, the implementation of which is a condition of the licence. The implementation of a mitigation strategy is likely to be subject to seasonal constraints and would depend on the type of roosts present on Site. Mitigation recommendations for roosting

bats have not been made the submitted ecology report as the method statement, including the mitigation strategy, will form part of the required licence which would require assessment and approval from Natural England. Derbyshire Wildlife Trust comments shall be reported within late representations or verbally at committee as no response had been received at the time of writing this report.

Flood Risk

7.30 The majority of the site lies within Flood Zone 2 with a small part to the south located within Flood Zone 3. The Henmore Brook is a main river located adjacent to the southern site boundary. The Environment Agency (EA) Flood Map for Planning suggests the site partially located within Flood Zone 3 of the Henmore Brook, however, the Flood Map confirm the site currently benefits from EA maintained flood defences. The submitted Flood Risk Assessment is currently being reviewed by the EA and Lead Local Flood Authority and their revised comments and any conditions recommended shall be included within late representations. Based on the fact that the scheme which included new build accommodation where the community garden is proposed the Flood Risk and surface water drainage impacts are significantly reduced with this scheme and it is likely that the FRA would demonstrate that the proposed development is at an acceptable level of flood risk subject to the recommended flood mitigation strategies being implemented, however, without comments from the relevant consultees this has yet to be confirmed.

Highway safety

7.31 Policy S3 requires development to have appropriate access and parking provision and Policy HC19 seeks to ensure that development can be safely accessed in a sustainable manner and adequate parking is provided. The site is located within the town centre of Ashbourne and is thus accessible by a choice means of transport and there is on-street parking on Station Road and a number of public car parks in close proximity to the site. Due to the constraints of the site vehicle access and car parking provision is not possible and the Highways Authority have no objections to the lack of provision based on its sustainable town centre location with on-street parking restrictions and town centre car parks. The agent is in negotiations with the Highways Authority as part of the boundary wall fronting the existing yard to Station Road and the retaining wall below this are within the ownership of Derbyshire County Council. Works within this area are therefore likely to require a formal agreement prior to any works in this area being carried out. Overall, the Highways Authority has no objections to the proposed work subject to this formal agreement.

7.32 Conclusion

This proposal represents the aspirations of the Methodist Church to retain and utilise all the buildings within the site with a view to the future provision of a flexible community building for the use of both by the Church and the residents of Ashbourne. The harm to the significance of the Listed buildings and harm of the scheme to the character and appearance of the Conservation Area have been assessed in detail and on balance it is considered that the less than substantial harm identified is outweighed by the very clear and substantial public benefits of the scheme. Subject to no objections being raised by Derbyshire Wildlife Trust, the EA and the LLFA with or without changes that do not materially alter the development being applied for the proposal would accord with the relevant local plan policies and guidance with the NPPF and a recommendation of approval is put forward on this basis.

8.0 RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer, to grant planning permission subject to the following conditions, following confirmation from Derbyshire Wildlife Trust, the EA and the LLFA that they raise no objections with or without

changes that do not materially alter the development being applied for and any additional conditions that they deem appropriate.

1. Subject to no objections being raised by Derbyshire Wildlife Trust, the EA and the LLFA with or without changes that do not materially alter the development being applied for development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason:

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

2. The development hereby permitted shall be carried out in accordance with the following plans:-

Location Plan 01

Schedule of Work to Listed Buildings 4085 Rev A

Proposed Site Plan 4085-03A

Proposed Lower Ground Floor Plan 4085-04A

Proposed Upper Ground Floor and First Floor Plans 4085-05A

Proposed Roof Plan 4085-06A

Proposed Elevations 4085-07A

Landscape Strategy Plans 1288 001B, 002B, 100, 101, 102B, 200, 201, 202, 301, 302, 401, 402, 501A, 502B, 503 and 504

Chapel House – Proposed Plans and Elevations 4085-09-D

Indicative Sections 4085-10A

Indicative Details 4085-11

unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt.

3. Prior to the commencement of the link building, a noise mitigation scheme shall be submitted in writing and approved in writing by the Local Planning Authority detailing sound insulation measures and implemented in accordance with the approved scheme.

Reason:

To ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017)

4. Construction hours shall be restricted to the hours of 8am to 6pm Mondays to Friday, 8am to 1pm on Saturdays and no working at all on Sundays and Bank Holidays.

Reason:

In the interests of preserving the amenity of neighbouring residents in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017)

5. The proposed development shall be carried out in accordance with the recommendations within the Arboricultural Impact Assessment September 2023.

Reason:

To ensure the health of the retained trees in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017)

6. Full constructional details of all new external window and door joinery and/or metal framed windows and doors (including finish colour) shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, details of heads, cills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

Reason:

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

7. The rooflights hereby approved shall be of the conservation type with a single vertical glazing bar and mounted flush (i.e recessed) with the roof slope.

Reason:

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

8. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before works commence on the facing walls or roof of the building(s). The works shall thereafter be constructed in accordance with the approved details.

Reason:

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

9. A sample of the brick and details of the proposed brick bond (together with a sample panel of brickwork [1 sq.m] erected on site) to be used for the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before works commence on the construction of the exterior walls of the building(s). The development shall thereafter be constructed in accordance with the approved details.

Reason:

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

10. Full construction details shall be submitted for the following prior to installation:-
 - detailing between the breached wall/railings and the new stone posts (and altered existing railings)
 - The new 'open metal staircase' on the north eastern elevation.

The works shall thereafter be constructed in accordance with the approved details.

Reason:

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

11. Notwithstanding the submitted landscape scheme, details for works within the RPA of the Beech tree and with 8m of Henmore Brook shall be submitted and approved in writing by the Local Planning Authority prior to any landscaping works and thereafter implemented in accordance with the approved details.

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

12. The development hereby approved shall be implemented in full accordance with the Preliminary Ecological Appraisal and Preliminary Roost Assessment by EMEC Ecology Sept 2023 Bat Emergence and Re-entry Surveys October 2023. This report requires updated emergence surveys to be carried out prior to commencement of the development and if any direct impacts on bats that might arise be covered by a protected species licence from Natural England.

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).

13. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

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).

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 Beech Tree and design of Chapel House extension.

