

<b>APPLICATION NUMBER</b>		22/00855/FUL	
<b>SITE ADDRESS:</b>		Riber Castle, Riber Road, Riber, Matlock	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection 11no. dwellings within castle grounds, conversion of existing outbuildings and gatehouse to form 7no. dwellings, reconstruction of gatehouse to form 2no. dwellings, erection of orangery and covered parking area.	
<b>CASE OFFICER</b>	Adam Maxwell	<b>APPLICANT</b>	Mr Alan Wright
<b>PARISH/TOWN</b>	Matlock Town	<b>AGENT</b>	Mr Craig Barnsdale
<b>WARD MEMBER(S)</b>	Cllr Steve Flitter Cllr David Hughes Cllr Joanne Linthwaite	<b>DETERMINATION TARGET</b>	13.10.2023
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>Whether development is acceptable in principle</li> <li>Impact on cultural heritage</li> <li>Landscape impact and impact upon the character and appearance of the area</li> <li>Transport and Impact on highway safety</li> <li>Impact upon the amenity of neighbouring properties</li> <li>Sustainable building and climate change</li> <li>Flood risk and drainage</li> <li>Impact on trees and biodiversity</li> <li>Affordable housing, housing mix and developer contributions</li> </ul>

<b>RECOMMENDATION</b>
<p>That authority be delegated to the Development Manager or Principal Planning Officer to grant outline planning permission upon completion of a S.106 planning obligation to secure:</p> <ul style="list-style-type: none"> <li>approval and implementation of a management plan for the site;</li> <li>provision of transport facilities;</li> <li>provision and maintenance of footpath for use by the public and public access;</li> <li>approval and implementation of construction access strategy; and</li> <li>approval and implementation of road management scheme.</li> </ul> <p>And subject to planning conditions set out in section 8.0 of the report.</p>

## 1.0 THE SITE AND SURROUNDINGS

- 1.1 Riber Castle (built in 1868) is a grade II listed building located in a prominent location within the Riber Conservation Area. The site is also within the Buffer Zone of the Derwent Valley Mills World Heritage Site.
- 1.2 During the mid-20<sup>th</sup> century the castle and its outworks fell into disrepair and its roof was removed. The site was then occupied as a zoo until the 1990s by which time the castle was a shell. The castle is currently being converted to residential apartments following the grant of planning permission by the Secretary of State and associated listed building consent.
- 1.3 Access to the site is via Riber Road and there is a public footpath running along part of the northern boundary of the site. The nearest neighbouring properties are within Riber to the south and west. The Lodge is located adjacent to the access to the site.

## 2.0 DETAILS OF THE APPLICATION

- 2.1 Full permission is sought for the erection of 11 dwellings within the castle grounds, the conversion of existing outbuildings and gate house to form 7 dwellings and reconstruction of the gate house to 2 dwellings. Erection of orangery to the castle and link between castle and outbuildings. Erection of detached garage building. The application originally proposed the erection of a helipad on land west of the castle, however this element has been omitted from the application.
- 2.2 The plans show a total of 20 dwellings within the grounds of the castle. These would be a mixture of new build dwellings and conversion / reconstruction of outbuildings associated with the castle. The number of dwellings proposed within the grounds and broad locations are the same as previously approved by the Secretary of State.
- 2.3 The application proposes alterations to the detailed design and location of the dwellings and additional built development within the outbuildings to facilitate the use of the bath house as pool for residents. The proposed link would connect the castle to the outbuildings to the east. The orangery extension would be to the west of the castle.
- 2.4 The proposed garage would be located to the west of the castle and north of the garden wall. The garage would be partially underground with access around the front of the castle and provide 36 parking spaces, bin and plant store and lift access to the orangery.







### 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

#### 3.1 Adopted Derbyshire Dales Local Plan 2017

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S4 Development within the Countryside
- S5 Strategic Housing Development
- S9 Rural Parishes Development Strategy
- S10 Local Infrastructure Provision and Developer Contributions
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment

PD3 Biodiversity and the Natural Environment  
 PD5 Landscape Character  
 PD6 Trees, Hedgerows and Woodlands  
 PD7 Climate Change  
 PD8 Flood Risk Management and Water Quality  
 PD9 Pollution Control and Unstable Land  
 HC1 Location of Housing Development  
 HC4 Affordable Housing Provision  
 HC11 Housing Mix and Type  
 HC14 Open Space, Sports and Recreation Facilities  
 HC15 Community Facilities and Services  
 HC18 Provision of Public Transport Facilities  
 HC19 Accessibility and Transport  
 HC20 Managing Travel Demand  
 HC21 Car Parking Standards

### 3.2 Other:

The National Planning Policy Framework (NPPF) (2021)  
 National Planning Practice Guidance  
 Climate Change Supplementary Planning Document (SPD) (2021)  
 Developer Contributions SPD (2020)  
 Landscape Character and Design SPD (2018)  
 Historic England Advice Note 2 - Making Changes to Heritage Assets (2016)  
 Historic England Advice Note 4 - Enabling Development and Heritage Assets (2020)

### 4.0 RELEVANT PLANNING HISTORY:

07/01033/FUL	Engineering operations to facilitate formation of 3 no. ponds and swale	PERC	08/02/2008
08/00673/FUL	Formation of bin store and underground basement to accommodate plant equipment and meter rooms	PERC	03/12/2008
08/00674/LBALT	Alterations to listed building - Formation of bin store and underground basement to accommodate plant equipment and meter rooms	PERC	03/12/2008
08/00742/FUL	Engineering operations comprising redistribution of spoil from site excavations	PERC	21/05/2009
04/07/0609/AMD	Non-material Amendment - Internal floor layout alterations	PER	16/06/2022
22/00739/LBALT	Proposed alterations to internal floor layout	PER	25/08/2022
04/08/0766	Alterations to listed building - Works to bailey walls	PERC	13/07/2005
04/07/0609	Refurbishment and conversion of castle and outbuildings to form 35 dwellings, erection of 11 new dwellings to include a rebuilt gatehouse and associated access	CI	16/03/2006

03/09/0729	Alterations to listed building - Conversion of gatehouse to form 4 no. flats	NOOBJ	15/07/2004
03/08/0655	Change of use and conversion of gatehouse to form 4 no. flat units	NONDET	15/07/2004
02/03/0199	Refurbishment and conversion of castle and outbuilding to form 35 dwellings and erection of 11 new dwellings to include a rebuilt gatehouse	W	21/04/2004
02/03/0198	Alterations to Listed Building - Works to include partial rebuild and refurbishment associated with residential conversion of castle and outbuildings	A	07/05/2004
05/00022/HEAR	Change of use and conversion of gatehouse to form 4 no. flat units	DISMIS	15/07/2004
05/00054/CI	Refurbishment and conversion of castle and outbuildings to form 35 dwellings, erection of 11 new dwellings to include a rebuilt gatehouse and associated access	ALLOW	16/03/2006

## 5.0 CONSULTATION RESPONSES

### 5.1 Town Council: Object

“Firstly, this is a significant number of new dwellings in a very small community. The residents of Riber ran a very active campaign to keep Riber rural for some time, earlier in the millennium, and these proposals will significantly impact on the community as a whole.

In addition, there are some grave concerns about traffic in this part of Matlock. There are no facilities in Riber or Starkholmes and all of the residents of the site will be travelling down to Matlock for them. This is likely to bring 40 cars onto the very small roads in this village, significantly increasing the traffic either through Tansley or down Riber road, which is wholly unsuited to the levels of traffic which it already gets, never mind increasing it. The DCC Highways is not very helpful, giving no information on the impacts to the wider road network as they see it. I would like to see a traffic management plan for the site, including the implications for both Starkholmes and Tansley.

In association with this, the proposal for a helipad is not in keeping with our carbon reduction requirements. Requesting the helipad suggests that the site is unlikely to be used by people wishing to become part of our community. In addition, there will obviously be no affordable homes in the development, against our policies and the needs of our community.

There is no mention of the helipad in the submission, regarding its use. How many flights into the site are proposed? In order to support the proposal, I would need to see significantly more information about the number and frequency of flights proposed into the site, any restrictions on timing, refuelling requirements, emergency proposals (flightlines into or out of the site will have to pass over the community of Starkholmes).

On a smaller scale, I would like to see the DWT consultation, and more information about the impacts on ecology. I would like to see an appropriate BNG metric for the site, using Metric 3.1 and to see both the onsite and offsite biodiversity mitigation.

There are almost certainly great crested newts on site as they are present in two ponds which adjoin the site. Newt fencing has been in place for some time, but it has not been maintained and would not stop newts from accessing the site. If District licensing is to be used, where are the receptor sites going to be? There will need to be other ponds constructed in the vicinity and they need to be part of the planning submission.”

## 5.2 Derbyshire Wildlife Trust

“Since our response dated 1st June 2023, final protected species surveys have been completed and a final biodiversity metric submitted. The Ecological Impact Assessment (EclA) has been updated by Ramm Sanderson to reflect this work (July 2023). Our comments are as follows and some sections of our previous response have been repeated below to ensure all matters are addressed in this letter.

### Designated Sites

As per Section 1.1.2: The site falls within the IRZ for Matlock Woods SSSI and Masson Hill SSSI, however given that the helipad has been removed from proposals, consultation with Natural England is not required.

### Habitats and Species

The highest value habitat appears to be the broadleaved woodland in the north-east and north-west of the site, however this will be retained within proposals. All semi-improved grassland is assessed as species-poor within the site. Some will be retained and enhanced within proposals, some will be lost and some new grassland will be created. Our previous query regarding the northernmost field of grassland has not been addressed and this is discussed in the BNG section below.

A low population of GCN has been confirmed in seven ponds within 500 m of the application area, including one pond within the application area. There will be some risk to GCN during works in terrestrial habitats, however we do not anticipate the removal of any ponds. As such, a licence has been recommended and appropriate mitigation measures will need to be implemented. We advise that sufficient information has been provided to determine the application with regards to GCN. Common toad were also recorded on site.

A precautionary method of works to safeguard reptiles is recommended in the report. This is supported and would also safeguard common amphibians.

