

APPLICATION NUMBER		23/00178/FUL	
SITE ADDRESS:		The Gables, 14 Bolehill Road, Bolehill, Matlock, Derbyshire, DE4 4GQ	
DESCRIPTION OF DEVELOPMENT		Demolition of dwellinghouse and erection of 5no. dwellinghouses with associated access and parking	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Straw and Jones Ltd
PARISH	Wirksworth	AGENT	Guy Taylor Associates
WARD MEMBERS	Cllr. D. Greatorex Cllr. L. Peacock Cllr. P. Slack	DETERMINATION TARGET	13 th September 2023
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member and given the number of dwellings proposed	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the proposals in their context

MATERIAL PLANNING ISSUES

- Principle of the development
- Impact on the character and appearance of Conservation Area
- Impact on residential amenity
- Highway safety
- Nature conservation and biodiversity enhancement
- Flooding and drainage
- Site contamination
- Climate change

RECOMMENDATION

That the application be approved subject to conditions set out in section 8.0 of the report.

1. THE SITE AND SURROUNDINGS

- 1.1 The application site lies to the west of Bolehill and is within the Bolehill Conservation Area. There is an existing dwelling on site along with a number of traditional outbuildings. The site is of varied topography with a slope downwards towards the open fields to the west of the site and a slope downwards towards the south of the site. There is an existing vehicle access to the east of the site for the existing dwelling No. 14 and an access track to the south of the site. A pedestrian access to the site exists to the north of the site opposite the existing row of cottages.
- 1.2 The site is surrounded by existing residential development in the form of vernacular cottages to the north, east and south. The roads into this area of Bolehill are narrow, typical of historic areas within the district. To the south west of the site lies the entrance to the Bage Mine, which is allocated as a SSSI due to the rare geological forms found within the mine, Matlockite and Cromfordite. The mine itself runs underneath the application site.







2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the erection of five dwellinghouses. Outline planning permission (ref. 09/00574/OUT) was granted in 2009 for the demolition of the Women's Institute (W.I.) hut and a house on the site and the erection of seven new dwellings, access roadway and a communal garage block. There was a subsequent approval of reserved matters and latter amendments made, the last being 14/00667/VCOND for changes to the appearance of the dwellings but none have been implemented although a commencement of the planning permission has taken place which include the W.I. hut having been demolished and regrading works undertaken to the site.
- 2.2 The development would be accessed by a new road, in a very similar location and alignment with the previously approved access road. It is proposed to have three detached houses off the western side of the access road and two detached dwellings on the eastern side of the access road. All the properties are proposed to be two-storied but, due to land topography/levels, those on the western side of the access road, the dwellings to the west are proposed to be split level, i.e. from the access roadway they will appear as single-storey. All of the properties have been designed in a 'contemporary' manner with dual pitched roofs (grey standing seam metal and clay tiles) and natural stone for the walling and render for the walling. All of the properties will have chimneystacks.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S2	Settlement Hierarchy
S3	Development within Defined Settlement Boundaries
S7	Matlock/Wirksworth/Darley Dale Development Area Strategy
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC1	Location of Housing Development
HC4	Affordable Housing Provision
HC19	Accessibility and Transport
HC21	Car Parking Standards

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 Wirksworth Neighbourhood Development Plan (2015-2028)
 - Policy NP1 Setting and shape of settlement
 - Policy NP2 Quality and character of development within the settlement
 - Policy NP4 Size of new homes and space standards
 - Policy NP5 Principal residence homes
 - Policy NP6 Quality of residential development
 - Policy NP7 Energy-saving standards for new dwellings
- 3.5 Bolehill Conservation Area Appraisal
- 3.6 National Planning Policy Framework
- 3.7 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- | | |
|----------------|---|
| 05/00706/OUT | Erection of 5 no. dwellings, village hall, associated car parking, new access road and alterations to access (outline) - Granted |
| 09/00574/OUT | Demolition of existing dwelling and former W.I. building and erection of 7 no. dwellings and associated access - Granted |
| 11/00387/REM | Demolition of existing dwelling and former W.I. building and erection of 7 no. dwellings and associated access (approval of reserved matters) – Granted |
| 11/00615/VCOND | Section 73 Application - Demolition of existing dwelling and former W.I. building and erection of 7 no. dwellings and associated access without compliance with Conditions 24 and 25 of planning permission 09/0574/OUT – Granted |
| 11/00912/FUL | Erection of dwellinghouse (revisions to previously approved scheme for Unit 1) – Granted |
| 14/00428/VCOND | Variation of conditions 1 and 2 of permission 11/00387/REM in order to amend floor levels, ridge heights and boundary treatments to 7 dwellings - Granted |
| 14/00667/VCOND | Variation of condition 3 of 09/00574/OUT to alter the appearance of the 7 dwellings – Granted |

5. CONSULTATION RESPONSES

Town Council

- 5.1 - no comment
- have declared a Climate Emergency and therefore supports any development or change that seeks to reduce the carbon footprint.