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

This decision notice relates to the following documents:

Schedule of Work to Listed Buildings 4085 Rev A
Location Plan 01
Schedule of Work to Listed Buildings 4085
Existing Site Plan 4085-02
Proposed Site Plan 4085-03A
Proposed Lower Ground Floor Plan 4085-04A
Proposed Upper Ground Floor and First Floor Plans 4085-05A
Proposed Roof Plan 4085-06A
Proposed Elevations 4085-07A
Landscape Strategy Plans 1288 001B, 002B, 100, 101, 102B, 200, 201, 202, 301, 302, 401, 402, 501A, 502B, 503 and 504
Chapel House – Existing Plans and Elevations 4085-08A
Chapel House – Proposed Plans and Elevations 4085-09-D
Indicative Sections 4085-10A
Indicative Details 4085-11
Narthex Screen and Organ Screen 4085-12
Location of Retained Pews 4085-13
Indicative Visualisation 4085 15
Existing Lower Ground Floor Plan FOS-726_1
Existing Upper Ground Floor Plan FOS-726_2
Existing First Floor and Loft Plan FOS-726_3
Existing Roof Plan FOS-726_4
Existing North and West Elevations FOS-726_5_1
Existing South and East Elevations FOS-726_5_2
Existing Return Elevations FOS-726_5_4
Cornerstone Café Existing External Elevations FOS-726_5_5

Archaeological Desk Based Assessment
Heritage Statement by Jenny Wetton Conservation August 2023
Design and Access Statement
Arboricultural Impact Assessment Sept 2023
Flood Risk Assessment by BWB dated May 2023
Preliminary Ecological Appraisal and Preliminary Roost Assessment by EMEC Ecology Sept 2023
Bat Emergence and Re-entry Surveys October 2023

Additional Information from the Environment Agency

1. An environmental permit for flood risk activities will be required for any works within 8m of the watercourse at the appropriate juncture, as detailed below.

Environmental permitting regulations (EPR)

This development will require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Henmore Brook a designated 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

2. Section 4.19 of the FRA states that: -

The ground conditions (Sandstone group bedrock), indicate a potential for infiltration and soakaways should be the primary method for the disposal of surface water. A response from Derby County Council, included as Appendix 5, states that the north half of the site is potentially suitable for use of free-draining SuDS.

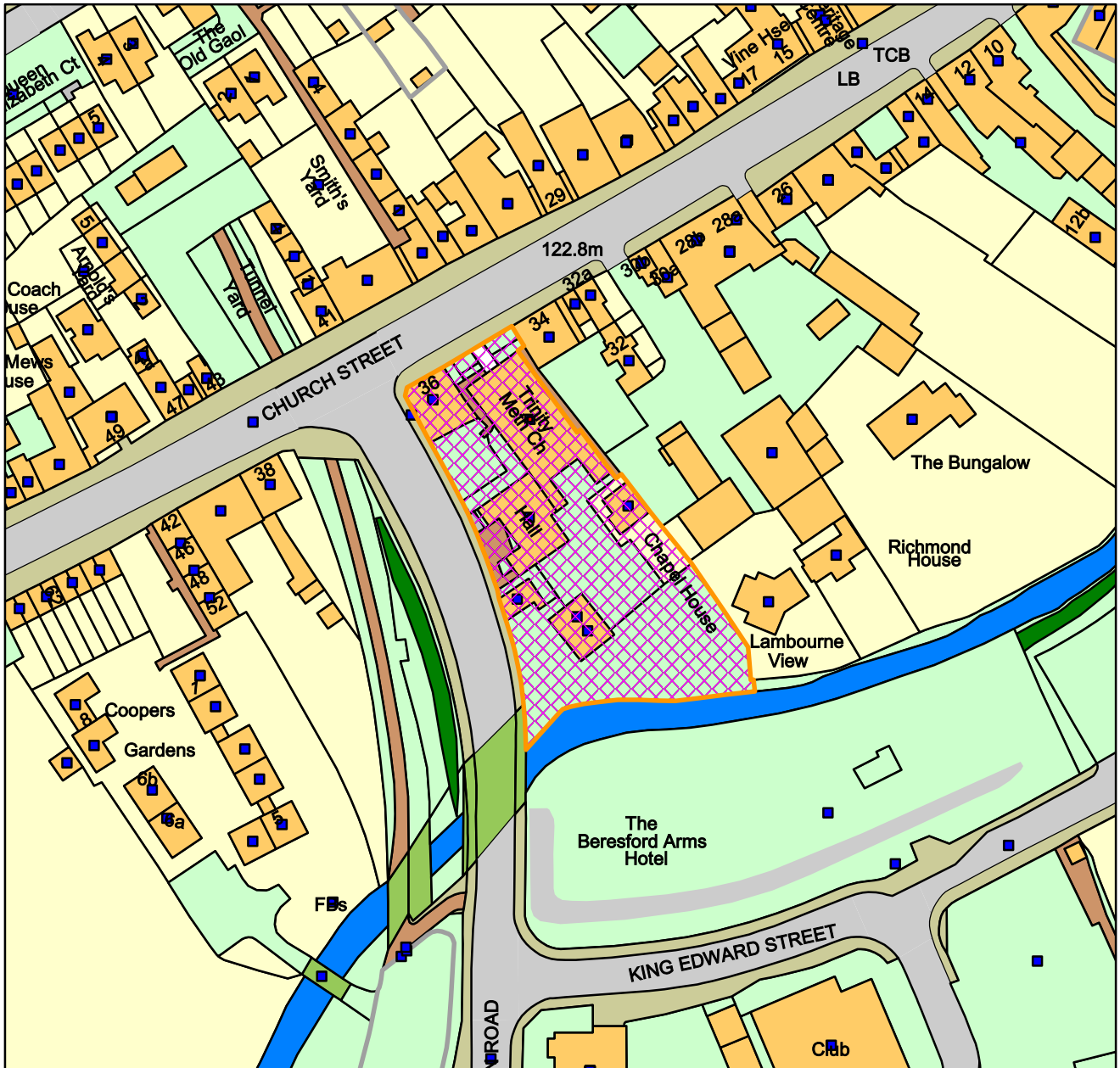
However any discharge of surface water into the ground behind the proposed flood defence scheme for this site, will have to be taken into account in the detailed design of both the flood defence and surface water drainage system, so as not to negatively impact on the proposed new defences.

3. It would appear from the proposed layout as shown on Drawing Nos. 02 Revision H (Proposed Site Plan), 07 Revision B (Environment Agency - Site layout and sections), that the kitchen/lounge to Block A Apartment 4 will be constructed within the existing bank slope to Station Road, and therefore the proposed kitchen and western facing window/s may be below existing ground levels.

