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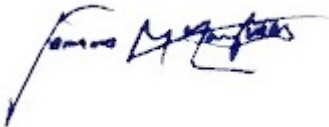
01 March 2021

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday, 09th March 2021 at 6.00pm** via the zoom application.
(Joining details will be provided separately)

Under Regulations made under the Coronavirus Act 2020, the meeting will be held virtually. As a member of the public you can view the virtual meeting via the District Council's website at www.derbyshiredales.gov.uk or via our YouTube channel.

Yours sincerely



James McLaughlin
Director of Corporate Services & Customer Services

AGENDA

PLEASE NOTE CHANGE TO PUBLIC PARTICIPATION SCHEME AND DEADLINE

SITE VISITS: A Presentation with photographs and diagrams will be given in lieu of site visits.

1. APOLOGIES/SUBSTITUTES

Please advise the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

09 February 2021

3. INTERESTS

Councillors are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those Interests are matters that relate to money or that which can be valued in money, affecting the Councillor, her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

4. PUBLIC PARTICIPATION

As the Council cannot hold meetings at the Town Hall, Public Participation can only take place using the Zoom application or by written representations. Members of the public are able to comment or ask questions on the items listed in the agenda and must give notice before 12 noon on the day preceding the meeting by:

Web-form: [Make your submission here](#)

Email: committee@derbyshiredales.gov.uk

Post: Democratic Services, Derbyshire Dales District Council, Town Hall, Matlock DE4 3NN

The Committee Team will assist any member of the public without access to electronic means by capturing their concerns over the telephone.

Phone: 01629 761133 (working days only 9am – 5pm)

Written representations, received by the deadline will be read out at the meeting, verbal contributors will be given instructions on how to join the meeting after giving notice.

All meeting proceedings open to the public will be streamed live on our YouTube channel when all non-exempt items are being considered. Recordings of the meeting will also be available after the event on the District Council's website.

5. APPLICATIONS FOR DETERMINATION

Please note that for the following items, references to financial, legal and environmental considerations and equal opportunities and disability issues will be embodied within the text of the report, where applicable.

	Page No.
5.1 APPLICATION NO. 20/00888/FUL (Presentation)	04 - 16
Erection of 1 no. dwelling house, with detached garage and associated relocation of access at Land to the rear of 4 Melville Close, Hulland Ward, Derbyshire.	
5.2 APPLICATION NO. 20/01034/FUL (Presentation)	17 - 37
Extensions and alterations to existing church and associated buildings, conversion of Chapel House to 2no. apartments, construction of 8no. apartments and demolition of hut building at Ashbourne Methodist Church, Church Street, Ashbourne.	
5.3 APPLICATION NO. 20/01035/LBALT (Presentation)	38 - 49
Extensions, internal and external alterations to existing church, associated buildings and Chapel House at Ashbourne Methodist Church, Church Street, Ashbourne.	
5.4 APPLICATION NO. 20/01139/REM (Presentation)	50 - 67
Reserved matters application for approval of the appearance, landscaping, layout and scale of a residential development of 36no. dwelling houses (outline planning consent reference 16/007111/OUT) at Land adjacent to Hill Top, Derby Road, Ashbourne.	

6. **INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS** 68 - 77
7. **APPEALS PROGRESS REPORT** 78 - 91

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

Members of the Committee:

Councillors Jason Atkin (Chairman), Tony Morley (Vice Chairman)

Robert Archer, Sue Bull, Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Stuart Lees, Joyce Pawley, Garry Purdy and Peter Slack.

Nominated Substitute Members:

Jacqueline Allison, Steve Flitter, Helen Froggatt, Chris Furness, Peter O'Brien and Colin Swindell.