Bat surveys have now been completed at the site in line with best practice guidelines. No roosts were recorded in the castle or B2. A suspected brown long-eared bat was recorded emerging from the castle wall, ten common pipistrelle bats were recorded emerging from within B3 (3x roost locations) and three common pipistrelle bats plus an unidentified bat were rerecorded emerging from B5 (3x roost locations). No bats have been recorded emerging from B4 but droppings were noted during the 2023 building inspection. All roosts are consistent with summer day roosts and their loss can be readily compensated for with bat boxes throughout the development, however a summary should be provided of which roosts will be impacted or lost, along with an outline of precautionary working measures. A licence will be required from Natural England prior to any works which could affect the identified roosts.

A variety of tree-mounted and integrated bat boxes are proposed on the Site Enhancement Plan included within the EclA, however it is not clear which of these will be secured via a bat licence and which constitute enhancements. The locations of the integral boxes appear

to include new buildings and walls. The exact details of these should be fine-tuned in the licence application and ensure optimal placement to benefit the local bat population.

No evidence of barn owl was identified in the bat building assessment. However, evidence of nesting swallows was noted. Compensatory nesting opportunities for this species are indicated on the Site Enhancement Plan included within the EclA, however it is not specified that these will be able to be accommodated internally, as required. Swallow nest cups need to be installed internally to open-fronted structures and therefore this should be considered at an early stage to ensure suitable opportunities can be provided within sheds, stables, porches, lean-tos, log stores etc. Furthermore, we advise that proposals are compliant with British Standard BS 42021:2022 and integral nest bricks incorporated in new dwellings at a ratio of 1:1. These details should be addressed within the LBEMP secured via condition. A peregrine falcon was observed perching on B1 during a site visit, however no works to this building are proposed.

No badger setts have been recorded within the application area. The presence of a single latrine indicates that the application area does fall within a badger territory and therefore foraging badgers are likely to access the site. Best practice working measures can be secured via condition.

### Biodiversity Net Gain

The submitted metric predicts a net gain of +5.86 habitat units (+15.85%) is predicted and a net gain of +0.11 hedgerow units (+10.18%). The trading rules are satisfied.

However, our previous query regarding the exact type and condition of the northernmost grassland field has not been addressed. Whilst the metric is well-detailed, it states that some areas in the north and south of the site were not accessed and therefore a precautionary assessment of 'modified grassland' in moderate condition rather than poor was assigned.

Our database records the northernmost field as 'lowland dry acid grassland' (Figure provided at end of letter). Given that this would alter the values in the metric (lowland dry acid grassland is of 'very high distinctiveness'), we previously advised that this area should be accessed to confirm the grassland assessment. Whilst the field appears retained, it is currently included in the proposals to enhance to 'other neutral grassland', which would not be appropriate if it is indeed lowland dry acid grassland.

The northernmost field is to be retained and given the size of the application area and the scope for habitat creation and enhancement, it is highly likely that a net gain can be achieved. However, it is important that the calculations are accurate and based on detailed survey information.

No details have been provided as to how the habitats proposed in the metric will be created. These should be provided in the LBEMP, secured via condition. This document should also include full requirements for monitoring over a 30 year period.

We advise that the following conditions are attached to any approval:

### Bat Licence and Mitigation

No works shall be undertaken to B3, B4, B5 or the location of the bat roost identified in the castle wall until an appropriate bat licence has been obtained. Upon receipt of a licence from Natural England, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in the Ecological Impact Assessment (Ramm Sanderson, July 2023) and amended as necessary based on



any correspondence with Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence will be submitted to the LPA once granted. A copy of the results of any monitoring works will be submitted to the LPA.

### GCN Licence and Mitigation

Prior to the commencement of works on site, other than those located wholly on hardstanding / bare ground / within buildings, a copy of the great crested newt mitigation licence issued by Natural England shall be submitted to the LPA. All works shall be undertaken in strict accordance with the details agreed in the licence. The results of any monitoring surveys shall be reported to the LPA within three months of the surveys being completed.

### Lighting

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This shall safeguard bat roosting features and foraging habitat within the development site. It shall provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

### CEMP

No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. These shall consider badgers, reptiles and nesting birds, with bats and great crested newt mitigation addressed in separate licences.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

### LBEMP

A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with

the proposals set out in the submitted Biodiversity Metric (Ramm Sanderson, July 2023). The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-

- a) Results of a survey of the northernmost grassland field to ensure the metric accurately reflects the habitat type and to inform habitat enhancement works. The metric shall be updated as necessary.
- b) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- c) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- d) Appropriate management methods and practices to achieve aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- g) Details of the body or organization responsible for implementation of the plan.
- h) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 10, 15, 20, 25 and 30 years.
- i) Monitoring reports to be sent to the Council at each of the intervals above
- j) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- k) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- l) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
- m) Requirement for a statement of compliance upon completion of planting and enhancement works.

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

### 5.3 Derwent Valley Mills WHS

No response to date.

### 5.4 Education Authority

“The County Council has a statutory duty to make education provision available for each young person and elects where possible to provide a school place for each child at their normal area school. This duty applies across all schools and includes Academies.

The number of places at the normal area school is assessed through a system provided by the Department of Education which produces a net capacity. The number on roll at a school reflects the number of pupils attending the school, and the difference between the net capacity and the number on roll is the number of places available or not available to accommodate future requests for places.

Pupil numbers are calculated looking at the five year projection of numbers on roll based on birth rates. This projection does NOT include the impact of any new housing with planning permission or allocated in local plans. The pupil yield from approved planning applications in the normal area of the school is then added.

The number of pupils that the development is expected to generate is calculated using the formula that for every 100 dwellings there will be 24 primary, 20 secondary and 8 post16 pupils. This formula is based on a statistical assessment of birth rate and housing occupancy data in Derbyshire using information from the 2011 census. In calculating the pupil yields one-person households have been omitted. This reflects the fact that one bedroom dwellings are omitted from the assessments of need contained in consultation responses. The pupil yield employed in the SEND assessment reflects the proportion of Derbyshire pupils being educated within Special Schools as well as Enhanced Resources within mainstream schools.

The requirement for financial contributions towards education provision is therefore based on the normal area school's net capacity, projected pupil numbers on roll over the next five years and the impact of all major residential development with extant planning permissions within the normal area of a school to assess the effect that committed development coming forward will have on school capacity.

The level of contribution required is fair and reasonable in scale and kind and is determined using multipliers provided by the Department for Education based on their analysis of building costs per pupil adjusted to reflect regional variations in costs. These multipliers are revised annually in line with building cost inflation using the Building Cost Information Service All in Tender Price Index. The thresholds and level of contribution required is set out below.

#### Primary Level

The proposed development falls within and directly relates to the normal area of St Giles Church of England Primary School. The proposed development of 20 dwellings would generate the need to provide for an additional 5 primary pupils.

St Giles Church of England Primary School has a net capacity for 120 pupils, with 101 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 102.

An evaluation of recently approved major residential developments within the normal area of St Giles Church of England Primary School shows new development totalling 542 dwellings, amounting to an additional 130 primary pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would not have sufficient capacity to accommodate the 5 primary pupils arising from the proposed development.

#### Secondary Level

The proposed development falls within and directly relates to the normal area of Highfields School. The proposed development of 20 dwellings would generate the need to provide for an additional 6 secondary with post16 pupils.

Highfields School has a net capacity for 1392 pupils with 1250 pupils currently on roll. The number of pupils on roll is projected to increase to 1397 during the next five years.

An evaluation of recently approved major residential developments within the normal area of Highfields School shows new development totalling 648 dwellings, amounting to an additional 181 secondary with post16 pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate the 6 secondary with post 16 pupils arising from the proposed development.

### Mitigation

The above analysis indicates that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests financial contributions as follows:

£90,827.75 towards the provision of 5 Primary places at St Giles Church of England Primary School + additional education facilities.

£168,198.42 towards the provision of 6 secondary including post16 places at Highfields School + additional education facilities.

The above is based on current demographics which can change over time and therefore the County Council would wish to be consulted on any amendments to a planning application or further applications for this site.

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

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

5.5 Environment Agency: No comment

5.6 Highway Authority

Raise no objection but request further drawings to show highway improvement works approved under the extant planning permission.

5.7 Historic England

“Riber Castle was built in 1868, by John Smedley, a local Victorian entrepreneur who established himself in the hosiery business in a nearby factory in Lea Mills and built a hydro in Matlock. The building was later used as a school but following a period of uncertainty it deteriorated to a ruin. The site was subsequently used for a zoo until it became vacant and was sold. A residential conversion scheme was later granted at appeal with associated enabling development within the grounds.

Due to its prominent elevated siting, the castles silhouette is a dominant feature in the skyline and imposing landmark feature that is visible from a multitude of locations in the surrounding area. The Caste dominates the surrounding countryside and this part of the wider setting of the Derwent Valley Mills World Heritage Site (DVMWHS).

The building is grade II listed as a building of national special architectural and historic interest. It is located within the Riber Conservation Area and Derwent Valley Mills World Heritage Site buffer zone. The Castle and its associated buildings make an important positive contribution to the Riber Conservation Area and contribute to the Outstanding Universal Value of the World Heritage Site.

DVMWHHS is of the outstanding universal value (OUV) as identified by UNESCO and is of international significance. The rural character of the surrounding countryside is an important part of its significance, because it demonstrates the arrested development of the pioneering industrial sites located in the valley bottom. Unlike other industrial locations the mills and settlements in the Derwent Valley did not continue to develop into large urban areas and there is a hard edge between the historic industrial developments and the surrounding countryside which can still be readily seen and appreciated today.

We note that a revised Heritage Statement has now been submitted which has broadly addressed our previous concerns in this regard. Having considered the information provided we concur with your conservation officer’s comments in relation to the potential impacts on the significance of the heritage assets affected by the proposal. We recommend you seek further advice from the County Archaeologist in relation to potential impact on below ground archaeology.

As previously advised your authority will need to consider what the justification for additional units and service buildings in the context of the original decision which identified that the 2004 was the minimum viable necessary. As you are aware the housing market in the local area has led to significantly higher prices for housing than would have been achieved in 2004, indicating that your authority will need to robustly consider the justification for more development.

Our advice is given in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, the Planning Practice Guidance and the Historic Environment Good Practice in Planning Notes 2-3. We refer you to PPG in relation to the assessment of impact in relation to development which could potentially affect the WHS and the recent published guidance from UNESCO and its advisory bodies.