Environment Agency

- 5.2 - the development falls within flood zone 1 and therefore have no fluvial flood risk concerns associated with the site
- no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

Local Highway Authority (Derbyshire County Council)

- 5.3 - have commented previously in similar proposals on this land and no highway objections were raised subject to conditions.

Design and Conservation Officer (Derbyshire Dales District Council)

- 5.4 - re-development of this site will be a potential enhancement to this part of the Conservation Area in so much as the current disused condition and appearance of site will be altered and developed
- suggest conditions be attached to any grant of planning permission.

Development Control Archaeologist (Derbyshire County Council)

- 5.5 - have previously been consulted on the proposed development area in 2009, 2012 and 2014
- proposed development area lies within the Bolehill conservation area (DDR7029) – request DDDC conservation officer be consulted regarding the proposals
 - proposed development area is adjacent to the site of Bage Lead Mine (MDR14026) which is recorded on the Derbyshire HER as being of regional significance and there is potential on the site for below-ground archaeology associated with historic lead mining and this should be recorded through archaeological monitoring of groundworks within the site and appropriate recording of any archaeological remains exposed
 - these works can be achieved by attaching a condition to planning consent, the wording of which might read.

Natural England

- 5.6 - consider the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes
- provide generic advice on other natural environment issues
 - refer to advisory notes

Derbyshire Wildlife Trust

- 5.7 - further to raising initial concerns over the extent of information submitted, have reviewed the subsequently submitted Preliminary Ecological Appraisal (PEA), Bat Activity Survey Report and Reptile Survey Report (ML-Ecology, 2023) and raise no objection subject to conditions.

Environmental Health (Derbyshire Dales District Council)

- 5.8 - no objection in principle but recommend that standard working hours, including deliveries to site, are applied as a condition to this application.

6. REPRESENTATIONS RECEIVED

- 6.1 Three representations have been received objecting to the proposal. A summary of the representations is outlined below:

Policy principle

- understood for several years that the development was to include several houses, some of which would be affordable housing - current application appears to have reduced the number of houses and focusses on executive style homes

Impact on amenity

- property faces directly onto the aspect of the development site where the rear of the existing two storey dwelling is situated
- note the new planning application shows a large house (type 3) backing directly onto property boundary which is closer than the existing property and different to the previous planning application where low level garages would back onto the property
- concern of the impact this will have on the availability of light to neighbour's garden and house, particularly as the proposed new house is also wider than the existing one, and the aspect is south facing
- the size and proximity of the proposed dwelling will significantly impact the view
- concerned about the effect the building works will have on property and garden due to the large amount of dust and noise that will be produced, making garden unusable during that period
- other side of my garden faces on to the pedestrian access to the site, where again the light will be blocked by growth from the proposed trees that line the walkway and concerned the roots will cause damage to the stone-built boundary wall
- if all elements of the development on neighbour's property boundaries remain as planned, home and garden will be enclosed on all sides and leave property and garden feeling closed in and oppressive
- not opposed to the development in its entirety and note on the plans in other areas thought has been given to how the height of properties and boundaries may affect the views and surrounding homes - ask if a visual impact assessment has been undertaken from the aspect of Bolehill Road where property is situated

Surface and foul water drainage

- site plan shows both grey water and sewage outlets to the South West corner of the site - have a drain that runs through our "nether garden", running in the direction shown on the plan which has blocked on two occasions, flooding the garden and requiring Severn Trent to intervene
- the first occasion were told that it was only a grey water and storm drain, however on the second occasion it was all too evident that sewage was also involved and the inspection cover was changed to reflect this
- second blockage was almost certainly caused by rubble washed down from work on the drains further up Bolehill Road
- workers who cleared the blockage used a camera to ascertain the direction of the drains downhill course, as they had no accurate plans available
- are concerned that if this drain is to be used for the new development that may experience further issues with rubble from the works and/or overloading of the pipework
- the developers plans show the rainwater and sewage drainage that run beneath the plot of land that was formerly the garden to No 6 Bolehill Road - used to be two outhouses located on this land that were used by properties 6 and 8 Bolehill Road, prior to the garden of number 6 being sold
- the outhouses were knocked down circa 1988, but the drains are still in situ and are part of the main sewage system for the surrounding properties, running directly beneath the area that used to be the garden of No 6 Bolehill Road- these need to be investigated to assess the exact route and ensure any sewage drains are not fractured during the

development works, potentially causing an environmental pollution issue, not to mention knock on issues to the properties in the area whose drainage would be affected