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23/01092/FUL & 23/01093/LBALT

Ashbourne Methodist Church, Church Street, Ashbourne, Derbyshire



Derbyshire Dales DC

1:1,250

Date: 01/12/2023

100019785

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

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APPLICATION NUMBER		23/01093/LBALT	
SITE ADDRESS:		Ashbourne Methodist Church, Church Street, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Construction of extensions, internal and external alterations to existing church, associated buildings and Chapel House including demolition, creation of community garden and associated works.	
CASE OFFICER	Sarah Arbon	APPLICANT	Ashbourne Methodist Church
PARISH/TOWN	Ashbourne	AGENT	Mike Harrison – Allan Joyce Architects Ltd
WARD MEMBER(S)	Cllr R. Archer Cllr N. Wilton Cllr A. Bates	DETERMINATION TARGET	12 th December 2023
REASON FOR DETERMINATION BY COMMITTEE	Linked to major application	REASON FOR SITE VISIT (IF APPLICABLE)	For members to fully assess the impact of the works on the heritage assets engaged

MATERIAL PLANNING ISSUES
– Impact upon heritage assets

RECOMMENDATION
That authority be delegated to the Development Manager or Principal Planning Officer to grant listed building consent, following confirmation from Derbyshire Wildlife Trust in respect of the associated full application (code ref. 23/01092/FUL) that the works are acceptable with or without changes that do not require listed building consent, subject to the conditions as set out in section 8.0 of this report and any additional conditions recommended by the Trust that are relevant to this application.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located prominently on the corner of Church Street and Station Road within the Ashbourne Conservation Area. The main church is grade II listed (listed 1992) and the adjacent Century Hall (and front wall with railings) is also listed grade II (listed 1992). The lower ground floor of the church includes hostel style accommodation rented out for about 100 nights per year. The church was built in 1880 and Century Hall in 1900. In association with these principal listed buildings/structures are Chapel House (on the eastern side of the site), the small shop (on the western side adjacent to Station Road) and the Corner Café of 1902) located on the corner of Church Street and Station Road. These would be deemed curtilage-listed buildings. To the southern end of the site is a modern pre-fabricated building which has no heritage status.

2.0 DETAILS OF THE APPLICATION

- 2.1 The proposals involve the construction of a new extension to be primarily located within the courtyard adjacent to Station Road and formed by the church, Century Hall and the Corner Café. This courtyard (parts of which are lower than the adjacent road level) is bounded to Station Road by a brick wall and decorative metal railings (listed as part of Century Hall). The proposals also include for the retention of the detached Chapel House (and its alteration and extension) and the demolition of a detached 'pre-fab' building in the grounds and the removal of a modern lean-to attached to the small shop. The land between the buildings and the Henmore Brook is to be landscaped as a 'community garden'.
- 2.2 The proposed new extension is to be attached to the side of Corner Café and to the side (west) elevation of the main church building. It is set back (at a shallow angle) from the majority of the north elevation of Century Hall. This 'Upper Ground' plan includes an entrance lobby, foyer, two staircases, a platform lift and a spinal corridor adjacent to the west elevation of the church. One set of stairs (and platform lift) access this higher level corresponding to the internal floor level of the main church itself forming the spinal corridor along the external side of this part of the church and the formation of a new double-doorway into the main body of the church. This corridor continues southwards to give access into the rear of the main church, into Century Hall and to a new extension containing toilets. The other staircase (and platform lift) descends to a 'Lower Ground' level. This contains toilets, a storeroom and meeting rooms. A void or light well (fully glazed) provides some natural light/ventilation to this subterranean level. Below the new toilets, at the southern end of the proposed scheme, is an extension to the communal areas forming a 'living' space. The new extension involves the breaching of the existing brick boundary wall and railings to Station Road to create an access point into the new extension off Station Road.
- 2.3 The primary concept behind the new extension is to physically link the three buildings on the site – the Church, Century Hall and the Café. Its location is such that it is housed in a deep 'area' to the west of the church allowing a lower ground level for additional accommodation/use. The lower ground floor would provide seven en-suite bedrooms with communal kitchen, dining area and lounge. The extension has been designed and formulated to allow inclusive access to all of the three buildings bringing the three disparate buildings around a focal and communal hub. The design concept of the extension is 'contemporary' with the use of structural glass, zinc cladding and a cladding (stone colour).
- 2.4 The proposals involve the retention of Chapel House (as a curtilage-listed building) with a small extension/alteration and convert it to 2 No. apartments. The modern conservatory is to be removed and replaced by a rendered 'box' with a flat roof over.

2.5 This proposal presents an updated design of a previously granted Listed Building and Planning Application (ref:20/01035/LBALT and 20/01034/FUL) and the subsequently approved variations to Condition 2 (Approved Plans) (ref:22/01278/VCOND and 22/01279/VCOND). Following the approved variations to Condition 2 noted above, the proposed design has been further amended primarily as a result of the successful Levelling Up Fund (LUF) 'Ashbourne Reborn' bid by Derbyshire Dales District Council, which was granted in March 2023. The Link Community Hub project is a key component of the wider bid and so a review of the scheme was taken to best meet the Levelling Up Fund criteria..

2.6 The review included:

- Omission of the new housing and sale of that land that is no longer required to make the project financially viable. In place, a community garden is proposed.
- Further upgrade of the existing Gateway accommodation and sub-division into family sized hostel-style rental spaces. Chapel House will be similarly developed.
- Further upgrade and renovation work to the existing building group, including a full re-roof of the Church and Century Hall

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. 1 Ashbourne Conservation Area Appraisal

2. National Planning Policy Framework
- National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

05/00616/FUL	Siting of storage container for a temporary period of 12 months (retrospective)	PERC	11/10/2005
05/00806/LBALT	Alterations to listed building - Single storey extension	WDN	25/10/2005
05/00807/FUL	Single storey extension	PERC	09/11/2005
T/16/00016/TCA	Works to trees within the Conservation Area of Ashbourne	PER	03/03/2016
19/00595/FUL	Proposed construction of 11 no. apartments, link extension and two storey extension to Church and demolition of Chapel House and Horsa hut	WDN	19/07/2019
19/00596/LBALT	Demolition of Chapel House, extensions to Methodist Chapel/Century Hall and external and internal alterations	WDN	19/07/2019
20/01034/FUL	Extensions and alterations to existing church and associated buildings, conversion of Chapel House to 2 no. apartments, construction of 8 no. apartments and demolition of hut building	PERC	12/03/2021

20/01035/LBALT	Extensions, internal and external alterations to existing church, associated buildings and Chapel House	PERC	12/03/2021
22/01278/VCOND	Variation of condition 2 (approved plans) of planning application no.20/01034/FUL to allow for alterations to approved design.	PERC	15/03/2023
22/01279/VCOND	Variation of condition 2 (approved plans) of listed building application no. 20/01035/LBALT to allow for alterations to approved design	PERC	15/03/2023
23/01093/LBALT	Construction of extensions, internal and external alterations to existing church, associated buildings and Chapel House including demolition, creation of community garden and associated works.	PCO	
0992/0726	ALTERATIONS TO LISTED BUILDING	A	28/10/1992
0497/0246	Construction of pedestrain access ramp	A	16/05/1997

5.0 CONSULTATION RESPONSES

Ashbourne Town Council

- 5.1 No Objection. Members asked that flood alleviation be taken into account in relation to adjacent properties and also the surface water run-off.