We urge you to consider the above and recommend that the applications should be determined in accordance with national and local policy guidance, and on the basis of your

specialist conservation and archaeological advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.”

#### 5.8 Lead Local Flood Authority

No response to date

#### 5.9 NHS Derby and Derbyshire Integrated Care Board

“I can confirm that this development falls under our threshold for a S106 contribution”

#### 5.10 DDDC Conservation Officer

“Riber Castle (built in 1868) is a grade II listed building (listed 1950) located in a prominent location within the Riber Conservation Area. The site is also within the Buffer Zone of the World Heritage Site.

In the post-WWII years the Castle and its outworks fell into disrepair and its roof was removed. In the 1960s it was taken over as a Wildlife Zoo which continued until the 1990s. By that time the Castle itself was a shell.

An application for Planning Permission was also made in 2004 (04/07/0609) which included works of alteration and conversion of the Castle and for the erection of dwellings within the castle grounds and associated works. This application was ‘called in’ by the Secretary of State (SoS) to determine. The application was allowed by the SoS in March 2006.

This current application for Planning Permission is for the ‘erection 11no. dwellings within castle grounds, conversion of existing outbuildings and gatehouse to form 7no. dwellings, reconstruction of gatehouse to form 2no. dwellings, erection of orangery, covered parking area and helipad’.

This current application, whilst containing all of the proposed development allowed by the SoS also includes some amendments to the allowed development and some new development works. The principal amendments to the allowed development scheme are:

- i. ‘Plot 1’ layout has been altered
- ii. ‘Plot 4’ layout has been altered slightly and the projecting 90 degree kink (on the original layout) has been removed.
- iii. ‘Plots 6 & 7’ have been separated (rather than con-joined).

The new development works are:

- iv. A flat roofed ‘link’ section on the right hand side of the main Castle
- v. An attached ‘orangery’ on the left hand side of the main Castle
- vi. ‘Unit 1’ on the right hand side of the Castles garden
- vii. An underground carpark

The above developments are commented on below:

- i. The 'L' shaped part of the property has been re-located to the side of the existing corner turret and garden wall. This is a two-storey element and its interface with the corner turret will be a glazed 'link' which will allow a light architectural abutment to the turret. It is considered that, subject to constructional details etc. that the proposed amendments to Plot 1 are considered to be acceptable.
- ii. The general plan layout of Plot 4 has been flipped and the leg of the 'L' shaped building has been aligned with the angle of the garden wall. It is considered that, subject to constructional details etc. that the proposed amendments to Plot 4 are considered to be acceptable.
- iii. As originally approved Plots 6 & 7 abutted at a corner. The proposed amendment is to slightly separate the two dwellings to negate the abutment. It is considered that, subject to constructional details etc. that the proposed amendment to Plots 6 & 7 are considered to be acceptable.
- iv. The historical & archaeological assessment of the Castle has shown that on the right hand side of the Castle (between the former coach house and Castle) there was an internal link – most probably the principal entrance to the Castle. The amendment, therefore, includes a flat roofed section over this area to re-introduce this linking element. It is considered that, subject to constructional details etc. that the proposed amendment is acceptable.
- v. Historic photos indicate the presence of a conservatory or orangery on the left hand side of the Castle. This was removed historically. In this regard, the concept of such a building type/structure on this side of the Castle has been historically established. Historic photos depict a square or rectangular structure with a shallow, lean-to roof (possibly glazed). The photos provide insufficient detail for a faithful re-creation of this former conservatory and the proposal is to erect a, smaller, stone clad conservatory (with a parapetted flat roof and roof lanterns and glazed openings to the south-east & south-west). The design and detailing of the new conservatory (orangery) is depicted on the submitted drawings. It is considered that the proposed orangery will be an acceptable extension/addition to this part of the Castle and in its location, form, scale, mass and detailing will not have an adverse or harmful impact on the character and appearance of the Castle.
- vi. Unit 2 follows the general footprint of a linear glass house on this side of the walled garden. This was approved in the original planning approval on the site of the original 'bath houses'. The amendment includes for the provision of a new building (Unit 1) of similar architectural type and detail as Unit 2 and located on the same side of the walled garden. This part of the walled garden, in a plan of 1892 indicates an area for 'refuse & manure'. Whilst no building is indicated in this location it is considered that a continuation of the design and style of Unit 2, in this part of the walled garden would not have an adverse or harmful impact on the setting of the Castle.
- vii. Whilst the Castle served the purposes of a zoo, car parking along the front of the Castle was established. Whilst conversion and building works have been taking place over the last ten years or so this area at the front of the Castle has also been used for car parking. As part of the overall plan for the Castle and its site there has been a

desire to conceal, if possible, the provision of car parking needed to serve the apartments in the Castle. In this regard, the concept of an underground carpark has been formulated. The proposed location and design of the underground car park is depicted on the submitted drawings. The parts of the construction that will be visible 'above' ground are all to be stone clad. It is considered that the proposed location, form and architectural treatment and finish etc. of the proposed underground car park will not constitute adverse impact or harm on the setting of the Castle and will provide concealed car parking in the vicinity and frontage of the Castle.

- viii. On the land to the south-west of the Castle & its walled garden it is proposed to introduce a helipad. This will all be level with the current land level and comprise a tarmacked access track and a circular concrete helipad. In its proposed form and layout etc. it is considered that the helipad and access track would not constitute adverse impact or harm to the setting of the Castle.

It is considered that the proposed amendments to the originally approved scheme would not constitute adverse impacts or harm to the listed buildings and their setting, the Conservation Area or to the setting of the World Heritage Site.”

#### 5.11 DDDC Environmental Health

“With regards this application I have no objections in principal. However, I do have some concern regarding the helipad being constructed and the possibility of disturbance in the local area as a result. Could further information be sought with regards to the likely use of this and any limitations planned to protect residential amenity.”

Officer Note: The helipad has since been omitted from the application.

#### 5.12 DDDC Trees and Landscape Officer

“Considering the scale and potential impact of the proposals upon the visual amenity of the landscape I recommend that a LVIA be required to be submitted for approval pre-determination.

In order to be able to make an informed assessment of the potential impact of the proposals on the existing trees at the site I recommend that an Arboricultural Impact Assessment be submitted for approval pre-determination.

I recommend that if any encroachment into the Root Protection Areas of any retained trees is required for any reason then a site specific detailed Arboricultural Method Statement should also be required to be submitted for approval. This could be required as a condition to a grant of planning consent.”

#### 5.13 DCC Archaeologist

“Thank you for re-consulting on these related applications. I have looked again at this application and I am glad to note the submission of an augmented and enhanced Heritage Statement which is fit for the purposes of Para 194 of NPPF.



I also note the latest consultation responses from Historic England and your own conservation officer. The Heritage Survey proposes there being a slight chance for the preservation of hitherto unknown archaeological deposits/features, which pre-date the castle while noting previous archaeological work which stated (my emphasis).

Although no other known archaeological remains lie within, or close to the study area, the richness of the surrounding landscape would suggest that this could result from a lack of detailed fieldwork and recent agricultural activity. The study area lies virtually on the summit of a spur of land overlooking the River Derwent: it drops steeply to the north-west (overlooking the confluence of the Derwent with the Bentley Brook), and more gently to the south-east forming an eminence overlooking the gritstone plateau to the south-east. Its location, overlooking the river valley, a confluence within that valley and the sloping shelves of the plateau is a classic location for activity during all periods.

Though it may be that the subsequent construction of the castle has removed traces of any underlying archaeology this is as yet an untested assumption. While I suspect the Heritage Assessment is correct regarding the relative status and significance of any below ground archaeology and it not forming a bar to development there will be a necessity for archaeological works in the form of an archaeological watching brief during groundworks and, in the area which will be affected by the underground carparking, and an archaeological watching brief scalable to strip map and record excavation with provision built into the archaeological coverage for a scalable excavation response dependent on results.

This work could be conditioned into planning consent”

#### 5.14 DCC Countryside Officer (Trees)

“Although the site is close to land covered by DCC TPO 35, the development would be a significant distance from this area.”

#### 5.15 DCC Place

“The local County Councillor Burfoot has been consulted for her views on the potential infrastructure requirements that may require contributions from developers.

Councillor Burfoot has highlighted that she is a member of the planning committee at Derbyshire Dales District Council and her comments below are her preliminary views only and at the planning committee she will consider all the evidence put before her. Councillor Burfoot has commented as follows:

“This is an important planning application given the need to conserve the heritage of the site.

I have a major issue with the gated community style entrance which I feel is out of character with the rural hamlet of Riber.

I would oppose the inclusion of a helicopter pad which could necessitate excessive noise and lighting and I feel is inappropriate for its setting. The lighting could not only have an

impact on the setting of the hamlet but further afield. Residential amenity of those living in Riber would also be affected.

I feel that all the new build should be within the perimeter walls of the castle.”

#### 5.16 DCC Rights of Way

“I have checked the Definitive Map for the Matlock Urban District and can confirm that Matlock Public Footpath No. 52 runs adjacent to the north east boundary of the proposed development site, outlined in red on the site location plan. In addition, an application has been received under Section 53 of the Wildlife and Countryside Act 1981, to add a footpath as part of Footpath 52 which, if successful, would extend the existing footpath to Riber Road.

The proposed concessionary path would be a welcome addition to the network. Further information about this path, such as the width, surfacing and any limitations such as gates, would be appreciated, as would the plans for the proposed connections to Footpath 52 and Riber Road.

The Rights of Way Section has no objection to the proposals as it appears that Footpath 52 will be ultimately unaffected by the proposed works.”

#### 5.17 Peak & Northern Footpaths Society

“I welcome the proposed new permissive footpath, but I think that bearing in mind the considerable amount of additional demand for opportunities for public walking which would be created by the large number of new residents on the site, this path should be legally dedicated as a public right of way. Also the proposed location of this new path should be assessed by the Town Council to ensure that it is in the best place to meet the recreational needs of the new residents and other walkers. The full width of Matlock Footpath 52 must be unobstructed at all times during and after the proposed development.”