- there are existing manholes on the gardens of No's 4 and 8 Bolehill Road, with the direct line of connection being across part of this development
- Bolehill is a very compact area and unfortunately the drainage is not well mapped as discovered about eight years ago when the drains on 'New Road' collapsed and the water board had to send out an investigative team to determine where they actually ran and the type of drains, either rainwater or sewage, that had been affected

Highway matters, nuisance and disturbance

- concern with the impact of heavy plant machinery on sound levels, the roads, buildings, drainage and sewerage systems of the village
- Nan Gells Hill is totally unsuitable for large vehicles and New Road is already uneven and potholed
- there is a very tight turn with limited visibility between new Road and Bolehill Road.
- have been numerous leaks from water mains over the years in both New Road and Bolehill Road and are aware of subsidence issues affecting some houses in the village - all of these can only be exacerbated by the transit of heavy vehicles, in addition to disrupting passage of residents from Bolehill Road and Little Bolehill
- concern regarding planned pedestrian gate to allow pedestrian access from the development to the top of Bolehill Road via the private access driveway that services No's 2 to 10a Bolehill Road - driveway currently allows pedestrian and vehicular access to the properties above and is extremely steep and narrow, with limited visibility from the top of the road and no pedestrian kerbside walkway
- vehicles have to carefully reverse down due to lack of turning area at the bottom, being constantly aware of any pedestrians from the properties this driveway services
- allowing an access thoroughfare for four extra family homes via this route would have a significant detrimental effect on No's 2 to 10a Bolehill Road
- passing footfall would be able to look directly into the properties removing all privacy
- would disturb the peaceful nature of these dwellings by turning what is currently a quiet driveway into a public thoroughfare, have potentially a negative effect on the value of these houses
- would pose a significant health and safety risk to the increased footfall that would occur, especially to any young children that may not appreciate the nature of this route considering this driveway has regular vehicular movement in and out of it
- combining such a narrow private driveway, with reversing vehicles and pedestrian access, to an additional four family homes is an accident waiting to happen
- whilst the developers will no doubt argue that the plot of land already has an access gate onto this driveway, it was in fact originally for the garden of No 6 Bolehill Road prior to the sale of this piece of land and it was never intended to be used as a public thoroughfare, merely as access to a private garden
- it would seem a safer alternative would be to have this pedestrian access sited through the entrance that already exists onto Bolehill Road via plot 5 of this development - this route would allow a safe paved pedestrian walkway on flat, even ground to be built to accommodate this footfall, providing a much safer and riskfree walkway for the development residents whilst keeping the private nature of No's 2 to 10a Bolehill Road intact
- would also keep the footfall of this development within the confines of the land it relates to, rather than allowing it to spill over onto areas not owned by the developers - namely the private driveways of No's 2 to 10a Bolehill Road thus reducing the detrimental affect it would have on these existing properties and their residents.

Two representations have been received in support of the proposals. A summary of the representations is outlined below:

- happy with the plans but, because of the nature of the approach roads, efforts should be made to use small plant and trucks during the construction as the lanes were built for horses and carts
- style of the proposed houses is particularly pleasing in that they are not just rectangular stone boxes with tile roofs, as is all too common in local developments, but the design has been informed by a number of factors relating to the nature of the site and surrounding buildings
- the attention that's been paid to ensuring that the development is beneficial to wildlife is most welcome
- site has been a barren eyesore in the centre of the village for over a decade - even in that time, it has not re-naturalised
- property is immediately adjacent to the site, and will experience some disruption, but looking forward to seeing the development underway - will be a long-awaited enhancement to the village.

7. OFFICER APPRAISAL

Principle of the Development

- 7.1 Previous permissions for this site have a lawful commencement. Therefore, the main issue to assess is whether the proposal is acceptable in terms of design and appearance and impact on amenity. It should be noted that previous approvals have been for seven dwelling whereas the current proposal is for five dwellings. In addition, since the previous grant of planning permission, the Local Plan (2005) has been replaced with the Adopted Derbyshire Dales Local Plan (2017). In addition, the Wirksworth Neighbourhood Development Plan (2015 – 2028) has been adopted. Whilst the policies reflect those of the previous Local Plan (2005), the current policies place greater emphasis on addressing climate change and attaining biodiversity enhancements with development.
- 7.2 Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015–2028) seek to ensure that the development proposals strengthen and improve on the defining landscape and settlement qualities, respect the local character and historic and natural assets of the surrounding area, reinforce local distinctiveness and a strong sense of place and take every opportunity to achieve ecological sustainability and a carbon neutral development, including the use of energy efficiency measures and low-carbon energy generation.
- 7.3 Policy NP4 advises that residential developments of three dwellings or more should include a high proportion of family homes, to the following requirements with at least 65% of the dwellings having three bedrooms or more that the dwellings should be of a size equal to or greater than the Greater London. It is considered that the development proposed generally meets with these aims.
- 7.4 Policy NP5 requires that all new dwellings will be subject to a restriction to ensure their occupation only as principal residence homes. Given that there is an extant planning permission which can be implemented without such restriction, it is considered unreasonable in this case to require such a restriction on occupancy.
- 7.5 Policy NP6 advises that planning permission will normally only be granted for residential development if it scores 12 greens under the criteria in Building for Life 12 (BfL12) and Policy NP7 advises that energy-saving standards for new dwellings should achieve the CSH L6. However, regard must be given to the requirements of building regulations. However, the aims of addressing climate change are also set out in Policy PD7 of the Adopted Local Plan (2017) and in the District Councils Climate Change Supplementary Planning Document (2021) and are addressed below.