Historic England

- 5.2 No comments

Design and Conservation Officer (Derbyshire Dales)

- 5.3 It is considered that the principle of a modern, contemporary, extension within the courtyard is an acceptable proposal in this context but this is heavily reliant on its constructional details and materials and its relationship and abutments etc. with the adjacent buildings. It is considered that the use of a zinc cladding (subject to approval of a sample and its proposed colour finish etc.) in combination with the extensive use of structural glass will convey a relatively 'light' architectural infill to the courtyard and will be complimentary to the ornate period architecture, detailing and materials etc. of the three existing buildings surround it. It is considered that the proposed replacement structure/building to the rear of Century Hall is an acceptable replacement of the existing structure and would be complimentary to the concept of the overall scheme and to this part of the site/context. The single-storey extension to form a 'living' space is considered an contemporary extension that would sit comfortably between the two projecting elements of the south elevation of the building and provide additional accommodation for the basement and its access and connectivity to the proposed community garden area. The proposal to breach the listed boundary wall/railings is regrettable as this forms an existing continuous boundary to this side of the site. However, in considering the principle of a new extension and entrance in this location a breach of the boundary would be needed. Two new stone gateposts (matching those to Century Hall) are proposed where the boundary wall/railings is breached. Subject to exemplary detailing between the breached wall/railings and the new stone posts (and altered existing railings) it is considered that this traditional approach to this particular element is an appropriate way

forward presenting an existing, but altered, connection to the past and architecturally enclosing and defining the area of the new extension. In terms of its impact on the listed buildings it is considered that the proposals have been carefully considered and junctions/abutments etc, have been thought through. Subject to exemplary detailing and external materials/finishes etc. it is opined that the new extensions would be complimentary to the existing historic buildings, its context and present a readable and definable narrative to the architectural ensemble of the building grouping.

Archaeology (DCC)

- 5.4 With regard to below-ground archaeological remains, the proposal site is within the medieval core of Ashbourne as defined in the Extensive Urban Survey compiled by Derbyshire County Council and English Heritage in 2001. The site lies within medieval component 12 'settlement along the south side of Church Street', an area of long narrow burgage plots with boundaries running back to Henmore Brook. The applicant has submitted an archaeological desk-based assessment which makes a reasonable assessment of archaeological context and potential.

The previous applications attracted a recommendation for conditioned archaeological work because of the proposed new build elements to the rear. These have now been removed from the proposals and replaced with the proposed community garden where groundworks will be relatively unintrusive. It is therefore recommended that there is no need for archaeological involvement within the current scheme.

Cllr A Bates

- 5.5 No objection.

6.0 REPRESENTATIONS RECEIVED

- 6.1 None

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Impact upon heritage assets

- 7.1 The site includes both principle Grade II Listed Buildings together with curtilage Listed Buildings within Ashbourne Conservation Area, occupying a prominent site on the main route through the centre. The buildings are used by Ashbourne Methodist Church for community uses and the proposed extensions and alterations would create a new Link Community Hub as part of the Derbyshire Dales District Council 'Ashbourne Reborn' levelling-up transformation. The principle of the link extension and extensions and alterations to the rear of the church and Chapel House were established in the granting of Planning permission in 2021 with a variation of condition granted earlier this year.

- 7.2 Below is a summary of the amendments to the previous approvals:

1. Amendment to doors on northeast elevation of Cornerstone to provide access for external seating outside the church frontage – set back from Church Street.
2. Addition of re-roofing works to several elements of the existing building arrangement to ensure longevity and to minimize future maintenance requirements. All areas of re-roofing will be reinstated to match the existing materials/details. Lightning protection installed if required to main Church.
3. Amendments to the scale and appearance of the proposed flat roof extension between the main Church and Century Hall building. The footprint is increased slightly so that it can provide enough space for the required toilet facilities. The appearance is amended to better reference elements of the existing buildings.

4. Addition of a proposed extension to the lower ground level Gateway accommodation that provides a communal living area fronting onto the community garden.
5. Addition of a community garden and landscaping scheme to the rear site in place of the proposed residential accommodation and includes a proposed accessible access route directly from Station Road to the new community gardens.
- 7.3 The justification for this proposal is that it would connect all three buildings into one complex providing a single street-level access and by removing the fixed pews in the main worship space and addressing the heating, toilet and catering issues. This would achieve the ambition of the Methodist Church to become a 7 day-a-week church and community hub, providing such things as a large performance space, small and medium size rooms as well as halls for private hire and public use (with catering facilities), a coffee shop and open safe space which would be a community hub and drop-in centre. The church at present supports significant voluntary activity (conducted both by church members and those that are not) and with the modernisation of the premises it is expected that this activity would expand further, for the benefit of the local community.
- 7.4 The physical requirements in order to achieve this include:
- providing a clear, visual link into the Worship space from the new entrance foyer and from Station Road. The central position of the opening is symmetrical in the west façade when viewed from both the entrance foyer and from inside the worship space which is reflective of the existing symmetry to the interior of the worship space.
 - The central position of the link building would accommodate the flow of people into and out of the worship space, particularly at the end of services when the congregation gather together. Building users would be able to stand on the galleried landing to either side of the opening so as not to restrict movement. This is particularly important for larger community events which the church is intending to host as a suitable venue does not exist in Ashbourne. The double doors also allow full access for DDA compliance
 - A secondary single door into the worship space is proposed at the northern end of the galleried walkway, the purpose of which is to enable late arrivals to join services without disturbing others or allowing parents/carers quiet access/egress with children when the area is partitioned as a crèche.