#### 5.18 Derbyshire Dales Ramblers

“Ramblers Derbyshire Dales Group has no objection providing that:

- i) Matlock FP 52 remains unaffected at all times, including the path surface, both during and after any development
- ii) Any encroachment of the paths would need consultation with the DCC Rights of Way Team
- iii) The permissive paths in the Design & Access Statement are welcome, although these would be more beneficial if they were dedicated as Rights of Way.”

## **6.0 REPRESENTATIONS RECEIVED**

6.1 A total of 10 letters of representation have been received to date in objection to the application. The material planning reasons given are summarised below:

- a) Lack of information within application
- b) Object to retrospective nature of parts of the application.

- c) The application does not clearly set out what the changes are compared to the development allowed by the Secretary of State.
- d) Query if conditions and planning obligation imposed upon development allowed by the Secretary of State will apply to this development.
- e) Proposal is contrary to the development allowed by the Secretary of State.
- f) Enabling development was granted based on the designs put forward by the developer. Sufficient development income was provided for at award. No further development should be permitted.
- g) Unclear if the development would be accessed via the minor hamlet roads.
- h) Unclear if proposed garage would provide sufficient parking for 26 apartments.
- i) Highway improvements approved under previous application require works on land not owned by the applicant and road markings and a 'gated community' style entrance which appears to suburbanise the rural hamlet's nature.
- j) Creation of a helicopter landing site to the south west of the castle may result in safeguarding issues.
- k) Creation of a helicopter landing site may necessitate anti-collision lights or other lighting nearby.
- l) Creation of a helicopter landing site would harm the setting of Riber Castle, the conservation area, amenity and the wider landscape.
- m) Use of the proposed helipad would create significant carbon emissions and exacerbate climate change.
- n) The proposed development is contrary to relevant policies in the current development plan.
- o) Insufficient information is submitted with the application to justify the development or additional enabling development.
- p) The additional development proposed by this application is not the minimum required to conserve the castle and no evidence is put forward to justify the proposed additional development.
- q) An updated viability appraisal has not been submitted with the application.
- r) The orientation and design of plot 1 and plot 4 do not take into account their impact on the rural setting when viewed from the South.
- s) The amendments to plot 1 would be visible above the castle wall and would detract from the castle and the landscape setting. The design does not meet the requirement for minimal impact or harm to the rural setting.
- t) The increase in size of plot 4 from a 4 bedroom to a 7 bedroom dwelling contravenes their application as it only provides for 4 and 5 bedroom properties.
- u) Due to the scale of plot 4 which will look out into the paddock area and be visible from the south. The amended plot 4 does not appear to meet the parameters of a dwelling that would be integrated into its setting and associated with the castle. This design is potentially harmful to the setting.
- v) The plans do not clearly define a boundary between the site and the hamlet. The developer has chosen to relocate plot 8 so that it no longer forms a physical boundary between the site and the hamlet.
- w) The permission granted by the Secretary of State only allowed access via Riber hamlet for plot 8 and emergency access.
- x) The drawings imply an open link between Smithy Lane in Riber hamlet and the development site. A gate should be retained and used as an emergency access route only.
- y) The Secretary of State was clear that the permission granted precluded the construction of any additional dwelling. If the developer wishes to amend the development or combine units on site this should not be used to again a new dwelling.
- z) The developer should not be permitted to build more structures on the site because they wish to change a dwelling provision to gain higher sales return. The increase is harmful it adds another structure onto the site that is not permitted or necessary.
- aa) Query if proposed changes to bedroom numbers indicate that the developer is aiming for the second home or holiday accommodation market.

## 7.0 OFFICER APPRAISAL

- 7.1 This application seeks full planning permission for the erection of 20 dwellings on the site (a combination of new build, re-build and conversion), erection of orangery and garage.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017).
- 7.3 Having regard to the above, consultation responses and representations received and the relevant provisions of the development plan and the National Planning Policy Framework (NPPF), the main issues to assess are listed below.
- Whether development is acceptable in principle
  - Impact on cultural heritage
  - Landscape impact and impact upon the character and appearance of the area
  - Transport and Impact on highway safety
  - Impact upon the amenity of neighbouring properties
  - Sustainable building and climate change
  - Flood risk and drainage
  - Impact on trees and biodiversity
  - Affordable housing, housing mix and developer contributions

#### Principle

- 7.4 Planning permission was granted by the Secretary of State for the re-development of the site in 2006 (the 2006 permission). Planning permission was granted for conversion of the castle into 26 apartments, conversion of outbuildings into 9 dwellings, the erection of 10 new dwellings and the reconstruction of the former gatehouse into 1 dwelling (total 46 dwellings). Listed Building Consent was granted for the associated works to the listed building.
- 7.5 Planning permission was granted subject to a number of planning conditions and a planning obligation which amongst other things required phasing (to ensure that works to the castle were carried out). The planning permission was lawfully implemented and construction works have been underway on site for a considerable time with the works to convert the castle to apartments now nearing completion. The 2006 permission is a material consideration in the assessment of this application as a fall-back position and should be given significant weight.
- 7.6 The application site is not allocated for housing in the development plan and is located outside of Matlock in the countryside. Policy S4 seeks to ensure that that new development protects and, where possible, enhances the character and distinctiveness of the landscape, the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development. Housing is only appropriate in exceptional circumstances such as where justified for conversion of existing buildings in accordance with policy HC8.
- 7.7 The Council is unable to demonstrate a 5 year housing land supply at this time. The National Planning Policy Framework (NPPF) is a material consideration and paragraph 11 says that in these circumstances the Local Planning Authority should grant planning permission for sustainable development unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 7.8 Paragraph 80 of the NPPF does make provision for the development of isolated homes in the countryside where development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. Enabling development is development that would not be in compliance with local and/or national planning policies, and not normally be given planning permission, except for the fact that it would secure the future conservation of a heritage asset.
- 7.9 There is no provision in the development plan for the erection of new build dwellings on the site as proposed. However, the extant 2006 permission is a significant material consideration. This application proposes the same number of dwellings as the 2006 permission and is broadly comparable in terms of scale and layout to the approved scheme. The 2006 permission therefore establishes the principle for a development of the quantum proposed. Furthermore, the NPPF does make provision for enabling development where required to secure the future of heritage assets, such as Riber Castle.
- 7.10 The key issues in the assessment of this application therefore is whether the proposed amendments to the detailed design of the scheme and additional development proposed is acceptable and justified having had regard to relevant development plan policies, guidance and material considerations and whether the development is acceptable in all other respects.

#### Impact on cultural heritage

- 7.11 Riber Castle was built in 1868, by John Smedley, a local Victorian entrepreneur who established himself in the hosiery business in a nearby factory in Lea Mills and built a hydro in Matlock. The building was later used as a school but following a period of uncertainty it deteriorated to a ruin. The site was subsequently used as a zoo until it became vacant and was sold. The 2006 permission for conversion to apartments was later granted with associated enabling development within the grounds.
- 7.12 Due to its prominent position, the castles silhouette is a dominant feature in the skyline and an imposing landmark feature that is visible from a multitude of locations in the surrounding area. The castle dominates the surrounding countryside and this part of the wider setting of the Derwent Valley Mills World Heritage Site (DVMWHS).
- 7.13 The building is grade II listed as a building of national special architectural and historic interest. It is located within the Riber Conservation Area and DVMWHS buffer zone. The castle and its associated buildings make an important positive contribution to the Riber Conservation Area and contribute to the Outstanding Universal Value (OUV) of the World Heritage Site.
- 7.14 DVMWHS is of international significance. The rural character of the surrounding countryside is an important part of its significance, because it demonstrates the arrested development of the pioneering industrial sites located in the valley bottom. Unlike other industrial locations the mills and settlements in the Derwent Valley did not continue to develop into large urban areas and there is a hard edge between the historic industrial developments and the surrounding countryside which can still be readily seen and appreciated today.
- 7.15 This current application, whilst containing all of the development permitted by the 2006 permission includes some amendments and new development works. The application has come forward following on-going discussions and pre-application advice given to the applicant by the former Development Manager and the Conservation and Design Officer.

- 7.16 Policy PD2 is relevant and states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Particular protection will be given to heritage assets including (amongst other things) conservation areas, listed buildings, archaeological sites or heritage features and non-designated heritage assets.
- 7.17 The Listed building, Conservation Area and DVMWHS are designated heritage assets. The Local Planning Authority is obliged to have special regard to the desirability of preserving listed buildings their setting or any features of special architectural or historic interest which they possesses. The Local Planning Authority is also obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 7.18 A Heritage Statement (HS) has been submitted with the application which meets the requirements of policy PD2 and the NPPF. The HS concludes that the development will not result in any harm to the significance of affected heritage assets and that any impact upon archaeology can be mitigated through the imposition of planning conditions to secure a programme of archaeological mitigation.
- 7.19 The Conservation and Design Officer has been consulted on the application and has assessed the proposed amendments to the dwellings, orangery, link and garage development. The application proposes various amendments to the dwellings while retaining the general layout and design approach of the 2006 permission.
- 7.20 Concern has been raised in representations in regard to the amendments to plot 1 (within the walled garden west of the castle) and plot 4 (south of the walled gardens). The layout of plot 1 has been amended with a two-storey element abutting the western castle wall. The majority of this dwelling would remain concealed behind the wall, however, part of the two-storey element would be visible above the wall from the west and south. However, this element has been designed with light weight and recessive materials which would mitigate the impact and not erode the dominance or simple form of the castle wall.
- 7.21 The amendments to plot 4 would hand the form to the west and increase the scale of the building and number of bedrooms from 4 to 7. The overall design approach for this plot remains similar and the dwelling would continue to be well related and read in relation to the wider castle. The increase in the scale of the two-storey element would not result in any significant additional or landscape visual impact or harm the setting of the castle.
- 7.22 The remaining amendments to the proposed dwellings are more minor in nature and while there are some changes to the number of bedrooms the amendments are generally minor in nature and would not compromise the quality of the approved development or result in harm to the significance of affected heritage assets, subject to planning conditions to agree details.
- 7.23 Part of the proposed amendments to the dwellings would result in a new building 'Unit 1' on the west side of the walled garden. This would be a continuation of Unit 2 which was approved in the 2006 permission and Unit 1 would be a continuation of the approve design. This element would not result in an additional dwelling because it would facilitate the use of part of the bath house (which was approved for conversion to a dwelling in the 2006 permission) as a swimming pool and changing rooms for residents of the development.
- 7.24 The part of the walled garden where Unit 1 is proposed was historically used for refuse and manure and while no building was located in this position the continuation of the design and style of Unit 2 in this part of the walled garden would not harm the setting of the castle or any other affected heritage asset. Furthermore, the reinstatement of the bathhouse would be an enhancement to significance by restoring an element of its historic plan and legibility.