- 7.6 There have also been changes with regards to the requirement for affordable housing provision but, given that the proposed development does not exceed 11 dwellings or more, as detailed in Policy HC4 of the Adopted Local Plan (2017), and nor could the site area reasonably provide for such number of dwellings, it is considered that no affordable housing provision/contribution can be required in this instance.

Impact on the Character and Appearance of the Conservation Area

- 7.7 The previously approved scheme was based on house designs in the vernacular tradition but the current scheme is a 'contemporary' designed scheme and the applicant states that the project aim is to 'provide a contemporary response to the local vernacular and complex topography'. The applicant concludes that the proposed *development 'aims to take great consideration to the surrounding context of Bolehill with consideration given to the scale, design and material choice to create...homes that complement the varied complex topography of the site while also retaining the local character of the neighbourhood'*.
- 7.8 It is considered that the proposed layout and general scale/mass of the proposed dwellings is acceptable in this location and context, and their use of the sloping topography. With regard to materials, the use of clay tiles (to the properties on the eastern side of the access roadway) and stonework cladding will relate to the materials found in the Conservation Area and act as a transitional development. Contemporary materials such as metal standing seam roofs, powder-coated aluminium windows/doors and timber cladding have also been incorporated. It was initially proposed to introduce timber cladding to form part of the elevations to house type 1. However, this was considered inappropriate to the context of the area and the proposals have been amended to a self-coloured render, rather than timber cladding, and details of this can be required as a condition on any grant of planning permission.
- 7.9 With regard to the stonework cladding to the walls and chimneystacks, it will be important and fundamental to the development that this has an assimilation to the existing stonework tradition of the houses in the vicinity and area. If the stonework cladding were to be laid/built whereby its character and appearance were too different to the existing in the locality, then the new dwellings will appear anomalous and out of context. In this regard, the proposed stone cladding will require detailed consideration and sample panels would need to be provided as a condition on any approval.
- 7.10 The proposed use of a metal standing seam roof covering, for three of the houses, may be acceptable as the widths of the bays between the seams (generally 300-400mm) give a distinctive pattern and relatively small unit size to the covering. In association with this the external colour of the metal covering will be important and samples should again be a condition of any grant of planning permission. Any rooflights should be flush and for the standing seam roof coverings they will need to fit within the standard bay widths. The applicant also proposes solar panels and it is considered reasonable to attach a condition that these be in a black colour, in a black frame, to seek to blend these with the roofscape to a greater degree.
- 7.11 On 'House Type 1' it is noted, as a contemporary detail, that the windows and doors have no lintels or cills. The detailing of these structural apertures will, therefore, need careful consideration and will need to be required by a condition on any grant of planning permission.
- 7.12 Landscaping works will be important to the overall development and confirmation of drystone walls (locations, heights and type, via a sample length etc.), fences, gates, hedging and surfacings etc. will be required via condition for approval. Subject to the above, and adherence to any conditions, it is considered that the proposed development of the site

would not constitute adverse harm to this part of the Conservation Area and would be an enhancement of the current, rather derelict site.