Impact upon Heritage Assets

- 7.5 The application is accompanied by a detailed Heritage Statement (HS) which assesses the significance of the assets taking account of the Conservation Area Character Appraisal and views that allow the significance of the assets to be appreciated. In respect of views the report states:-
- “The church is prominent in views in both directions along Church Street, identified in the Conservation Area Character Appraisal as key views and allowing the elaborate design of the front elevation to be appreciated. Although both the church and Century Hall are prominent in views north along Station Road, these are not identified as key views and only the church is identified as a prominent building in the streetscape”.* The conclusion of the report is that the harm caused by the development is offset by substantial public benefits with the proposals considered beneficial overall.

New Extension to Church:

- 7.6 It is considered that the principle of a modern, contemporary, extension within the courtyard is an acceptable proposal in this context but this is heavily reliant on its constructional details and materials and its relationship and abutments etc. with the adjacent buildings. Some details have been submitted and these show that as light a touch (i.e. in terms of abutments and junctions etc.) as possible is being proposed. The junction or abutment of the new extension with the west elevation of the church is the most important. The proposal is to join the new extension roof at the horizontal transom point to the run of five tall, semi-circular,

headed windows. Due to their height the original window frames were designed to be divided with a (painted timber) transom at half their height. In earlier iterations of the scheme the roof junction at this point was a flat roofed abutment with a narrow glazed clerestory detail. Following concerns raised about the solidity and robustness of such a junction a proposal, as now submitted, has been formulated whereby the junction/abutment is a sloping structural glass roof. The abutment detail with the transom has been submitted and this is considered to be satisfactory. Whilst glass is never truly 'invisible' the size and shape of the sloping glass roof at this point/junction would allow the lower part of the tall windows to have some visibility thus preserving, as much as possible, the western elevation of the church.

- 7.7 It is noted that the basement windows to the courtyard side of the main church (and those to the basement of Century Hall) would be fully concealed by the proposed extension. The original design concept of the main church (and in some respects to Century Hall) was for these particular windows to have a less architectural/decorative treatment than those to the main body of the church/upper part of Century Hall. This is reflected in the design of their openings and their window frames. In this regard, there is considered to be more scope to subsume these particular windows within the proposed 'Lower Ground' floor level. It is noted, however, that they would be visible/exposed within the internal circulation areas of the lower level allowing the original architectural treatment and the sense of a modern 'infill' to the courtyard to be appreciated.
- 7.8 The proposed introduction of sections of fibre cement/porcelain cladding (stone colour) is a contemporary way of representing ashlar stonework. In the areas proposed this is considered to be acceptable. The remaining external material for the main extension is zinc cladding (and structural glass). It is considered that the use of a zinc cladding (subject to approval of a sample and its proposed colour finish etc.) in combination with the extensive use of structural glass will convey a relatively 'light' architectural infill to the courtyard and will be complimentary to the ornate period architecture, detailing and materials etc. of the three existing buildings surround it.
- 7.9 The current south-western element of the church is to be demolished and replaced. The current projection is of two-storeys (originally a stilted upper floor only the lower, open part, being filled in in the later 20th century) with a dual pitched roof over. Its proposed replacement, on a similar footprint and scale, is to contain a garden entrance lobby and toilets to the first floor and is to be constructed in matching brickwork with a zinc clad coped parapet to a flat roof and stone copings. The windows are to be modern. It is considered that the proposed replacement structure/building is an acceptable replacement of the existing structure and would be complimentary to the concept of the overall scheme and to this part of the site/context. The single-storey extension to form a 'living' space for the residential units in the basement sits between the two projecting elements to either side. It is to have a sloping zinc roof (subject to detailing and finish colour etc.) and its south facing wall is to be gully glazed. It is considered that this contemporary extension would sit comfortably between the two projecting elements of the south elevation of the building and provide additional accommodation for the basement and its access and connectivity to the proposed community garden area.
- 7.10 The proposal to breach the listed boundary wall/railings is regrettable as this forms an existing continuous boundary to this side of the site. However, in considering the principle of a new extension and entrance in this location a breach of the boundary would be needed. Two new stone gateposts (matching those to Century Hall) are proposed where the boundary wall/railings is breached. Subject to exemplary detailing between the breached wall/railings and the new stone posts (and altered existing railings) it is considered that this traditional approach to this particular element is an appropriate way forward presenting an existing, but altered, connection to the past and architecturally enclosing and defining the area of the new extension.

7.11 In conclusion, it is considered that a modern, contemporary, extension within the courtyard (and to the southern end) would be acceptable. In terms of its impact on the listed buildings it is considered that the proposals have been carefully considered and junctions/abutments etc, have been thought through. Subject to exemplary detailing and external materials/finishes etc. it is opined that the new extensions would be complimentary to the existing historic buildings, its context and present a readable and definable narrative to the architectural ensemble of the building grouping.

Chapel House:

7.12 Whilst the property has been, historically, enlarged it remains a curtilage-listed building. It is considered that the replacement conservatory is generally acceptable but this should be clad in an appropriate brickwork (not render). The amended plans have reinstated the chimney, removed the balustrade and altered the patio door to a window and therefore the proposed works to Chapel House would be deemed acceptable.

Development in curtilage:

7.13 The proposed removal of the 'pre-fab' structure and the modern lean-to to the small shop are considered acceptable. The proposed landscaping and formation of a community garden adjacent to the Henmore Brook is considered an acceptable use of this plot of land which contributes to the setting and context of the building complex.

7.14 In terms of proposed development affecting a listed building(s), the 1990 Act places a requirement on an Authority to have special regard to the desirability of preserving the building, or its setting, or, any features of special architectural or historic interest which it possesses together with paying special attention to the desirability of preserving or enhancing the character or appearance of the Area. As a new architectural entity being imposed into a grouping of existing listed/historic buildings it is considered that there will be an element of harm to the character and appearance of the listed/historic buildings, to the setting of the historic/listed buildings and to the character and appearance of this part of the Conservation Area. However, under the guidance of the NPPF, it is considered that the proposed new extensions would not constitute substantial harm to the significance of the designated heritage assets. The NPPF advises that where a proposal(s) will lead to less than substantial harm that harm should be weighed against the public benefits of the proposal.

7.15 The public benefits of the scheme are considered substantial and are twofold. The proposal would not only ensure the future of these prominent Listed Buildings of a high significance within the town; it would also provide a flexible community facility not currently found in the area. The glazed link extension subject to exemplary detailing and external materials/finishes controlled by conditions would be complimentary to the existing historic buildings, its context and present a readable and definable narrative to the architectural ensemble of the building grouping. The proposals are considered to lead to less than substantial harm to the significance of the ensemble of historical buildings through both the attached extension and to the character and appearance of Ashbourne Conservation Area. When this is weighted against the significant public benefits and the consequence of providing a viable use for all of the existing buildings to secure not only the future of the church but the long term community use of the buildings; these public benefits are considered to outweigh the harm to the heritage assets.