- 7.25 A link is proposed on the northwest elevation of the castle to the outbuildings. The assessment of the castle has shown that there was historically a link between the castle and the former coach house. The proposed link would re-introduce this element which is acceptable in principle. There is no objection to the design approach of the link subject to planning conditions to agree details.
- 7.26 An orangery is proposed to the south east elevation of the castle to provide an entrance foyer and link to the sub-terrain garage structure. Historic photographs indicate the presence of a conservatory or orangery on this side of the castle. Therefore, the principle for such a building on this side of the castle has been historically established and is acceptable. The historic photographs are not sufficiently detailed to inform a faithful re-creation and therefore the proposal is for a smaller, stone clad conservatory with a parapet roof and roof lanterns. There is no objection to the proposed design approach and it is concluded that this element will not harm the significance of the castle or any other affected heritage asset.
- 7.27 The application proposes a partially sub-terrain car park, store and plant room for occupants of the development. The garage structure would be sited to the south west of the castle and provide pedestrian access to the proposed orangery via a lift. Car parking to the front of the castle was established while the site was occupied as a zoo. The 2006 permission retaining this parking for occupants of the development. The proposed car park is intended to conceal the provision of car parking to serve the apartments and reduce the impact upon the front of the castle.
- 7.28 The parts of the garage structure visible above ground would be viewed as low stone walls and there are no objections to the scale, location, form or materials of the proposed building. Due to the design approach little of the structure would be visible above ground and as a result the garage would not result in harm to the setting of the castle or other affected heritage assets either in and around the site or in the wider landscape. The proposed garage therefore would not result in harm to the setting of the castle or affected heritage assets and would facilitate the removal of car parking from the front of the castle which would be an enhancement.
- 7.29 Taken as a whole the proposed amendments would be broadly similar in scale, form and location to the 2006 permission. The proposed amendments to the precise design, scale and location of dwellings are acceptable and would maintain the design quality and approach of the 2006 permission. The proposed additional development would be acceptable for the reasons set out above and would result in some enhancements to the significance of the castle. Overall the development would conserve the significance of Riber Castle, Riber Conservation Area and the setting of the DVMWHS.
- 7.30 The County Archaeologist advises that there is the potential for the proposed garage to impact upon archaeology and therefore that this element should be monitored in accordance with an approved written scheme of investigation (WSI). This is considered to be reasonable and necessary given the requirements of policy PD2 and the NPPF.
- 7.31 It is therefore concluded that the development will conserve the significance of Riber Castle, Riber Conservation Area and the setting of the DVMWHS. The development would not harm the significance of any other heritage asset. The development is therefore in accordance with policy PD2 and the NPPF.

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

- 7.32 Policy S1 states that development should conserve and where possible enhance the natural and historic environment, including settlements within the plan area. Policy PD1 requires all

development to be of high quality design that respects the character, identity and context of the Derbyshire Dale's townscapes and landscapes.

- 7.33 Policy S4 s) states that permission will be granted for development where it does not undermine, either individually or cumulatively with existing or proposed development, the physical separation and open undeveloped character between nearby settlements either through contiguous extension to existing settlements or through development on isolated sites and land divorced from the settlement edge.
- 7.34 Policy PD5 deals specifically with landscape character and states that the Council will seek to protect, enhance and restore the landscape character of the area. This will be achieved by requiring that development has particular regard to maintaining landscape features, landscape character and the setting of the Peak District National Park. Development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.35 Policy PD1 goes on to say that development will only be permitted where the location, materials, scale and use are sympathetic and complement the landscape character, natural features (including trees, hedgerows and water features that contribute positively to landscape character) are retained and managed and opportunities for appropriate landscaping are sought such that landscape characteristics are strengthened.
- 7.36 The application site is located in a dominant position overlooking and visible from a number of locations in the area. The site is located within the Peak Fringe & Lower Derwent Landscape Character Area (LCA) and within the Wooded Slopes & Valleys Landscape Character Type (LCT). The site is not subject to any landscape designations but the castle is visible from the north and higher ground within the Peak District National Park (PDNP).
- 7.37 This is an upland landscape with undulating ground rising up to moorland with steep slopes along valleys. Land is largely permanent pasture for sheep and cattle with densely scattered small to medium ancient woodlands and secondary woodland on steeper slopes and along streams. There are scattered hedgerow trees and drystone walls around networks of winding lanes and dispersed sandstone farmsteads with stone slate roofs.
- 7.38 Having regard to the extant 2006 permission the application is for amendments to the approved development. The proposed changes to the location, scale and design of the dwellings secure the same quality design and approach of the 2006 permission. These elements therefore would not result in any material impact upon the landscape, landscape character of the setting of the PDNP. Similarly the proposed link extension and orangery would be read as sub-ordinate and restoring historic elements of the castle.
- 7.39 The proposed garage would introduce an additional free standing structure in a prominent location. However, the garage has been designed to be partially below ground which significantly mitigates any impact. The low walls of the garage would not be visible above the topography in the wider landscape and where viewed from closer they would be seen against the backdrop of the walled garden. The proposed garage would therefore not result in any harm to the landscape, landscape character of the setting of the PDNP.
- 7.40 The 2006 permission included comprehensive conditions to control landscaping and management in the interests of conserving the wider site and the setting of the castle and Conservation Area. If permission is granted it is necessary to re-impose planning conditions to ensure that these elements are agreed, implemented and managed throughout the lifetime of the development.



7.41 The development, having regard to the extant 2006 permission therefore would conserve the character, appearance and local distinctiveness of the landscape in accordance with policies S1, S4 and PD5.

#### Transport and Impact on Highway Safety

7.42 Policies S1, S4 r) and HC19 require development proposals to demonstrate that they can be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan.

7.43 The proposal is for new residential development in a relatively inaccessible location within the countryside. However, the extant 2006 permission is a material consideration and establishes the principle for residential development in this location. The development would not result in any additional dwellings on the site compared to the approved scheme or any other development which would result in additional vehicle movements.

7.44 Concern has been raised in regard to potential access to and from the site from the lane to the east of the site (known as Smithy Lane). Smithy Lane is single track with no passing places and therefore unsuitable for access to the development. This was noted by the Secretary of State when considering the 2006 permission. At that time Smithy Lane was to provide access to Plot 8 and emergency vehicles only.

7.45 The proposed plans indicate that there would be a route through the development to Smithy Lane. As set out above general use of the lane by the development would not be appropriate as it would harm highway safety, safety of users of the footpath along the lane and the amenity of the hamlet. Therefore, if permission were granted a planning condition would be imposed requiring the access to be permanently closed to vehicles (other than for access for emergency vehicles) in accordance with details to be first approved by the Local Planning Authority.

7.46 Subject to the above, the development would therefore not result in any material increase in vehicle movements or material impact upon highway safety compared to the 2006 permission. The Highway Authority raise no objection subject to the submission of the off-site mitigation approved under the 2006 permission. This can be secured by appropriate planning conditions and planning obligation.

7.47 The development, having regard to the extant 2006 permission would not harm highway safety or result in any significant impacts upon the highway network. The development would not be located in a sustainable location but would not result in any material impact upon vehicle movements compared to the 2006 permission. The development would therefore not be harmful in terms of sustainable access subject to securing mitigation by planning condition and planning obligation. The application is therefore in accordance with policies S1, S4, HC19, HC20 and HC21.

#### Impact on amenity of neighbouring properties

7.48 The proposed dwellings would be located away from neighbouring properties and therefore the development would not result in any significant impacts upon privacy or light to neighbours nor would the development be overbearing. The development would not result in any material change in the number or nature of vehicle movements compared to the 2006 permission. Concerns were raised in regard to the use of the proposed helicopter landing pad, however this element has been omitted from the application.

7.49 The development would result in some impact in terms of noise and disturbance during construction. However, this is the case with any development and there would be no material

difference between the proposal and the 2006 permission in this regard. This could be satisfactorily controlled subject to planning conditions to control hours of construction works and construction compound.

7.50 Therefore, subject to conditions the development could be accommodated on site without significant harm to the amenity of neighbouring properties or occupants of the development in accordance with policies S1 and PD1.

#### Sustainable building and climate change

7.51 Policies S1 and PD7 state that the Council will promote a development strategy that seeks to mitigate the impacts of climate change and respects our environmental limits by: requiring new development to be designed to contribute to achieving national targets to reduce greenhouse emissions by using land-form, layout, building orientation, planting, massing and landscaping to reduce energy consumption; supporting generation of energy from renewable or low-carbon sources; promoting sustainable design and construction techniques, securing energy efficiency through building design; supporting a sustainable pattern of development; water efficiency and sustainable waste management.

7.52 The 2006 permission did not include any provision for measures to mitigate the impacts of climate change. The submitted application does not propose any specific mitigation measures, however, the new build dwellings will be required to comply with current building regulations in terms of conservation of heat and power. There will also be opportunities to incorporate microgeneration technologies within conservation constraints.

7.53 Therefore, having regard to the requirements of policies S1 and PD7 if permission is granted it is considered reasonable and necessary to impose a planning condition to require sustainable building and climate change mitigation measures to be incorporated. The development therefore can be delivered in a manner that would reduce carbon emissions and energy consumption therefore mitigating the impacts of climate change in accordance with policies S1 and PD7.

#### Flood risk and drainage

7.54 The whole site is located within Flood Zone 1 which is described as land having a less than 1 in 1,000 annual probability of river or sea flooding. The site is therefore at low risk from flooding. The application is for major development and therefore a Flood Risk Assessment (FRA) has been submitted with the application.