Impact on Residential Amenity

- 7.13 There are several residential properties to the north, east and south of the site. To the east, of Plot 5 are 10 and 12 Bolehill Road. The dwellinghouse at 12 Bolehill Road is sited some 11m away from the existing dwelling. It is proposed that replacement dwelling would be 1m closer and would have a wider end gable. However, it is not considered that the closer proximity, and size of the replacement dwelling, would be of such proximity to significantly harm the current amenity of that property. No windows are proposed in the facing gable and permitted development rights do not extend to allowing for such windows at first floor level. Further to the north is 10 Bolehill Road which is some 12.7m away and beyond that the dwellings at 2-6 Bolehill Road are some 26m away from the proposed dwellinghouse. This is considered to be reasonable distances to not result in a significant loss of light, outlook or privacy to these dwellings.
- 7.14 Concern has been raised with regard to the proximity of the proposed dwelling at Plot 5 to the garden serving 4 Bolehill Road, which is the principal garden area to this property. The concerns relate to the overshadowing of the garden by the dwelling proposed at Plot 5 and the potential for overlooking it and loss of privacy.
- 7.15 To this end, the applicant amended the proposals to set the proposed dwellinghouse some 7m off the boundary, which would place the proposed dwellinghouse some 1.2m nearer to the boundary than the existing house which is to be demolished. This is considered a reasonable distance to not overshadow the neighbour's garden. As the garden is set to the north, there may be some overshadowing of the garden in the winter months when the sun trajectory is low, but this should not be the case in the summer months when the sun would be above the proposed dwellinghouse. Given there is an existing dwelling to be demolished, and the relative distance to the dwellinghouse to the north being some 26m away, it is not considered that there would be any significant impact on those dwellings.
- 7.16 Concern has been raised with regard to the planting of trees to the west of the garden. Whilst this may have an impact on light, this would not justify a reason for refusal of planning permission given that trees can be planted provided they do not lead to a significant loss of amenity; the trees proposed to be planted in the area would be subject to consideration as part of any landscaping condition and the concerns of the neighbour can be taken into account in providing trees that will serve to soften the development site and yet not be overly imposing on the garden area.
- 7.17 With regard to privacy, between Plot 5 and the neighbouring garden the applicant has detailed that there would be a first floor window serving the bathroom. It is likely that such would be obscure glazed, given the purpose of the room, and it is therefore considered unnecessary to require this as a condition of any planning permission.
- 7.18 The dwellinghouse at Plot 4 looks in a southerly direction towards 22 and 22A Bolehill Road. However, the distance between the dwellings is some 29.5m and it is considered that this would not lead to a significant loss of privacy. Whilst the dwelling at Plot 4 is some 13m away from the dwelling at Plot 3, it is considered that the outlook would be at an angle and would not cause a significant loss of privacy in that regard.
- 7.19 Concerns have been raised with regard to the nuisance of vehicles and pedestrians accessing the site. To this end, the access is set off the existing road junction and the direction of travel is not directly past the side elevations to 22 and 22A Bolehill Road. These properties are a minimum of 6.5m from the access road itself, albeit paving is proposed adjacent to 22 Bolehill Road in order to provide an appropriate visibility splay. A boundary

wall and landscaping are proposed to the front and side of Plot 3 to intervene in views from that property, and from the proposed access road, towards the existing dwellings. In addition, it should be recognised that this access has been deemed acceptable with respect to previous permission for seven dwellings. It should also be noted that Plot 5 would be served directly off Bolehill Road, as is the current dwellinghouse which is proposed to be demolished.

7.20 Plots 1, 2 and 3 are proposed to have the first floor windows facing to the south west. There was concern with regards to balconies being proposed that would allow overlooking of the dwellinghouse to the south, which is a conversion of a former workshop. To this end, the areas above the single storey, lower level projections are proposed to have sedum roofs and the projections will intervene in overlooking of the property below. In addition, the use of such roofs as balconies is not permitted development and any alteration to the windows can be controlled with a wider restriction on alterations to openings for the purposes of safeguarding the character and appearance of the development and the amenity of neighbouring residents.

7.21 Given the above, it is considered that the impacts of the development on the amenity of neighbours, and between plots within the site, have been adequately addressed by the applicant.

Highway Safety

7.22 The Local Highway Authority have commented on previous proposals to develop the site and the means of access and general arrangements have not altered substantially. To this end, the Local Highway Authority has raised no objection subject to similar conditions attached to previous permissions to develop the site.

7.23 The applicant has noted the concern regarding the proposed pedestrian gate to the north of the site. It is advised that there is currently an opening within the stone wall, approximately 2.4m wide and enough to allow vehicular access. It is advised that the pedestrian gate was included to prevent vehicular access to and from the application site. It is advised that, if this is a concern, that removing the gate from the proposal and blocking up the wall could be considered.

Nature Conservation and Biodiversity Enhancement

7.24 Derbyshire Wildlife Trust raised initial concerns with the proposals with regard to the level and nature of the ecological assessments of the site and mitigation measures. Having reviewed the submitted supporting information and aerial photos of the site, the proposals were considered to indicate that the development may constitute a net loss of biodiversity, contrary to the environmental dimension of sustainable development as set out in the NPPF. To this end, DWT requested that a preliminary ecological appraisal of the site be undertaken to ensure that no habitats and/or protected species would be adversely affected by the proposals, and advised that a Biodiversity Net Gain Assessment be undertaken to fully assess any habitat loss/alteration.

7.25 The applicant has submitted further information which includes a Preliminary Ecological Appraisal (PEA), Bat Activity Survey Report and Reptile Survey Report (ML-Ecology, 2023). DWT has advised that a mitigation licence will be required from Natural England to enable the demolition of the dwelling. Assuming lighting will be limited to standard street lighting, no specific lighting condition is considered necessary in relation to bats, as there is little open space to protect from lightspill and spill towards bat boxes/bricks is likely to be minimal. However, DWT would be happy to review any lighting proposals at the request of the Local Planning Authority at a later stage.