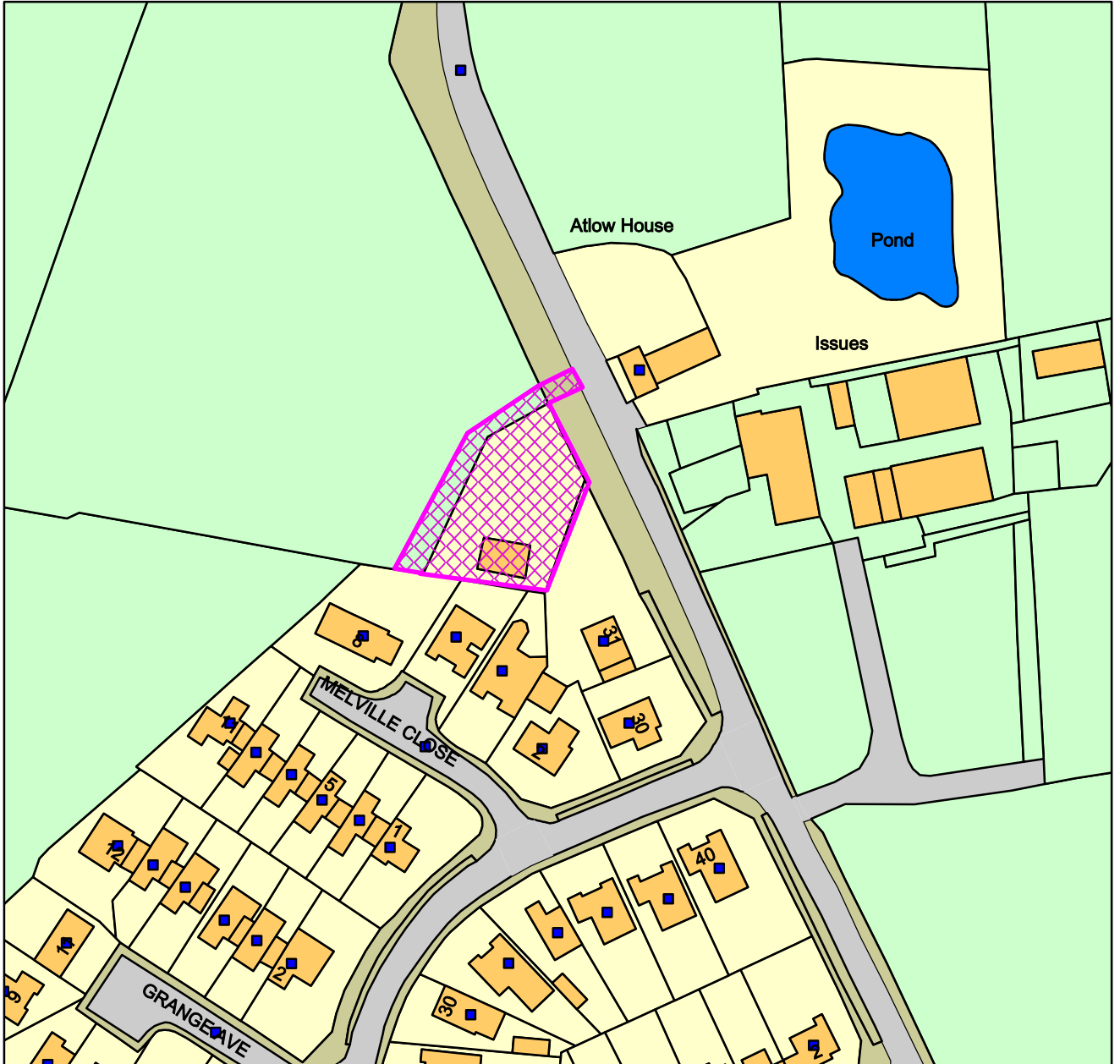
APPLICATION NUMBER		20/00888/FUL	
SITE ADDRESS:		Land to the rear of 4 Melville Close, Hulland Ward, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Erection of 1 no. dwellinghouse with detached garage and associated relocation of access	
CASE OFFICER	Mr Andrew Stock	APPLICANT	Mr Thraves
PARISH/TOWN	Hulland Ward	AGENT	Julia Allen
WARD MEMBER(S)	Cllr. R Bright	DETERMINATION TARGET	17 th November 2020
REASON FOR DETERMINATION BY COMMITTEE	5 or more unresolved objection	REASON FOR SITE VISIT (IF APPLICABLE)	n/a

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of the development, having regard to its location; • Impact on character and appearance of this part of the settlement; • Impact on residential amenity, and; • Highway safety.

RECOMMENDATION
That planning permission be granted, subject to conditions.

20/00888/FUL

Land to the rear of 4 Melville Close, Hulland Ward



Derbyshire Dales DC

1:1,250

Date: 25/02/2021

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The application site forms part of the rear garden of 4 Melville and is located toward the northern edged of Hulland Ward, within the defined settlement boundary. The subject parcel of land is used as amenity space by the applicant and is well maintained. The site contains a single timber clad outbuilding which is located along the southern boundary of the site.
- 1.2 The site is accessed directly off Moss Lane via an existing metal gated entrance and is bounded by open countryside to the west, Moss Lane to the north, 31 Moss Lane to the east and nos 4, 6 and 8 Melville Close to the south. The existing route of Public Right of Way (Hulland Ward Footpath 12) runs southwards from Moss Lane centrally through the site into the adjoining agricultural land, to the west.