7.55 Policies S1 and PD8 are relevant and state that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere. Development will be supported where it is demonstrated that there is no deterioration in ecological status either through pollution of surface or groundwater or indirectly through pollution of surface or groundwater or indirectly through overloading of the sewerage system and wastewater treatment works. New development shall incorporate Sustainable Drainage Measures (SuDS) in accordance with national standards.

7.56 The FRA includes a drainage strategy. This strategy concludes that post-development surface water is attenuated within the site to provide a betterment and allowed to infiltrate if feasible. The 2006 permission included a planning condition to agree foul and surface water and this has been complied with.

7.57 Foul water would be to the main sewer as approved by the 2006 permission. Discharge to the main sewer is acceptable in principle and in accordance with Planning Practice Guidance. This would mitigate risk of pollution of the water environment in accordance with policy PD9.

- 7.58 The Environment Agency (EA) and Lead Local Flood Authority (LLFA) have been consulted. The EA raise no objection to the development. The LLFA have not responded to date.
- 7.59 The submitted FRA demonstrates that the development would be located within Flood Zone 1 an area of lowest flood risk. The development would be appropriately flood resistant and resilient. Any residual flood risk could be safely managed and safe access and escape routes would be available at all times. Foul water would be to the main sewer. The drainage strategy demonstrates that surface water would be dealt with appropriately and in accordance with national planning guidance.
- 7.60 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site in accordance with policies S1 and PD8.

#### Impact on trees and biodiversity

- 7.61 There are a number of trees and hedges on and adjacent to the site that could be affected by the development. Policies S1 and PD3 state that the Council will seek to protect, manage and where possible enhance the biodiversity and geological resources of the area by ensuring that development will not result in harm to biodiversity or geodiversity interests and by taking account of a hierarchy of protected sites. This will be achieved by conserving designated sites and protected species and encouraging development to include measures to contribute positively to overall biodiversity and ensure that there is a net overall gain to biodiversity.
- 7.62 The application is supported by an Ecological Impact Assessment (EclA) and Biodiversity Metric. The 2006 permission was supported by tree surveys and granted subject to a planning condition requiring tree protection fencing to be erected and maintained during the development.
- 7.63 The development would not result in any further encroachment upon trees compared to the 2006 permission. Therefore further survey work prior to determination is not considered to be necessary. However, if permission is granted it is considered that an updated Arboricultural Method Statement (AMS) is necessary to ensure that the revised development proposals are carried out in a manner which conserves trees and that construction / storage areas do not harm retained trees.
- 7.64 Having had regard to advice from Derbyshire Wildlife Trust the development will not result in any adverse impact upon designated nature sites.
- 7.65 The application demonstrates that there are no features of high nature conservation value or designations at the application site that would be harmed. Potential impacts on protected species are assessed within the EclA. Having regard to the advice from Derbyshire Wildlife Trust (DWT) the application has demonstrated that, subject to planning conditions to secure avoidance measures, details of lighting, a Construction and Environment Management Plan (CEMP) and a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) it can be carried out in a manner that will not harm designated sites or protected species in accordance with policies S1 and PD3.
- 7.66 The submitted biodiversity net gain assessment concludes that the development will deliver a net gain for habitats and hedgerows on-site of 15.85% for habitats and 10.18% for hedgerows. If permission is granted a planning condition to secure a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) would be recommended.
- 7.67 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site in accordance with policies S1 and PD3.

## Affordable housing, housing mix and developer contributions

- 7.68 Policy S10 states that suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary when considering new development, including providing for health and social care facilities, in particular supporting the proposals that help to deliver the Derbyshire Health and Wellbeing Strategy and other improvements to support local Clinical Commissioning Groups (CCG) and facilitating enhancements to the capacity of education, training and learning establishments throughout the Plan Area.
- 7.69 No health contribution has been sought by the CCG. The development will result in the need for additional education provision. The Education Authority has stated that this would amount to £90,827.75 towards the provision of 5 Primary places at St Giles Church of England Primary School (and additional education facilities) and £168,198.42 towards the provision of 6 secondary including post 16 places at Highfields School.
- 7.70 Given the nature of the development and prevailing policies no contribution was sought for education when permission was granted in 2006 as the reason for the development was to secure the conservation of Riber Castle by allowing the minimum development possible. The extant 2006 permission is a material consideration and the current application proposes no additional dwellings. The application does not propose to provide the contributions required by the Education Authority contrary to the requirements of policy S10. However, having had regard to the 2006 permission as a material consideration and fall-back position it would not be reasonable to request any contribution in this case.
- 7.71 In order to address the significant need for affordable housing across the Local Plan area, policy HC4 requires that all residential developments of 11 dwellings or more or with a combined floor space of more than 1000 square metres provide 30% of the net dwellings as affordable housing. The application does not proposed to meet this policy requirement and no affordable houses are proposed for the reasons set out above. Having regard to the 2006 permission as a material consideration and fall-back position it would not be reasonable to request provision of affordable housing in this case.
- 7.72 Policy HC11 prescribes a housing mix to meet the Council's housing needs and to create a sustainable, balanced and inclusive communities. The 2006 permission pre-dates policy HC11 and the permitted development includes a mix with a significantly larger proportion of 4+ bedroom properties. The application proposes a broadly similar mix, albeit with some additional bedrooms to some properties. However, the priority must be to deliver a scheme which conserves and enhances the castle. HC11 provides flexibility on housing mix in this context and therefore the proposals are considered to be acceptable having regard to the fall back position of the 2006 permission.
- 7.73 Policy HC14 requires new residential developments of 11 dwellings or more to provide or contribute towards public open space and sports facilities. The Adopted Supplementary Planning Document (SPD) on Developer Contributions dated February 2020 supersedes the table in policy HC14 as it is based on the updated study from January 2018.
- 7.74 The 2006 permission did not include any provision for public open space, sports facilities or play areas within the development. However, provision was made within the development for public access which is secured by planning condition and within the planning obligation. Having regard to the 2006 permission as a material consideration and fall-back position it would not be reasonable to request further provision of public open space or financial contribution in this case.
- 7.75 The 2006 permission was granted subject to a S.106 planning obligation. The primary purpose of the planning obligation was to ensure that appropriate works to the castle were

completed before the completion of any other enabling development. The conversion works to the castle are now nearing completion and therefore it is no longer necessary to repeat this requirement.

7.76 The planning obligation imposed upon the 2006 permission also covered the following:

1. Phasing arrangements
2. Prohibition of any additional dwellings on the land
3. Restrictions to specific residential curtilages and removal of permitted development rights.
4. Grant the Council power to carry out works to remedy breaches
5. Require written notification from the owner for implementation and completion of the development.
6. Agree and implement management plan for the castle and the grounds.
7. Provide transport facilities (including minibus service for residents of the development and Riber village for a minimum of 3 years).
8. Provide footpath for use by the public year round and area for public access 2 days per year.
9. Agree and implement maintenance provisions for estate roads during winter
10. Agree and implement construction access strategy
11. Agree and implement road management scheme (for the local highway network)
12. Agree and implement travel plan

7.77 A number of these obligations repeated planning conditions imposed upon the 2006 permission and this was noted by the Secretary of State at the time. Phasing arrangements, curtilages, removal of permitted development rights and approval and implementation of the travel plan can be secured by planning condition. It is therefore not necessary to repeat these obligations within a planning obligation as this would be contrary to the tests in the Community Infrastructure Levy Regulations and current National Planning Practice Guidance.

7.78 Furthermore, it is not necessary to repeat restrictions on the erection of new dwellings on the land or repeat provisions granting power to remedy breaches. The erection of dwellings would require planning permission and therefore the Local Planning Authority has sufficient control over such development and the Local Planning Authority has existing enforcement powers to remedy breaches if they occur. It is also not considered to be necessary to repeat restrictions on winter maintenance provisions as this could be satisfactorily controlled as part of the management plan.

7.79 It is however necessary to repeat the obligations requiring approval and implementation of a management plan, provision of transport facilities, provision of footpath and public access, approval and implementation of construction access strategy and road management scheme. The approval and implementation of these elements remain necessary to make the development acceptable in planning terms and to ensure that any permission remains consistent with the 2006 permission which will remain extant.

### *The Planning Balance*

7.80 The principle of residential development on this site is not in accordance with policy S4 of the Adopted Derbyshire Dales Local Plan (2017). However, there is provision within the NPPF for enabling development required to secure the conservation of a heritage asset. Furthermore, the extant 2006 permission is a material planning consideration and establishes the principle for the development.

7.81 The application proposes amendments to the 2006 permission and other additional ancillary development. The proposals have been carefully considered by the Conservation and

Design Officer and Historic England and it is concluded that the proposals would maintain the design quality and approach of the approved development and not result in harm to the significance of Ribber Castle, Ribber Conservation Area, the setting of DVMWHS or any other heritage asset in accordance with policies PD1 and PD2.

7.82 The 2006 permission permitted the minimum level of development necessary to conserve Ribber Castle. Therefore any additional development must be carefully considered. The proposals however would not result in any additional dwellings and the overall scale, layout and form of development is similar to that approved in 2006. The additional development is minor and ancillary in nature and is acceptable on its own merits. It is therefore considered that further viability testing is not required in this case.

7.83 The development would not harm the landscape, landscape character or the setting of the Peak District National Park in accordance with policies S1, S4 and PD5. The development would not harm biodiversity or trees in accordance with policies PD3 and PD7. The development would not be at risk of flooding and would be provided with sustainable drainage in accordance with policies PD8 and PD9. The development would not harm highway safety or result in any significant impact upon the highway network and would not result in harm to the amenity of neighbouring properties in accordance with policies PD1, HC10, HC20 and HC21.

7.84 The Council is unable to demonstrate a 5 year housing land supply at this time. The National Planning Policy Framework (NPPF) is a material consideration and paragraph 11 says that in these circumstances the Local Planning Authority should grant planning permission for sustainable development unless:

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

7.85 Therefore, while there is some conflict with development plan policies in regard to the principle of development on site. Having had regard to material considerations including the 2006 permission as a fallback position and the NPPF it is concluded that the development is acceptable and in accordance with the development plan when taken as a whole.

7.86 The application is therefore recommended for approval subject to the imposition of planning conditions and prior entry into a S.106 planning obligation.