- 7.26 The PEA considered the site as offering good quality habitat for common reptiles, supported by an existing record of common lizard within close proximity of the site. A reptile survey was undertaken, comprising seven visits between May and July 2023. No reptiles were recorded during the visits and reptiles are considered likely absent from the site. As such, no mitigation measures or further surveys are required. With the exception of bats, the demolition is not likely to have a direct impact on protected species.
- 7.27 Habitats present on site are common and of relatively low ecological value, being dominated by disturbed, species-poor grassland. An overall gain of +0.1955 habitat units is predicted to result from the proposed scheme. Whilst DWT note that there is an overall loss in grassland units, other habitats of equal or higher distinctiveness are proposed onsite to offset this.
- 7.28 DWT have some misgivings about targeting 'good' condition, when most habitats will be located within private ownership and management will be unenforceable and would not typically encourage this. However, considering the existing habitats, and the limited scope for landscaping within the scheme, on balance, DWT consider the proposals to be acceptable. Given that there is very little public space, and that most habitat will be created within gardens and on green roofs, DWT consider it appropriate to secure details within a detailed Landscaping Plan, rather than a Landscape and Ecological Management Plan, that is unlikely to be enforced/monitored, and that this should include planting specifications and specific seed/plant mixes or turf types. Given the above, there is no objection subject to appropriate conditions.

Landscaping

- 7.29 The site has been cleared of most previous landscaping and will need regrading as part of the redevelopment proposals. To this end, it is considered reasonable to attach a condition on any grant of planning permission that a detailed landscaping scheme be submitted for approval.

Flooding and Drainage

- 7.30 Whilst concerns have been raised with regard to drainage pipework across the site, it would be the developers responsibility to ensure that these were not impacted upon by the development and to meet the requirements for building regulations for this and surface water drainage. In addition, the applicant advises that the proposed scheme intends to use the same drainage strategy as the previously consented scheme (ref: 14/00667/VCOND), through the sewer and greywater on the west of the site, and the proposals are to reduce the number of dwellings from seven to five.

Site Contamination

- 7.31 Whilst not raising the matter of site contamination with the current application, the Environmental Health Section of the District Council has required site investigation work be undertaken and details of any mitigation measures provided in the granting of previous permissions. To this end, it is considered appropriate to repeat such conditions on any grant of planning permission.

Archaeology

- 7.32 As with previous applications, the Development Control Archaeologist has considered the proposals and advises of no objection subject to a Written Scheme of Investigation being undertaken on the site. This can again be a condition on any grant of planning permissions.

Climate Change

7.33 Whilst not a significant consideration with the previous granting of permission to develop the site, measures to mitigate against the carbon footprint of any development are a requirement set out in Policies S1 and PD7 of the Adopted Local Plan (2017) and the Wirksworth Neighbourhood Development Plan (2015-2028). There is also guidance on such contained in the District Council's Climate Change Supplementary Planning Document (2021). To this end, the applicant has advised that air source heat pumps and solar panels would be provided to each dwelling, along with electric vehicle charging points. With regard to the build, it is expected that the stone would be sourced from a relatively local quarry. Nevertheless, full details of measures to address the carbon footprint of the development can be secured as a condition on any grant of planning permission.

Conclusion

7.34 The principal changes to the extant planning permission are the number of dwellings now proposed being reduced from seven to five, the design and appearance of the proposed dwellinghouses, amenity matters and the matters which have greater relevance in the consideration of planning applications in terms of addressing climate change and enhancements required to biodiversity.

7.35 The proposed layout and general scale/mass of the proposed dwellings is acceptable in this location and context, and the use of the sloping topography. With regard to materials, the use of clay tiles (to the properties on the eastern side of the access roadway), stonework cladding and render will relate to the materials found in the Conservation Area and act as a transitional, albeit contemporary development. With regards to the impact on amenity, it is considered that this has been reasonably addressed with the amendments made to the initial scheme submitted with this application. The applicant has also sought to address matters of climate change and biodiversity enhancement.

7.36 Given the above, it is considered that the proposals generally accord with the aims of relevant policies contained in the Adopted Derbyshire Dales Local Plan (2017) and the Wirksworth Neighbourhood Development Plan (2015-2028) and it is recommended that planning permission be granted subject to appropriate conditions.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason:

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

2. The development hereby approved shall not be carried out other than in accordance with the following approved plans except insofar as otherwise required by other conditions to which this permission is subject:

Drawing Nos. 812-1409-1-(08) 002, 006 and 008 and A3-01 received on 20th February 2023

Amended Drawing Nos. 812-1409-1-(08)001 B and 009 A 27th July 2023.

Reason:

To define the permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with Policies S1, S2, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2028).