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the erection of a dwellinghouse with a detached double garage and associated relocation of the vehicular access, as illustrated on submitted revised plans date stamped 21st January 2021.
- 2.2 The proposed two storey dwelling will measure approximately 11.2m (L) x 6.7m (W) x 8.9m (H), with a two storey 5.1m (L) x 5.6m (W) x 8.9m (H) rear projecting gable end. The building has a traditional cottage style appearance with the inclusion of brick arched heads above the windows, decorative brick corbel and eaves bands, timber framed gabled porch to the principle elevation and a brick chimney straddling the ridgeline of the gable end. The building would be constructed from red brick, set under a plain tiled roof and finished with timber framed window and doors.
- 2.3 The dwelling would comprise a hall, utility room, WC, lounge and open plan kitchen/dining room on the ground floor and 3 no. double bedrooms (1 with en-suite) and family bathroom across the first floor. Within the roof space it is proposed to include 2 no. bedrooms and a shower room.

- 2.4 The application site would continue to be accessed directly off Moss Lane via a new access approximately 5 metres to the south of the existing access (which will be permanently closed off). A detached double garage measuring approximately 6.3m (W) x 6.5m (L) x 5.6m (H) will be located to the south-east of the proposed dwelling, with further parking provided forward of the principle elevation.
- 2.5 The applicant has advised that a specialist energy consultant (EPS Group) have been consulted throughout the design process which has resulted in the following energy efficiency measures; facing brickwork, fully filled cavity with block inner leaf to achieve 0.18W/m²K; Staffordshire blue clay tiles with Celotex insulation between and below to achieve 0.13 W/m²K; solid concrete with 125mm Celotex insulation to achieve 0.13 W/m²K and double glazed upvc low E-glass to achieve 1.40 W/m²K. The building would be pressure tested to achieve a minimum of 5.00pa for air tightness. Furthermore the applicant has agreed to install an Air Source Heat Pump, which would be housed externally.
- 2.6 It is proposed to divert Public Right of Way (FP 12 – Hulland Ward) around the outer western boundary of the application site within the adjoining agricultural field. As part of the diversion the access point from Moss Lane into the field will be widened and a gate installed.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017):

S1 Sustainable Development Principles
S2 Settlement Hierarchy
S3 Development Within Defined Settlement Boundaries
S9 Rural Parishes Development Strategy
PD1 Design and Place Making
PD3 Biodiversity
PD5 Landscape Character
PD6 Tree, Hedgerows and Woodlands
PD7 Climate Change
HC1 Location of Housing Development
HC19 Accessibility and Transport
HC21 Car Parking Standards

3.2 Other:

National Planning Policy Framework (2019)
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

4.1 None relevant.

5. CONSULTATION RESPONSES

5.1 Parish Council

No objection, subject to the footpath being moved satisfactorily and any heights issues with adjoining properties can be resolved.

5.2 Derbyshire County Council (Highways)

Initial response -

The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application.

Second response (following the submission of a Traffic Survey) –

The traffic survey data has been provided by an ATC, located at the proposed site entrance. Whilst for the purpose of determining sightlines, this authority would usually expect to see spot readings taken at the extent of the achievable sightlines, (as per national guidance), in this instance, taking account of the recorded 85th percentile speeds, the 98m sightline that is achievable and the proximity of the bend, which will be likely to reduce approaching vehicle speeds, it is not considered that a highway objection would be sustainable

5.3 Derbyshire Wildlife Trust

No objection, subject to conditions.

5.4 Derbyshire Dales Ramblers

No objections providing that; i) the application for a diversion for Hulland Ward FP 12 is acceptable with regards to a satisfactory alternative route and path surface ii) the diversion order for FP 12 is confirmed before development iii) FP 12, both the present RoW and any subsequent diversion, is kept fully open and walkable at all times both during and after development.

5.5 Peak & Northern Footpaths Society

I have no objection to the application provided that the whole width of FP 12 Hulland Ward, which crosses the application site, remains unobstructed until a diversion order is confirmed.