7.32 Conclusion

This proposal represents the aspirations of the Methodist Church to retain and utilise all the buildings within the site with a view to the future provision of a flexible community building for the use of both by the Church and the residents of Ashbourne. The internal changes have been adequately justified to achieve the aim of flexible use of the building and are

considered less than substantial impacts. The harm to the significance of the Listed buildings and harm of the scheme to the character and appearance of the Conservation Area have been assessed in detail and on balance it is considered that the less than substantial harm identified is outweighed by the very clear and substantial public benefits of the scheme. The proposal is therefore considered to accord with the relevant local plan policies and guidance with the NPPF. As the works could have implications on protected species, it is recommended that authority be delegated to the Development Manager or Principal Planning Officer to grant listed building consent, following confirmation from Derbyshire Wildlife Trust in respect of the associated full application (code ref. 23/01092/FUL) that the works are acceptable with or without changes that do not require listed building consent to satisfy the requirements of the Wildlife and Countryside Act.

8.0 RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer to grant listed building consent, following confirmation from Derbyshire Wildlife Trust in respect of the associated full application (code ref. 23/01092/FUL) that the works are acceptable with or without changes that do not require listed building consent, subject to the following conditions and any additional conditions recommended by the trust that are relevant to this application.

1. The works 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following plans:-

- Location Plan 01
- Schedule of Work to Listed Buildings 4085 Rev A
- Proposed Site Plan 4085-03A
- Proposed Lower Ground Floor Plan 4085-04A
- Proposed Upper Ground Floor and First Floor Plans 4085-05A
- Proposed Roof Plan 4085-06A
- Proposed Elevations 4085-07A
- Landscape Strategy Plans 1288 001B, 002B, 100, 101, 102B, 200, 201, 202, 301, 302, 401, 402, 501A, 502B, 503 and 504
- Chapel House – Proposed Plans and Elevations 4085-09-D
- Indicative Sections 4085-10A
- Indicative Details 4085-11

unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason:

For the avoidance of doubt.

3. Full constructional details of all new external window and door joinery and/or metal framed windows and doors (including finish colour) shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, details of heads, cills and lintels, elevations at a scale of not less than 1:10 and

horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

Reason:

To preserve the special character and appearance of the listed buildings and comply with policies contained within the National Planning Policy Framework - 2019 (Conserving and Enhancing the Historic Environment), National Planning Policy Guidance and the Historic England Advice Note 2.

4. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before works commence on the facing walls or roof of the building(s). The works shall thereafter be constructed in accordance with the approved details.

Reason:

To preserve the special character and appearance of the listed buildings and comply with policies contained within the National Planning Policy Framework - 2019 (Conserving and Enhancing the Historic Environment), National Planning Policy Guidance and the Historic England Advice Note 2.

5. A sample of the brick and details of the proposed brick bond (together with a sample panel of brickwork [1 sq.m] erected on site) to be used for the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before works commence on the construction of the exterior walls of the building(s). The development shall thereafter be constructed in accordance with the approved details.

Reason:

To preserve the special character and appearance of the listed buildings and comply with policies contained within the National Planning Policy Framework - 2019 (Conserving and Enhancing the Historic Environment), National Planning Policy Guidance and the Historic England Advice Note 2.

6. Full construction details shall be submitted for the following prior to installation:-
 - detailing between the breached wall/railings and the new stone posts (and altered existing railings)
 - The new 'open metal staircase' on the north eastern elevation.

The works shall thereafter be constructed in accordance with the approved details.

Reason:

To preserve the special character and appearance of the listed buildings and comply with policies contained within the National Planning Policy Framework - 2019 (Conserving and Enhancing the Historic Environment), National Planning Policy Guidance and the Historic England Advice Note 2.

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 Beech Tree and design of Chapel House extension.

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

This decision notice relates to the following documents:

Schedule of Work to Listed Buildings 4085 Rev A
Location Plan 01
Schedule of Work to Listed Buildings 4085
Existing Site Plan 4085-02
Proposed Site Plan 4085-03A
Proposed Lower Ground Floor Plan 4085-04A
Proposed Upper Ground Floor and First Floor Plans 4085-05A
Proposed Roof Plan 4085-06A
Proposed Elevations 4085-07A
Landscape Strategy Plans 1288 001B, 002B, 100, 101, 102B, 200, 201, 202, 301, 302, 401, 402, 501A, 502B, 503 and 504
Chapel House – Existing Plans and Elevations 4085-08A
Chapel House – Proposed Plans and Elevations 4085-09-D
Indicative Sections 4085-10A
Indicative Details 4085-11
Narthex Screen and Organ Screen 4085-12
Location of Retained Pews 4085-13
Indicative Visualisation 4085 15
Existing Lower Ground Floor Plan FOS-726_1
Existing Upper Ground Floor Plan FOS-726_2
Existing First Floor and Loft Plan FOS-726_3
Existing Roof Plan FOS-726_4
Existing North and West Elevations FOS-726_5_1
Existing South and East Elevations FOS-726_5_2
Existing Return Elevations FOS-726_5_4
Cornerstone Café Existing External Elevations FOS-726_5_5

Archaeological Desk Based Assessment
Heritage Statement by Jenny Wetton Conservation August 2023
Design and Access Statement

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NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 12 December 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 withdrawn
21/01099/FUL	Land off Ashbourne Road, Brassington	WR	Appeal withdrawn
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
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 withdrawn
ENF/22/00142	Land at Magfield Farm/Land to the east of Timber Farm, Hulland Village	WR	Appeal being processed
22/01390/FUL	The Old Toll House (Tollgate House), Derby Road, Ashbourne	WR	Appeal being processed