3. Before the dwellinghouses are first faced, details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a sample of the stone
 - a sample of the proposed render, to include its colour and finish;
 - details and/or a sample of the roofing material;
 - details of the rooflights, which shall be a flush fitting type;
 - details of rainwater goods and pipework;
 - details of the solar panels;
 - details of the type and positioning of the air source heat pumps; and
 - the positioning and colour finish of external meter boxes.

The development shall thereafter be undertaken with the approved samples/details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S2, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2028).

4. Before the dwellinghouses are first faced, sample panels of the facing materials, to measure 2m x 2m, shall be provided on site for inspection and approval in writing by the Local Planning Authority. The dwellings shall thereafter be faced in accordance with the approved plans and sample panels.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S2, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2028).

5. Prior to installation, detailed plans of all windows and doors, at a scale of 1:10, and details of their finish and surrounds, 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 plans/details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S2, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2028).

6. No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.”

The WSI should be assembled by the archaeological contractor engaged to do the work in the field and should be produced in consultation with the Development Control Archaeologist at Derbyshire County Council.

Reason:

To ensure the appropriate recording of any on site archaeology in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

7. No means of enclosure shall be erected until the design, location and materials to be used on all boundary walls/fences/screen walls/retaining walls, etc. have been submitted to and approved in writing by the Local Planning Authority and, where deemed necessary, sample panels of 2m x 2m of the walls shall be provided on the site for inspection. The boundary treatments so approved shall then be completed prior to the occupation of each dwelling and shall thereafter be retained in perpetuity.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S2, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2028).

8. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwellinghouse, the details of which shall include:
 - a) details of any vegetation to be retained;
 - b) soil preparation, cultivation and improvement;
 - c) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - d) grass seed mixes and sowing rates;
 - e) finished site levels and contours; and
 - f) hard surfacing materials.

Reason:

To ensure the satisfactory landscaped setting of the development to comply with Policies S1, S2, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2028).

9. All soft landscaping comprised in the approved details of landscaping (condition 8) shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the

development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:

To safeguard the character and appearance of the development in accordance with Policies S1, S3, PD1, PD2, PD5, PD6 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

10. Prior to any excavations taking place on the site, space shall be provided on site for the storage of plant and materials/site accommodation/loading and unloading of goods vehicles/parking and manoeuvring of site operatives and visitors' vehicles in accordance with details to be agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety.

11. Prior to any other works commencing, excluding Condition 10 above, the new access shall be formed with Bolehill Road. The access shall have a minimum width of 4.8m and be constructed as a splayed vehicular crossover in accordance with Derbyshire County Council's specification. The access shall be provided with visibility sightlines of 2.4m x 17.7m to the north and 2.4m x 15m to the south, the area forward of which shall be cleared and maintained in perpetuity clear of any obstruction exceeding 1m in height (600mm in the case of vegetation) relative to the nearside carriageway edge.

Reason:

In the interests of highway safety.

12. The gradient of the access shall not exceed 1 in 14 for the first 5m into the site from the highway boundary.

Reason:

In the interests of highway safety.

13. Prior to the occupation of any dwelling, the shared driveway and turning area shall be provided within the site, laid out in accordance with the application drawings and maintained thereafter free of any impediment to its designated use.

Reason:

In the interests of highway safety.

14. Prior to the occupation of any dwelling, the car parking and manoeuvring space shall be laid out in accordance with the application drawing and maintained thereafter free of any impediment to its designated use.

Reason:

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

15. Any gates shall be set back at least 5m from the highway boundary and open inwards only.

Reason:

In the interests of highway safety.

16. Prior to the occupation of any dwelling, details of the bin collection point(s) shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided prior to the occupation of each dwellinghouse and maintained as being available for their designated use throughout the life of the development.

Reason:

In the interests of highway safety.

17. The demolition of the building shall not take place until an appropriate bat licence has been obtained. Upon receipt of a licence from Natural England / site registration, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in Bat Report (BJ Collins Protected Species Surveyors, 2023) and amended as necessary based on any correspondence with Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence/confirmation of registration will be submitted to the Local Planning Authority once granted.

Reason:

To safeguard protected species to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

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

- using nectar and pollen rich plant and shrub species for any formal landscaping;
- 1x bat tube per dwelling e.g. Vivara Pro Woodstone Bat Tube/Brick on south/west facing aspects at eaves level;
- 1x integral nest brick per dwelling – e.g. Vivara Pro Large, Build in Swift Box or Manthorpe Universal Brick; and
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.

Reason:

To safeguard protected species and to enhance biodiversity on the site to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

19. Should vegetation removal or building demolition works take place within the bird breeding season (March to September), then these works shall not commence until a check for nesting birds has been carried out by a suitably qualified ecologist and the findings submitted to and approved in writing by the Local Planning Authority.