6. REPRESENTATIONS RECEIVED

6.1 A total of 6 letters of objection have been received. A summary of the representations are outlined below:

Impact on residential amenity:

- Loss of privacy
- Overlooking
- Loss of view

Highway Safety:

- Poor access

Character and appearance:

- Size of the dwelling
- Overdeveloped plot
- Concerns with a 3 storey dwelling
- Out of keeping with surrounding dwellings
- Out of character for the area
- Building too high

Other matters:

- Flooding
- Excessive surface water run off
- Impact on wildlife
- Unwarranted
- Impact on Public Right of Way
- Does not comply with Local Plan policy

6.2 A single letter has been received confirming they have no objection with the application.

7. OFFICER APPRAISAL

7.1 Having regard to the policies contained within the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework, the main issues to assess are:

- Principle of the development, having regard to its location;
- Impact on character and appearance of this part of the settlement;
- Impact on residential amenity, and;
- Highway safety.

Principle of the development, having regard to its location

7.2 The application site is located within the defined settlement boundary of Hlland Ward which is designated as a third tier settlement within Policy S2 in the Adopted Derbyshire Dales Local Plan (2017).

7.3 Tier 3 settlements are identified as possessing some facilities and services that, together with local employment, provide the best opportunities outside the first and second tier settlements for greater self-containment. It is stated within Policy S3 of the Adopted Derbyshire Dales Local Plan (2017) that new development should be focused within the settlement boundaries of these settlements in accordance with their scale, role and function unless otherwise indicated in the Local Plan.

7.4 As the District Council does not have five years supply worth of housing and the site is located within the defined settlement boundary of Hlland Ward, the principle of residential development in this location is considered to be acceptable.

Impact on the character and appearance of this part of the settlement

7.5 Policy S3 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with development within defined settlement boundaries and states that planning permission will be granted for development where the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located, the access would be safe and the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development; it would have a layout, access and parking provision appropriate to the proposed use, site and its surroundings; and it does not conflict with any other relevant policy of this Local Plan.

7.6 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) relates to design and place making which requires development proposals to achieve a satisfactory relationship with

adjacent development so as not to cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

- 7.7 Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017) seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement.
- 7.8 Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design.
- 7.9 The application site forms part of the rear garden of 4 Melville and is located toward the northern edged of Hulland Ward. The site is bounded by a number of existing houses which vary in size, scale and design including a dormer bungalow to the east (31 Moss Lane), a two storey dwelling to the north (Atlow House) and single storey bungalows to the south (nos 4, 6 and 8 Melville Close). Whilst the application site forms part of the rear garden of 4 Melville it is divorced from the established built framework of Hulland Ward, which lies to the south. The site has a greater affiliation with the adjacent two storey dwellinghouse (Atlow House) on Moss Lane, rather than properties located on Greenway or Melville Close. The pattern of development within the immediate context is fragmented, with a looser form of development immediately south of Melville Close.
- 7.10 Following amendments to the originally submitted scheme, the application proposes the erection of two storey dwellinghouse measuring approximately 11.2m (L) x 6.7m (W) x 8.9m (H), with a two storey rear projecting gable end measure approximately 5.1m (L) x 5.6m (W) x 8.9m (H). The dwelling would be set back from Moss Lane and be centrally located within its plot. A detached double garage measuring approximately 6.3m (W) x 6.5m (L) x 5.6m (H) will be located to the south-east of the dwelling.
- 7.11 The building would be constructed from red brick, set under a plain roof tiled roof and finished with timber framed window and doors. Traditional cottage style details such as brick arched heads above the windows, decorative brick corbel and eaves bands, timber framed gabled porch to the principle elevation and a brick chimney straddling the ridgeline of the gable end are proposed. The dwelling has been designed to meet high standards of insulation and energy efficiency, as set out in Section 2 of this report. The dwelling will be heated by an Air Source Heat Pump.
- 7.12 Given the varied mix of residential dwellings within the area and the topography of the site, which is set much lower than neighbouring dwellings to the south, the proposed two storey dwelling would not appear prominent within the immediate context and could be readily absorbed within the site. Following amendments, it is considered that the proposed development, subject to conditions, is considered to respond positively to the challenge of climate change through the use of energy efficiency measures and would overall not adversely affect the prevailing character of the street-scene or result in a detrimental impact upon the character and appearance of the immediate or wider area.
- 7.13 There are no trees within the site however it is noted that there is a mature ash tree sited just outside the site boundary line to the north. The ash tree is considered to contribute significantly to the character and appearance of the local landscape and should be protected, which is acknowledged by the applicant. As part of the development the existing vehicular access, which encroaches into the root protection area of the ash tree, will be permanently closed off and the highway verge reinstated to grass land, in accordance

with detailed designs first submitted to and approved in writing by the Local Planning Authority. As such it is considered that the proposed development will not have a detrimental impact on the existing ash tree.