## **8.0 RECOMMENDATION**

That authority be delegated to the Development Manager or Principal Planning Officer to grant outline planning permission upon completion of a S.106 planning obligation to secure:

- approval and implementation of a management plan for the site;
- provision of transport facilities;
- provision and maintenance of footpath for use by the public and public access;
- approval and implementation of construction access strategy; and
- approval and implementation of road management scheme.

Subject to the following conditions:

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

Site Location – A116 2  
Site Layout – A108 9  
Public Access Proposals – Plan 4  
Ground Flood Layout – A102 1  
Castle Sections 1 – A401 1  
Unit 1 – A527 3  
Unit 2 – A528 3  
Unit 6 – A532 3  
Unit 7 – A533 4  
Unit 8 – A536 3  
Unit 9 – A535 4  
Unit 11 – A534 4  
Bath House – A529 3  
Coach House – A530 2  
Saddlery – A531 3  
The Stable Block – A537 2

Plot 1 Sheet 1 – A538 3  
Plot 1 Sheet 2 – A538.1 2  
Plot 2 Sheet 1 – A539 2  
Plot 2 Sheet 2 – A540  
Plot 3 Sheet 1 – A541 2  
Plot 3 Sheet 2 – A542 1  
Plot 4 Sheet 1 – A543 3  
Plot 4 Sheet 2 – A544 3  
Plot 5 Sheet 1 – A545 4  
Plot 5 Sheet 2 – A546 4  
Plot 6 Sheet 1 – A547 3  
Plot 6 Sheet 2 – A548 3  
Plot 7 Sheet 1 – A549 3  
Plot 7 Sheet 2 – A550 3  
Plot 8 Sheet 1 – A551 3  
Plot 8 Sheet 2 – A552 3  
Plot 9 & 10 Garden Wall Views – A557 2  
Plot 9 Sheet 1 – A553 3  
Plot 9 Sheet 2 – A554 3  
Plot 10 Sheet 1 – A555 3  
Plot 10 Sheet 2 – A556 2  
Garage Details 1 – A802 4  
Garage Details 2 – A803 5  
Garage Details 3 – A804 2  
Orangery Details – A801 3  
Proposed Off Site Road Improvements 1 – A1001 1  
Proposed Off Site Road Improvements 2 – A1002

Reason:

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

2. No development shall take place until a programme for the phasing of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted programme shall identify as separate phases, or series of phases, the conversion of the outbuildings and gate house, the reconstruction of the gatehouse and the new dwellings and shall identify the infrastructure and facilities required prior to both the commencement of construction and first occupation of each phase.

Reason:

To ensure that the conversion of the outbuildings and new dwellings are completed in appropriate phasing and that the development is served by appropriate infrastructure and facilities in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

3. No development of the covered parking area or access road shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:
  - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
  - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

To ensure that any impact upon on site archaeology is mitigated and recorded in accordance with policy PD2 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

4. No development shall take place on any approved phase before details of the materials to be used in the construction of the external surfaces of the proposed development in that phase, including the rebuilding or reinstatement of existing walls, where necessary, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out only in accordance with the approved details and shall be completed prior to the first occupation of that phase of the development.

Reason:

To ensure that the development is of an appropriate design and construction which conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

5. No development shall take place on any approved phase before details of the coursing of new stonework and pointing of existing and new walls in that phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out only in accordance with the approved details and shall be completed prior to the first occupation of that phase of the development.

Reason:

To ensure that the development is of an appropriate design and construction which conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

6. No development shall take place on any approved phase before a scheme of hard and soft landscaping in that phase has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:



- i. Proposed trees and hedges and defined limits of shrubs and grass areas.
- ii. Numbers of trees and shrubs in each position with size of stock, species and variety.
- iii. Proposed topsoil depths for grass and shrub areas.
- iv. Types of enclosure (hedges, fences, railings, walls etc).
- v. Regraded contours and details of changes in level.
- vi. Proposals for the replacement of any hedges affected by the access works.

Reason:

To ensure that the development protects existing trees and hedges and incorporates appropriate replacement planting and landscaping which conserves the significance of Ribber Castle and its setting within the landscape in accordance with policies PD1, PD2, PD5, PD6 and HC8 of the Adopted Derbyshire Dales Local Plan.

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

Reason:

To ensure that the development protects existing trees and hedges and incorporates appropriate replacement planting and landscaping which conserves the significance of Ribber Castle and its setting within the landscape in accordance with policies PD1, PD2, PD5, PD6 and HC8 of the Adopted Derbyshire Dales Local Plan.

8. A Landscape Management Plan, which shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any part of the development. Thereafter, the Landscape Management Plan shall be implemented as approved.

Reason:

To ensure that the landscape areas are appropriately managed in a manner which conserves the significance of Ribber Castle and its setting within the landscape in accordance with policies PD1, PD2, PD5, PD6 and HC8 of the Adopted Derbyshire Dales Local Plan.

9. No development shall take place on any approved phase before an Arboricultural Impact Assessment (AIA) has been submitted to and approved in writing by the Local Planning Authority. The AIA shall be prepared in accordance with the guidance provided by BS 5837:2012 and include a tree schedule and the following drawings:

- Tree constraints plan;
- Tree removals and retentions plan;
- Tree protection plan; and
- Tree shading plan

If any encroachment is required into root protection areas of any retained trees then a site specific detailed Arboricultural Method Statement (AMS) shall also be submitted to and

approved in writing by the Local Planning Authority before the commencement of any development. The development shall thereafter not be carried out other than in accordance with the approved AIA and AMS.

Reason:

To ensure that trees and landscape areas are appropriately protected and managed in a manner which conserves the significance of Riber Castle and its setting within the landscape in accordance with policy PD6 of the Adopted Derbyshire Dales Local Plan.

10. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. These shall consider badgers, reptiles and nesting birds, with bats and great crested newt mitigation addressed in separate licences.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The development shall not be carried out other than in accordance with the approved CEMP which shall be adhered to and implemented throughout the construction period.

Reason:

To ensure that ecological interest on and adjacent to the site are appropriately protected and managed in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan.

11. No development shall take place until a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) has been submitted to and approved in writing by the Local Planning Authority. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the submitted Biodiversity Metric (Ramm Sanderson, July 2023). The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:

- a) Results of a survey of the northernmost grassland field to ensure the metric accurately reflects the habitat type and to inform habitat enhancement works. The metric shall be updated as necessary.
- b) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- c) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- d) Appropriate management methods and practices to achieve aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).

- g) Details of the body or organization responsible for implementation of the plan.
- h) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 10, 15, 20, 25 and 30 years.
- i) Monitoring reports to be sent to the Council at each of the intervals above
- j) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- k) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- l) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
- m) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The development shall not be carried out other than in accordance with the approved LBEMP.

Reason:

To ensure that ecological interest on and adjacent to the site are appropriately protected and managed and a biodiversity net gain is delivered in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan.

12. No works shall be undertaken to B3, B4, B5 (as defined in section 16.2 of the Ecological Impact Assessment (Ramm Sanderson, July 2023) or the location of the bat roost identified in the castle wall until an appropriate bat licence has been obtained. Upon receipt of a licence from Natural England, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in the Ecological Impact Assessment (Ramm Sanderson, July 2023) and amended as necessary based on any correspondence with Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence shall be submitted to the Local Planning Authority within three months of issue. A copy of the results of any monitoring works will be submitted to the Local Planning Authority within three months of publication.

Reason:

To ensure that protected species are conserved in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan.

13. Prior to the commencement of works on site, other than those located wholly on existing hardstanding, bare ground or within existing buildings, a copy of a great crested newt mitigation licence for the development issued by Natural England shall be submitted to the Local Planning Authority. All works shall be undertaken in strict accordance with the details agreed in the licence. The results of any monitoring surveys shall be reported to the Local Planning Authority within three months of the surveys being completed.

Reason:

To ensure that protected species are conserved in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order, with or without modification) no alterations shall be carried out to any dwelling hereby approved and no building, structure, extension, satellite dish, antenna, aerial, solar or photovoltaic panels, fence, gate, wall or other means of enclosure shall be erected within

the curtilage of any dwelling, other than as shown on the approved plans, without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To enable the Local Planning Authority to retain control over development specified to conserve the character of the development and the significance of Riber Castle and its setting within the landscape in accordance with policies PD1, PD2, PD5, PD6 and HC8 of the Adopted Derbyshire Dales Local Plan.

15. Prior to the commencement of any approved phase of the development, a detailed programme and methodology of building works, including a scheme of stabilisation of walls and buildings during conversion, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved programme and methodology.

Reason:

To ensure that the development conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

16. Prior to the installation of windows and doors in any approved phase, detailed drawings of external doors and windows to be installed in that phase shall be submitted to and approved in writing by the Local Planning Authority. The drawings shall be at a scale of 1:10 and shall include sections and information on materials and external finishes to be used. Thereafter the development shall not be carried out other than in accordance with the approved details and shall be completed before the first occupation of that phase.

Reason:

To ensure a high quality design that conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

17. Prior to installation of rainwater goods in any approved phase, details of rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details and shall be completed before the first occupation of that phase.

Reason:

To ensure a high quality design that conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

18. Details of any external vents, soil pipes, meter boxes and flues forming part of any approved phase of the development shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development in that phase. Thereafter the development shall be carried out only in accordance with the approved details and shall be completed prior to the first occupation of that phase of the development.

Reason:

To ensure a high quality design that conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

19. No external lighting to any approved phase shall be installed other than in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and shall be completed prior to the first occupation of that phase of the development. Thereafter, no additional external lighting shall be installed on any building or in any part of the site without the prior written approval of the Local Planning Authority.

Reason:

To ensure a high quality design that conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

20. Prior to the commencement of development, details of the new pedestrian route to be formed through the site, its associated picnic area, and provision for visitors to interpret the history of Riber Castle and its surroundings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out only in accordance with the approved details and the facilities listed in this condition shall have been provided and works completed prior to the first occupation of any part of the development.

Reason:

To ensure that the pedestrian route, picnic area and provision for visitors is implemented and in a manner which conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

21. Prior to the commencement of development, details of and a programme for a scheme for foul and surface water drainage shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details and programme.

Reason:

To ensure appropriate foul and surface water drainage is implemented to provide adequate drainage and prevent pollution of the water environment in accordance with policies PD1, PD8 and PD9 of the Adopted Derbyshire Dales Local Plan.