Reason:

To safeguard protected species to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

20. Before any works are undertaken to ground levels on the site, a detailed site investigation shall be carried out to determine the extent and location of mine shafts and wells and the findings shall be submitted to and agreed in writing by the Local Planning Authority. The foundation design shall incorporate the findings of the site investigations and all works shall be carried out in accordance with the agreed details.

Reason:

To ensure the development can be constructed without damaging the Bage Mine SSSI or affecting land stability in the locality in accordance with Policies PD2 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

21. Before any works are undertaken to ground levels on the site, ground Investigations shall be carried out by a suitably qualified and experienced engineer, and a scheme to ensure the stability of the area and any structures shall be prepared by a suitably qualified and experienced Structural and/or Geotechnical Engineer, which shall be submitted to the Local Planning Authority for approval before any further works are allowed to commence. The scheme should address the effect of temporary works during construction, as well as permanent works. Works shall be carried out in accordance with the agreed details.

Reason:

To ensure land stability in the locality to comply with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

22. Any abandoned shafts that are discovered during construction works shall be plugged or sealed (not infilled) in a manner to be first agreed in writing by the Local Planning Authority. Works shall then be carried out in accordance with the agreed details.

Reason:

To ensure the development can be constructed without damaging the Bage Mine SSSI or affecting land stability in the locality in accordance with Policies PD2 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

23. Before any works are undertaken to ground levels on the site, investigations shall be carried out, and a scheme prepared, by a suitably qualified and experienced Drainage Engineer to ensure that any land drainage problems are identified and remediated in accordance with details which shall be submitted to the Local Planning Authority for approval before any further works are commenced on the site. The scheme submitted should address the effect of temporary works during construction, as well as permanent works. If any ordinary watercourses are identified in the investigations, whether open or piped or otherwise contained, the submitted scheme shall include details of how these are to be retained to ensure they continue to accept and pass on the flow to the length below. Works shall be carried out in accordance with the approved details.

Reason:

In the interests of protecting existing drainage, and to ensure adequate site drainage, comply with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

24. The principles of 'Sustainable Urban Drainage Systems' (SUDS) shall be followed in the design of the development.

Reason:

To ensure appropriate site drainage to comply with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

25. Prior to the first dwellinghouse being erected, full structural design and calculations of all retaining walls and structures shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be carried out in accordance with the agreed details.

Reason:

To ensure the development can be constructed without damaging the Bage Mine SSSI or affecting land stability in the locality, and to ensure the satisfactory appearance of the development, in accordance with Policies S1, S3, PD1, PD2, PD5 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

26. Delivery times to the site during construction shall be restricted to be between 9.00 a.m. and 3.30 p.m. Monday to Friday only.

Reason:

To safeguard the amenities of neighbouring residents to comply with Policies S1, S3, PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

27. Unless otherwise agreed by the Local Planning Authority, development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until Parts 1 to 4 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until Part 4 has been complied with in relation to that contamination. Part 5 shall be complied with prior to occupation of the dwelling.

1. Site Characterisation

The requirement for investigation and risk assessment, in addition to any assessment provided with the planning application, to be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.

2. Submission of Remediation Scheme (if identified as being required)

A detailed remediation scheme to bring the site to a condition suitable for the intended use, by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared.

3. Implementation of Approved Remediation Scheme (Validation Report)

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

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

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, 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 in accordance with Part 3.

5. Importation of soil to site

In the event it is proposed to import soil onto site in connection with the development 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 LPA 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 appropriate decontamination of the site in accordance with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to any dwelling hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To safeguard the appearance of the development and the amenity of neighbouring residential properties to comply with Policies S1, S2, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2028).

29. Notwithstanding the provisions of the Town and Country Planning (General permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed or inserted in any wall or roof of any dwelling the subject of this permission.

Reason:

To safeguard the appearance of the development and the amenity of neighbouring residential properties to comply with Policies S1, S2, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2028).

NOTES TO APPLICANT:

1. The Local Planning Authority, prior to the submission of the application and during its consideration, has engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme, and subsequent amendments, that overcame concerns relating to the character and appearance of the development and local residents' amenity.
2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
3. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 3 months prior notification shall be given to the Environmental Services Department at County Hall, Matlock (tel: 01629 580000 Ext 38595) before any works commence on the vehicular access within highway limits.
4. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
5. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.
6. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
7. This decision notice relates to the following documents:

Drawing Nos. 812-1409-1-(08) 002, 006 and 008 and A3-01 received on 20th February 2023

Amended Drawing Nos. 812-1409-1-(08)001 B and 009 A 27th July 2023

Design and Access Statement received on 20th February 2023 received on 20th February 2023

Existing Drainage System Survey Plan received on 20th February 2023

Bat Activity Report received on 1st August 2023

Reptile Survey Report received on 1st August 2023

Area Habitat Spreadsheets received on 26th July 2023
Preliminary Ecological Appraisal received on 26th July 2023
Additional Information received on 26th July 2023.