23/00472/FUL	Land To North East, Brailsford Water Mill, Mill Lane, Brailsford	WR	Appeal being processed
ENF/23/00129	The Mill, Atlow Mill, Hognaston, Ashbourne	WR	Appeal being processed
23/00450/LBALT	45 St John Street, Ashbourne	WR	Appeal being processed
Central			
22/00772/OUT	Land opposite The Homestead, Whitworth Road, Darley Dale	WR	Appeal being processed
ENF/21/00127	The Racecourse Ashleyhay, Wirksworth, Matlock	WR	Appeal being processed
22/01038/FUL	7 Crown Square, Matlock	WR	Appeal withdrawn
22/00678/FUL	Scarthin Books of Cromford, Scarthin, Cromford	WR	Appeal dismissed – copy of decision attached
ENF/23/00037	Land south of Yeats Lane, Cromford	WR	Appeal being processed
22/00489/FUL	Former Rhododendron Nursery, Chesterfield Road, Matlock	WR	Appeal allowed – copy of decision attached
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
23/00149/FUL	Land at rear of 7 Malpas Road, Matlock	WR	Appeal being processed
ENF/23/00159	North Park Farm, Whitworth Road, Darley	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 30 October 2023

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th November 2023

Appeal Ref: APP/P1045/W/23/3316401

Scarthin Books Of Cromford, Scarthin, Cromford, Derbyshire DE4 3QF

- 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 Dr David Mitchell against the decision of Derbyshire Dales District Council.
 - The application Ref 22/00678/FUL, was undated and was refused by notice dated 10 August 2022.
 - The development proposed is installation of eight all-black solar panels on the south facing roof of the bookshop.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

3. The main issues are:
 - the effect of the proposal on the character and appearance of the appeal building and the area having particular regard to the Cromford Conservation Area and the setting of the grade II listed war memorial; and
 - whether the development would safeguard the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site.

Reasons

Significance

4. Cromford Conservation Area (CA) covers a large area of Cromford. It encompasses the original planned Arkwright settlement constructed between 1770 and 1840 with common building materials within a landscaped setting of dramatic topography providing an early model of an industrial community.
5. The topography means that houses and buildings are at different levels, constructed predominantly from stone with slate/tile roofs. Much of the original planned settlement remains with many of the buildings and the fine Cromford Mills being listed and noted for their unique contribution to the development of the factory system. Consequently the Mills are key buildings within the Derwent Valley Mills World Heritage Site (WHS) within which Cromford sits. Later

development has mostly been respectful of the earlier buildings and form an integral part of the historic environment within the CA and the WHS reflecting the evolution of the built form over time.

6. For the purposes of this appeal the significance of the CA largely derives from the historic and architectural interest of the buildings, many of which retain their original form and materials. In addition, their relationship to the landscape and the contribution to an understanding of the evolution of industrial, commercial and domestic architecture.
7. The significance of the WHS largely derives from the contribution the buildings make to the historic and architectural understanding of industrial development over time and their relationship to the surrounding built form and landscape.
8. Although not mentioned in its reason for refusal the Council refers to the effect of the proposal on the setting of the War Memorial in its officer report. Furthermore, it is my duty under the Act to assess the effect of the proposal on heritage assets. The Scarthin War Memorial stands on Promenade within both the CA and WHS and has historic interest as a witness to the impact of world events on the community. It also has architectural interest as a well-proportioned pillar bearing an elegant lamp standard within the WHS.
9. The significance of the War Memorial for the purposes of this appeal lies in its historic and architectural importance in the local community. It is located with an open area between a large pond and the properties on Scarthin. The seated open area provides a pleasant space to appreciate the War Memorial. Hence it is particularly visible in views along Scarthin and from Water Lane, with the built form, including the appeal building, in the background contributing to its significance.
10. The appeal site forms a mid-nineteenth century three storey stone building with a slate roof on the north side of Scarthin at the back edge of the footway. It retains a traditional shop front and fenestration to its front elevation. It sits within a row of historic and modern buildings. Narrow footways between the buildings provide access up to development at the rear on the valley side. The scale and location of the appeal building means that it is prominent both along Scarthin and in views across the pond from Water Lane and it is identified in the Cromford Conservation Area Appraisal (2000) as a landmark building. While it dates from after the Arkwright planned settlement, its location and simple traditional form and materials contribute positively to the significance of the CA, the WHS and the War Memorial which it is sited slightly to the west of.

Effect on significance

11. According to the submitted plan, the proposed solar panels would be installed on the southern facing roof slope facing Scarthin. Although sited to maintain symmetry, they would extend across almost the entire width of the roof slope, just beneath three existing small roof lights, therefore covering the majority of the existing simple slate roof. Although the solar panels would be black, they would still create a visible large obtrusive mass on the roof which would detract from, and obscure, the simple historic slate roof, creating a top heavy form of development which would be harmful to the traditional appearance of the appeal building. The panels would be a prominent feature in an area of hillside properties, which are mostly otherwise unadorned reflecting the simple traditional form characteristic of buildings in this location.

12. I did see at my site visit that one of the properties to the rear had solar panels on its roof. However, the Council advise that there is no record of planning permission for those panels. Furthermore, their presence reinforced my view that the proposal would be particularly visually prominent in the streetscene and from views across from Water Lane.
13. Consequently, the proposal would harm the character and appearance, hence significance of the CA within the WHS and the significance of the War Memorial through harming its setting.
14. Given that this is just one part of the CA and the WHS and the setting of the War Memorial then the harm caused would be less than substantial but nevertheless of considerable importance and weight. As required by paragraph 202 of the National Planning Policy Framework (the Framework) where development would 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.
15. The proposal to use solar panels would contribute positively to the Government's aim of supporting the transition to a low carbon future in a changing climate. Indeed, the photovoltaic output would correspond well to the opening hours of the shop and would cover 10-20% of electric requirement in the winter and 30-40% in the summer months. I give this benefit significant weight.
16. The appellant refers to the alternative of placing the solar panels on what they consider to be the less prominent east and west facing slopes. This they say would be less energy and cost efficient than on the south facing slope and, in any case, they confirm that they would plan to do this as well as on the south facing slope in order to maximise the solar panel potential of the building. In any event, I have determined the appeal based on the proposal before me for panels to the south facing slope only.
17. While significant therefore, the benefits would not be sufficient to outweigh the harm I have found to the heritage assets whether balanced on an individual basis or cumulatively.
18. For the reasons above, I conclude that the proposal would therefore fail to preserve the character or appearance of the Cromford Conservation Area, nor would it safeguard the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site. Finally it would harm the setting of the War Memorial a Grade II listed building. It would therefore be contrary to policies PD1, PD2 and PD7 of the Adopted Derbyshire Dales Local Plan (2017) (the Local Plan), and the Framework. These support the generation of energy from renewable sources as long as it would not have significant impacts and require that development is of high quality design which respects the character, identity and context of the townscape as well as conserving heritage assets in a manner appropriate to their significance.
19. The Council also refer to the Climate Change Supplementary Planning Document (2021). However it is not clear from the submissions how the proposal conflicts with this policy and guidance. I have not therefore included reference to it.