Impact on residential amenity

- 7.14 As set out above the application site is bounded by a number of residential properties, varying in size including a dormer bungalow to the east (31 Moss Lane), a two storey dwelling to the north (Atlow House) and single storey bungalows to the south (nos 4, 6 and 8 Melville Close). The closest neighbouring dwellings are 9 Melville Close which lies approximately 15 metres to the north and 31 Moss lane approximately 22 metres to the south-east.
- 7.15 The application is set down from the immediate neighbors to the south over varying gradient levels. Given the topography of the land and distances between existing neighbouring properties and the proposed dwelling is not considered to have an overbearing or overshadowing impact on the occupants of the closest neighbouring dwellings, which lies over 15 metres from the proposed building.
- 7.16 The rear elevation of the proposed dwelling is afforded a minimum gap of approximately 10 metre to the nearest adjoining curtilage, namely 9 Melville Close. Whilst there is no adopted design guidance that deals with a minimum separation for new developments in relation to existing properties it is considered that there is sufficient separation from the existing dwellings to the proposed for there not to be any significant direct overlooking between the properties.
- 7.17 Following revisions to the fenestration of the proposed dwelling it is considered that the development would not result in any significant loss of privacy for the occupants of neighbouring dwellings or future occupants of the proposed dwelling.

Highway safety

- 7.18 As part of the application it is proposed to permanently close the existing access and form a new access approximately 5 metres to the south of the existing access. The Local Highway Authority has advised that whilst the proposed access has an effective width of 3m which is in accordance with the Delivering Streets and Places Design Guide (DSPDG), in absence of speed readings, they cannot determine if the achievable visibility splays to the north are acceptable.
- 7.19 A traffic survey data has been provided by the applicants' consultants. The Local Highway Authority has confirmed that taking account of the recorded 85th percentile speeds, the 98m sightline that is achievable and the proximity of the bend, which will be likely to reduce approaching vehicle speeds, it is not considered that a highway objection would be sustainable.
- 7.20 A double garage is provided to serve the 5 bed dwellinghouse. Whilst no further parking is illustrated on the site plan, there is sufficient space to provide a third parking space within the application site, forward of the dwellinghouse. Furthermore, there is sufficient turning space to enter and exit the site in forward gear. It is considered that the site would be served by an acceptable access and the proposed parking layout is also considered to be sufficient to accommodate appropriate parking and turning facilities associated with the proposals. The Local Highway Authority raises no objections to the application, subject to conditions.

Other matters

- 7.21 A Public Right of Way Diversion Order, under Section 257 of the Town and Country Planning Act 1990 has been submitted to Derbyshire County Council for the diversion of (FP 12 Hulland Ward). The diversion would be diverted to follow the outer western boundary edge of the application site within the adjoining agricultural field. As part of the diversion it is proposed to widen the access point into the field and install a gated entrance. The Diversion Order is at an advanced stage where no objections have been raised from Derbyshire County Council and other consultees to the proposal. A condition will be imposed to any approval requesting confirmation, in writing to the Local Planning Authority, that the Diversion Order has been finalised prior to any works which may affect the existing Public Right of Way.
- 7.22 In reality the Public Right of Way (FP 12 Hulland Ward) does not follow its authorised path through the application site. A well trodden pathway can be seen in the adjacent field which broadly follows the Public Right of Way (FP 12 Hulland Ward) around the application site. The proposed Public Right of Way Diversion Order, which includes the widening of the access and formation of a gated entrance, will essentially regularise the existing trodden footpath in the adjacent field and is therefore considered not to prejudice existing footpath users.

Conclusion

- 7.23 Whilst it is noted that a number of objections to the application have been received from local residents, the site lies within the settlement framework boundary and development is considered to be in character with this part of the settlement. As such the proposed development accords broadly with the development plan and when all of the above matters are weighed in the balance, it is not considered that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits in this case.
- 7.24 A recommendation of approval subject conditions is put forward on this basis.

8. RECOMMENDATION

That planning permission be granted subject to the following condition(s):

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

Reason:

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

2. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority on the 21st January 2021.

Reason:

For the avoidance of doubt.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to the hereby approved dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To preserve the appearance of the dwelling and to protect the amenity of neighbouring properties in accordance with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

4. Samples of any new materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be constructed in accordance with the approved details.