22. Before any building operations are commenced, space shall be provided within the site for the access of construction traffic, storage of plant and materials, parking and manoeuvring of site operatives' and visitors' vehicles, site accommodation and the loading and unloading of manoeuvring of construction goods vehicles, located, designed, laid out, and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. They shall thereafter be retained throughout the construction period and kept free from any impediment to their designated use.

Reason:

In the interests of amenity and highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan.

23. Before any operations are commenced, details of off-site highway improvement works, which may include widening, narrowing, visibility improvements and modifications to highway margins to Riber Road, Carr Lane, Alders Lane and adjacent highway land, and based upon illustrative drawings A1001 1 and A1002, shall be submitted to the Local Planning Authority for written approval. Thereafter, no part of the development hereby approved shall be occupied until the highway improvement works have been completed in accordance with the approved details.

Reason:

In the interests of amenity and highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan.

24. Notwithstanding the approved plans, before any operations are commenced, designs for accesses to the public highway shall be provided in accordance with the requirements set out below, and they shall be approved in advance and in writing by the Local Planning Authority. The designs, as modified, shall minimise the loss of any existing hedges and shall be capable of being implemented only on land forming part of the development site.

- i. the access to plot 5 shall be modified and / or the location modified to ensure that adequate visibility can be provided for vehicles leaving and approaching the point of access;
- ii. the access to the site opposite Carr Lane shall be modified through adjustment of verge alignments and carriageway lines to ensure adequate visibility at this junction;
- iii. the access to Plot 8 shall be designed to ensure that (a) emergency vehicles are able to pass from the access to roads within the development site, and (b) that the junction with the existing footpath adjacent to Plot 8 secures adequate and safe separation between vehicles and pedestrians.

Reason:

In the interests of amenity and highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan.

25. Notwithstanding the approved plans, no dwelling shall be occupied until a permanent barrier for vehicular traffic has been installed between the site and the lane to the east connecting to Riber (Smithy Lane) in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The barrier shall thereafter be retained throughout the lifetime of the development and provide for access for emergency vehicles only.

Reason:

In the interests of amenity and highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan.

26. Before any works commence on Plot 5, the proposed access to Riber Road shall be laid out, constructed and provided with a 2m x 60m visibility splay to the north-east and a 2m by a maximum achievable splay to the south-west, equating with 67m to a point 1m from the nearside carriageway edge with the area in advance of the sightlines being permanently maintained clear of any object greater than 1m in height, relative to nearside carriageway level.

Reason:

In the interests of amenity and highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan.

27. Before any building works commence, the proposed access opposite Carr Lane shall be laid out, constructed and provided in accordance with the scheme approved pursuant to Condition 24, the area in advance of the sightlines being permanently maintained clear of any fixed object greater than 1m in height, or 0.6m in the case of vegetation, relative to nearside carriageway level and the access, as formed, shall thereafter be retained in the form constructed.

Reason:

In the interests of amenity and highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan.

28. Before the first occupation of the dwelling on Plot 8, the proposed access to this plot, approved in accordance with the requirements of condition 20 shall be laid out, constructed and provided within the application site boundary or the highway; it shall thereafter be retained in the form constructed.

Reason:

In the interests of amenity and highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan.

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order, with or without modification) and with the exception of the accesses referred to or implied by conditions 20 or 24 and the existing public footpath, no other access, either vehicular or pedestrian, shall be formed between the development site and the public highway, without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

In the interests of amenity and highway safety and to conserve the character of the area and the setting of Riber Castle in accordance with policies S4, PD1, PD2 and HC19 of the Adopted Derbyshire Dales Local Plan.

30. No dwelling shall be occupied until the internal site access roads shall be provided in accordance with the approved drawings. Internal site access roads shall include the provision for two-way vehicle movements, margins for pedestrians, measures to suppress vehicle speed, loading and turning areas for goods vehicles and they shall be so designed as to require vehicles leaving the site to stop before passing across the driveway to Riber Hall.

Reason:

In the interests of amenity and highway safety and to conserve the character of the area and the setting of Riber Castle in accordance with policies S4, PD1, PD2 and HC19 of the Adopted Derbyshire Dales Local Plan.

31. No dwelling shall be occupied until space has been provided within the site for the parking and manoeuvring of vehicles and for cycle parking within the site, in a form laid out and constructed in accordance with details which shall have first been submitted to and

approved in writing by the Local Planning Authority. Thereafter, provision for the parking and manoeuvring of vehicles shall be retained free from any impediment to its use.

Reason:

In the interests of amenity and highway safety and to conserve the character of the area and the setting of Riber Castle in accordance with policies S4, PD1, PD2 and HC19 of the Adopted Derbyshire Dales Local Plan.

32. Prior to the commencement of that part of the development affecting the bailey walls, full details of the proposed finished floor levels of the dwellings attached to the bailey walls, accompanied by sectional drawings at a scale of 1:10 showing how the coursing of proposed stonework and roofing integrate with the height and detailing of existing bailey walls, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter not be carried out other than in accordance with the approved details and shall be complete prior to the first occupation of that part of the development.

Reason:

To ensure a high quality design that conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

33. No development shall commence until a plan showing the position and depth of all existing and proposed utility, drainage and other services has been submitted to and approved in writing by the Local Planning Authority. The installation of services shall be carried out in accordance with the approved details.

Reason:

To ensure appropriate services are installed in a manner which conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

34. Prior to the commencement of the phase of development containing the plots, full details of earthworks and finished ground and floor levels associated with the construction of plots 5, 6, 7, 9 and 10 shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason:

To ensure a high quality design that conserves the significance of Riber Castle and its setting in accordance with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

35. Surface water drainage from parking areas shall be passed through trapped gullies prior to discharge.

Reason:

To provide adequate drainage and prevent pollution of the water environment in accordance with policies PD1, PD8 and PD9 of the Adopted Derbyshire Dales Local Plan.

36. No tree shall be planted in the area shown as a 'Obstruction Free Zone' on approved plan 0001 A108 9 at any time.



Reason:

To ensure open views of Riber Castle are conserved in with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

37. Prior to the first occupation of any dwelling, a scheme for the management and control of the area referred to in condition 36 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall establish mechanisms to ensure that the area identified retains its open character as part of the setting of Riber Castle and, in particular imposes limitations on the types of planting, garden landscaping, garden furniture, children's play structures and other domestic equipment that may be placed in this area.

Reason:

To ensure open views of Riber Castle are conserved in with policies PD1, PD2 and HC8 of the Adopted Derbyshire Dales Local Plan.

38. The development hereby approved shall not be occupied until a Travel Plan (that promotes sustainable forms of access to the development site) has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented and updated throughout the lifetime of the development hereby approved.

Reason:

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

39. Prior to the construction of the superstructure of the development hereby approved a detailed scheme of measures to mitigate the effects of and adapt to climate change at the site (based upon the submitted Climate Change Statement) along with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved measure shall be maintained throughout the lifetime of the development hereby approved.

Reason:

To ensure the implementation of the proposed measures to mitigate the effects of and adapt to climate change in accordance with policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

## **9.0 NOTES TO APPLICANT:**

The Local Planning Authority has provided pre-application advice and discussed the merits of the application with the applicant during the course of the application and requested further supporting information.

This planning permission shall be read in conjunction with the accompanying legal agreement under Section 106 of the Town and Country Planning Act 1990 dated XX.XX.2023.

This decision relates solely to the application form and the following plans and documents:

Planning application form  
Site Location – A116 2  
Site Layout – A108 9

Public Access Proposals – Plan 4  
Ground Flood Layout – A102 1  
Castle Sections 1 – A401 1  
Unit 1 – A527 3  
Unit 2 – A528 3  
Unit 6 – A532 3  
Unit 7 – A533 4  
Unit 8 – A536 3  
Unit 9 – A535 4  
Unit 11 – A534 4  
Bath House – A529 3  
Coach House – A530 2  
Saddlery – A531 3  
The Stable Block – A537 2  
Plot 1 Sheet 1 – A538 3  
Plot 1 Sheet 2 – A538.1 2  
Plot 2 Sheet 1 – A539 2  
Plot 2 Sheet 2 – A540  
Plot 3 Sheet 1 – A541 2  
Plot 3 Sheet 2 – A542 1  
Plot 4 Sheet 1 – A543 3  
Plot 4 Sheet 2 – A544 3  
Plot 5 Sheet 1 – A545 4  
Plot 5 Sheet 2 – A546 4  
Plot 6 Sheet 1 – A547 3  
Plot 6 Sheet 2 – A548 3  
Plot 7 Sheet 1 – A549 3  
Plot 7 Sheet 2 – A550 3  
Plot 8 Sheet 1 – A551 3  
Plot 8 Sheet 2 – A552 3  
Plot 9 & 10 Garden Wall Views – A557 2  
Plot 9 Sheet 1 – A553 3  
Plot 9 Sheet 2 – A554 3  
Plot 10 Sheet 1 – A555 3  
Plot 10 Sheet 2 – A556 2  
Garage Details 1 – A802 4  
Garage Details 2 – A803 5  
Garage Details 3 – A804 2  
Orangery Details – A801 3  
Proposed Off Site Road Improvements 1 – A1001 1  
Proposed Off Site Road Improvements 2 – A1002

Conservation Statement – 2015  
Landscape Management Plan – Revision C  
Heritage Statement – AH789/22/12/22V2  
Covering Letter – 21/12/2022 – REV.3  
RammSanderson letter – RSE\_6335\_L1\_V1  
Ecological Impact Assessment – RSE\_6335\_R1\_V3\_ECIA  
Plan Ref: RIBE\_0001\_CASTLE - Sheet - A108 - Site Layout (baseline)  
Plan Ref: RIBE\_0001\_CASTLE - Sheet - A108 - Site Layout (proposed)  
RSE\_6335a\_BIA\_V2R2

The application site is affected by a Public Right of Way (Footpath 52).

- The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place.
- There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the path during the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route should be provided if possible.
- There should be no encroachment of the path and no fencing should be installed without consulting the Rights of Way Section.

Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by emailing [ETE.DevControl@derbyshire.gov.uk](mailto:ETE.DevControl@derbyshire.gov.uk). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.