Conclusion

20. Overall, I have identified that there would be conflict with the development plan as a whole, as there would be less than substantial harm to the significance of heritage assets which is not outweighed by public benefits. Considered in total, the material considerations referred to above do not outweigh the conflict with the development plan.

Zoe Raygen

INSPECTOR



Appeal Decision

Site visit made on 27 September 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2023

Appeal Ref: APP/P1045/W/23/3317912

Former Rhododendron Nursery, Land North of Chesterfield Road, Matlock, Derbyshire, Easting: 432209, Northing: 362302

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Daly against the decision of Derbyshire Dales District Council.
 - The application Ref 22/00489/FUL, dated 26 April 2022, was refused by notice dated 7 September 2022.
 - The development proposed is change of use to C3 dwellinghouse including dual-pitched roof and small extensions.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of agricultural building to dwellinghouse with proposed new dual-pitched roof and extensions at former Rhododendron Nursery, Land North of Chesterfield Road, Matlock, Derbyshire, Easting: 432209, Northing: 362302, in accordance with the terms of the application, Ref 22/00489/FUL, dated 26 April 2022, subject to the conditions set out in the attached schedule to this decision.

Preliminary Matters

2. The site address details on the planning application form do not include Derbyshire, whereas the Council's decision notice and the appeal form do, so I have included it in the above banner heading.
3. The description above is taken from the application form. However, the Council has described it on the decision notice as "Change of use of agricultural building to dwellinghouse with proposed new dual-pitched roof and extensions." The revised description is a more precise and clear description. Therefore, I have determined the appeal on this basis notwithstanding the description in the banner heading.
4. In September 2023 the Government published a revised National Planning Policy Framework (the Framework). Those parts of the Framework most relevant to this appeal have not been amended. As a result, there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issue

5. The effect of the proposal on the character and appearance of the host building and surrounding area.

Reasons

6. The appeal site is located within the open countryside, adjacent to a wooded area of trees. The site is occupied by a dilapidated agricultural stone barn, with a corrugated sheet roof. It is accessed off the A632 Chesterfield Road via an unmade, overgrown track.
7. The proposed development seeks to convert the dilapidated building into a modest 2-bed residential dwelling and includes a new dual pitch roof and a single storey side extension. A garden area, along with a parking area for two vehicles would be located to the front of the building, which would be served by a gravel driveway leading to the road.
8. The parties have drawn my attention to a conditional planning permission for the change of use of the building to a residential dwelling, including the addition of a pitched roof, reference 22/01277/FUL. The Council set out that the approved scheme omits extensions to the building, and the alterations to the building relate solely to the introduction of a dual pitch roof and minor alterations to openings within the building. I have not been provided with the approved plans or the formal decision notice. Nonetheless, it is clear from the Council's case that its concerns with the proposed development are the effect of the proposed single storey side extension on the character and appearance of the area and host building.
9. Policies S4, PD1 and PD5 of the Derbyshire Dales Local Plan 7 December 2017 (Local Plan) seek, amongst other things, development that is of a high quality design that would not harm or be detrimental to the character of the local and wider landscape or the setting. Policy HC8 of the Local Plan states, amongst other things, that conversion and/or reuse of existing buildings to residential use from other uses would be permitted where the building can be converted without extensive alterations, rebuilding or extension; and it would not have a detrimental impact upon the character and appearance of the building or group of buildings and its surroundings. In addition, The Conversion of Farm Buildings Supplementary Planning Document 2019 (SPD), sets out, amongst other things, that extensions to farm buildings should be subservient and the original farm building must always remain the dominant element.
10. The proposed conversion works, and introduction of a new dual pitch roof would change the appearance of the existing building markedly and would elevate its appearance within the surrounding area. However, there would still only be occasional glimpses of the building from any main vantage points due to the topography of the landscape, its position, scale, and screening from vegetation.
11. The proposed single storey extension would project to the side of the main building and would have stone dwarf walls with the upper elevations and roof covering, being constructed using a "Corten" steel facing material. It would be of a modest size and height, with a lower ridge height than the main building. Therefore, the proposed extension would have a subordinate appearance in relation to the main building to be converted.
12. The extension has been deliberately designed to have a contrasting, contemporary appearance to the main building, which along with its subordinate design, would ensure that it would not overwhelm the appearance of the main building or the site. Its contemporary design and rustic style would

achieve a high quality and sympathetic design, as opposed to it appearing as a domestic extension. Therefore, the resulting development would appear as a converted agricultural building. Furthermore, the setting of the proposed development, with its secluded position in the rural landscape, the backdrop of trees, with minimal views from any public vantage points, would ensure that it assimilates well within the landscape. Accordingly, it would not be incongruous within the landscape.

13. For the reasons outlined above, the proposed development would not be harmful to the character and appearance of the host building or the surrounding area. Therefore, the proposal would accord with policies S4, PD1, PD5 and HC8 of the Local Plan and the principles set out in the SPD.

Conditions

14. I have had regard to conditions suggested by the Council, as well as to the Framework and national Planning Practice Guidance (PPG). In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure that the appearance of the development is satisfactory, a condition is imposed to require samples of the external materials to be approved.
15. I have also attached the two conditions suggested by the Council relating to a lighting strategy and the installation of a bat box. I consider that the suggested conditions to be reasonable and necessary in the interest of safeguarding wildlife and the natural environment. The conditions largely reflect those suggested by the Council but for clarity and precision purposes, I have made minor changes, where necessary, to ensure that suitable details are submitted for approval before they are installed on site.
16. I have not imposed the Council's suggested condition on removing permitted development rights. In accordance with the PPG and the Framework, planning conditions should not be used to restrict national permitted development rights unless there is clear justification. In accordance with the PPG, they would not be reasonable or necessary and there is no clear justification for doing so.

Conclusion

17. The proposed development would accord with the development plan, and there are no material considerations to lead me to determine the appeal other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal is allowed.

N Bromley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, numbered: 3488-001; 3488-003; 3488-005.
- 3) Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before works commence on the facing walls or roof of the development hereby permitted. The development shall thereafter be constructed in accordance with the approved details.
- 4) Prior to the installation of any new lighting on the site, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall include measures to safeguard nocturnal wildlife, including bats. The development shall thereafter proceed in accordance with the approved details.
- 5) Prior to the occupation of the development hereby permitted, full specification details of a bat box, including its location within the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details.

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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