Reason:

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

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

Reason:

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

6. Notwithstanding the submitted drawings, constructional drawings of the chimney stack shall be submitted to and approved in writing by the Local Planning Authority. The chimney stack shall then be installed in accordance with the approved details and so retained.

Reason:

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

7. Prior to first use of the dwellinghouse hereby approved, a detailed scheme of hard and soft landscaping (inc details of the design, external appearance and decorative finish of any gates and/or boundary treatments) shall be submitted to and approved in writing by the Local Planning Authority. All soft and hard landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the first use of the building.

Reason:

To ensure a satisfactory landscaped appearance of the development in accordance with Policies S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

8. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of delivery

vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

9. The dwelling the subject of the application shall not be occupied until the new vehicular and pedestrian access has been formed to Moss Lane in accordance with the application drawing and provided with visibility sightlines of 2.4m x 98m to the north and 2.4m x 205m to the south, the land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation excluding the highway trees) relative to adjoining nearside carriageway channel level.

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

10. Access to the site shall be via the proposed access, the subject of Condition 9 above, and to this effect the existing access shall be permanently closed and the highway margin and kerbs fully reinstated (inc planting scheme), in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure an appropriate landscaped setting and in the interest of highway safety in accordance with Policies S3, PD1, PD5 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

11. The dwelling the subject of the application shall not be occupied until 3 on-site parking spaces have been provided, minimum dimensions of 2.4m x 5.5m (3m x 6m if within a garage), laid out and constructed of a solid bound material and maintained thereafter free from any impediment to its designated use throughout the life of the development.

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

12. Public Right of Way (Footpath number 12 Hulland Ward) runs through the site of the proposed development. Prior to any works which affect the existing Public Right of Way, confirmation that the Diversion Order (under Section 257 of the Town and Country Planning Act 1990) has been finalised, shall be submitted to the Local Planning Authority.

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

13. Prior to building works commencing above foundation level, an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net biodiversity gain, in accordance with the National Planning Policy Framework 2019. Two swift

boxes shall be incorporated within the new dwelling at eaves level, avoiding south-facing elevations. A single integrated bat box shall be incorporated within either the dwelling or the double garage at a minimum height of 3 metres but ideally at eaves level. These will provide long-lasting, discreet and secure nesting and roosting opportunities. Locations of hedgehog gaps in garden fencing shall also be shown on the plan. Photographs of the boxes in situ shall be submitted to fully discharge the condition.

Reason:

In the interest of safeguarding protected species and/or securing biodiversity enhancements in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

14. No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason:

In the interest of safeguarding protected species and/or securing biodiversity enhancements in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

15. Prior to the commencement of ground works associated with the closing off of the existing vehicular access, a tree protection plan scheme for the Ash tree, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with that approval.

Reason:

To ensure a satisfactory landscaped appearance of the development in accordance with Policies S3, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

16. Notwithstanding the submitted drawings, details of the Air Source Heat Pump system shall be submitted to and approved in writing by the Local Planning Authority. The Air Source Heat Pump system shall then be installed in accordance with the approved details and so retained.

Reason:

In the interests of climate change minimisation in accordance with Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application.

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

3. Pursuant to Section 184/127 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding works within the highway on the proposed access and closure of the existing access. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website;

<https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx>

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

4. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder

5. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

6. The application site is affected by a Public Right of Way (Footpath number 12 Hulland Ward on the Derbyshire Definitive Map). 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. Further advice can be obtained by calling 01629 533190.

7. This decision notice relates to the following documents:
Submitted plans date stamped 21st January 2021.

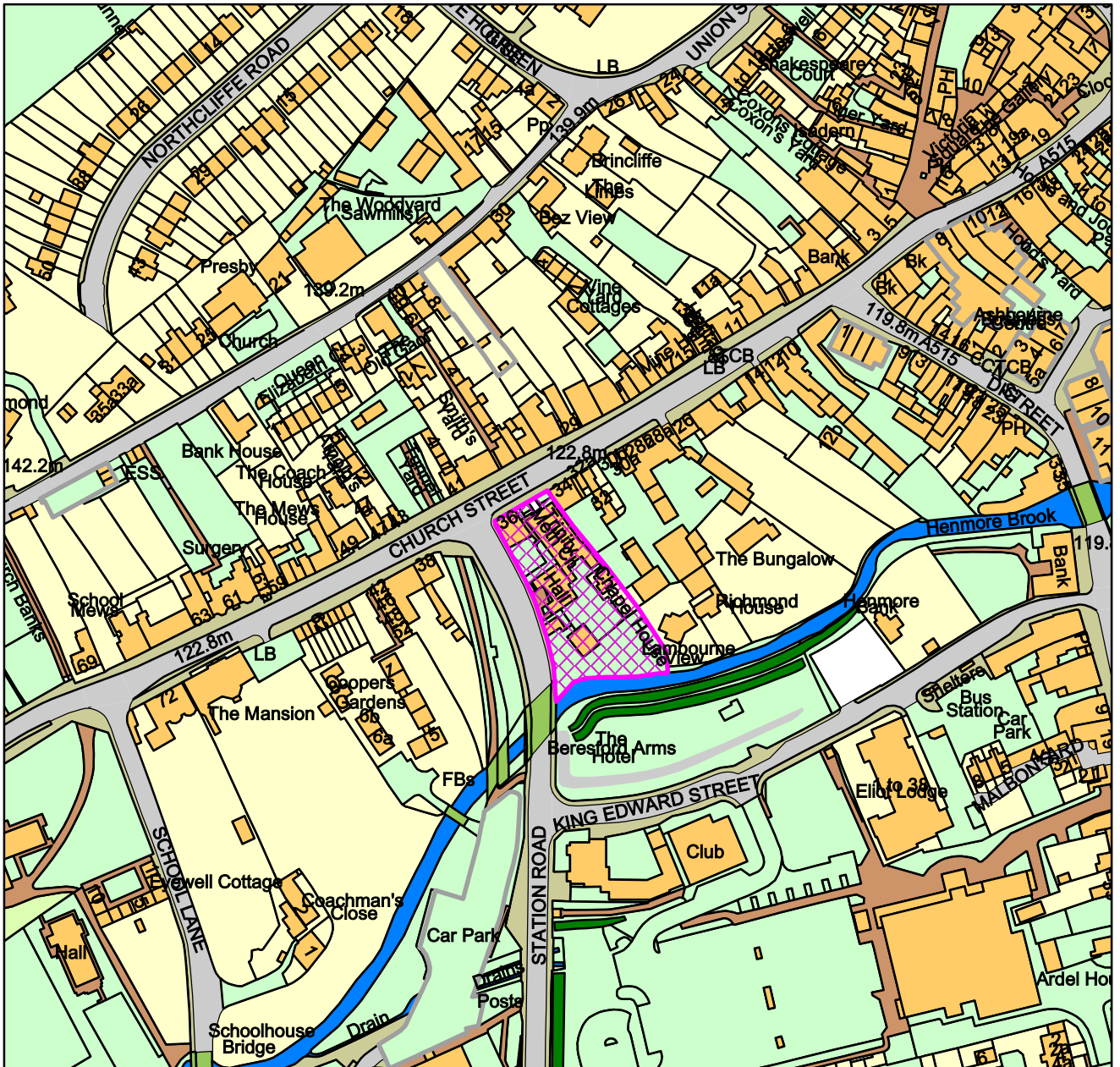
APPLICATION NUMBER		20/01034/FUL	
SITE ADDRESS:		Ashbourne Methodist Church, Church Street, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Extensions and alterations to existing church and associated buildings, conversion of Chapel House to 2 no. apartments, construction of 8 no. apartments and demolition of hut building.	
CASE OFFICER	Sarah Arbon	APPLICANT	Ashbourne Methodist Church
PARISH/TOWN	Ashbourne	AGENT	Allan Joyce Architects Ltd
WARD MEMBER(S)	Cllr T Donnelly Cllr R Archer	DETERMINATION TARGET	19 th January 2021
REASON FOR DETERMINATION BY COMMITTEE	Major	REASON FOR SITE VISIT (IF APPLICABLE)	

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of development - Impact upon heritage assets - Impact on residential amenity - Impact on trees - Flood Risk - Highway safety

RECOMMENDATION
Approval

20/01034/FUL

Ashbourne Methodist Church, Church Street, Ashbourne



Derbyshire Dales DC

1:2,500

Date: 25/02/2021

100019785

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

1 THE SITE AND SURROUNDINGS

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



2 DETAILS OF THE APPLICATION

- 2.1 The proposals involve the construction of a new extension to be primarily located within the courtyard adjacent to Station Road and formed by the church, Century Hall and the Corner Café. This courtyard (parts of which are lower than the adjacent road level) is bounded to Station Road by a brick wall and decorative metal railings (listed as part of Century Hall). A replacement of a two storey extension is proposed on the south eastern elevation. The proposals also include for the retention of the detached Chapel House (and its alteration and extension). This conversion along with the erection of the new buildings will provide 10 No. apartments within the southern curtilage of the site.
- 2.2 The proposed new extension adjacent to Station Road is to be attached to the side of Corner Café and to the side (west) elevation of the main church building. It is set back (at a shallow angle) from the majority of the north elevation of Century Hall. This 'Upper Ground' plan includes an entrance lobby, foyer, two staircases, a platform lift and a spinal corridor adjacent to the west elevation of the church. One set of stairs (& platform lift) access this higher level corresponding to the internal floor level of the main church itself forming the spinal corridor along the external side of this part of the church and the formation of a new double-doorway into the main body of the church. This corridor continues southwards to give access into the rear of the main church, into Century Hall

and to a new extension containing toilets. The other staircase (and platform lift) descends to a 'Lower Ground' level. This contains toilets, a storeroom and meeting rooms. A void or light well (fully glazed) provides some natural light/ventilation to this subterranean level. Below the new toilets, at the southern end of the proposed scheme, is a 'Gateway Lounge' serving the basement of the main church. The new extension involves the breaching – in two parts – of the existing brick boundary wall and railings to Station Road.

- 2.3 The primary concept behind the new extension is to physically link the three buildings on the site – the Church, Century Hall and the Café. Its location is such that it is housed in a sunken 'area' to the west of the church allowing a lower ground level for additional accommodation/use. The extension has been designed and formulated to allow inclusive access to all of the three buildings bringing the three disparate buildings around a focal and communal hub. The design concept of the extension is 'contemporary' with the use of structural glass, zinc cladding and stonework/brickwork.
- 2.4 The proposals involve the retention of Chapel House (as a curtilage-listed building) with a small extension / alteration and conversion to two apartments. The rest of the site is to be developed with 8 apartments in three blocks (Blocks A, B & C). The proposed accommodation would be four 1-bed flats and six 2-bed flats. Block A is a rectangular shaped building with its gable end onto Station Road. It is of two-storeys in height and due to the topography of this part of the site (and the level of Station Road) it is set down revealing only the upper storey to Station Road. The block is to have a plain hipped roof over. Block C is also a two-storey building (with a hipped roof over). This block is detached from Chapel House the gap in between being filled with an external metal staircase. Attached to Block C is a single-storey Block B (its roof hipped at the southern end). The site contains an important (protected) tree which is to be retained. The proposed landscaping is a series of pathways and planting. There is no vehicular access to the site and pedestrian access would utilise the existing steps inbetween the small 'shop' and Century Hall.

3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. S2: Settlement Hierarchy
S3: Development within Defined Settlement Boundaries
S8: Ashbourne Development Strategy
PD1: Design and Place Making
PD2: Protecting the Historic Environment
PD3: Biodiversity and the Natural Environment
PD7: Climate Change
PD8: Flood Risk Management and Water Quality
HC1: Location of Housing Development
HC15: Community Facilities and Services
HC19: Accessibility and Transport
EC6: Town and Local Centres
- 2 Ashbourne Conservation Area Appraisal
3. National Planning Policy Framework
National Planning Practice Guidance

4 RELEVANT PLANNING HISTORY:

20/01035/LBALT	Extensions, internal and external alterations to existing church, associated buildings and Chapel House.	Pending	
19/00595/FUL	Proposed construction of 11 no. apartments, link extension and two storey extension to Church and demolition of Chapel House and Horsa hut	WDN	19/07/2019
19/00596/LBALT	Demolition of Chapel House, extensions to Methodist Chapel/Century Hall and external and internal alterations	WDN	19/07/2019
05/00616/FUL	Siting of storage container for a temporary period of 12 months (retrospective)	PERC	11/10/2005
05/00806/LBALT	Alterations to listed building - Single storey extension	WDN	25/10/2005
05/00807/FUL	Single storey extension	PERC	09/11/2005
0992/0726	ALTERATIONS TO LISTED BUILDING	A	28/10/1992
0497/0246	Construction of pedestrian access ramp	A	16/05/1997

5 CONSULTATION RESPONSES

Ashbourne Town Council

5.1 No response received.

Environment Agency

5.2 No objections subject to conditions in relation to the requirements of the FRA and detailed design of the flood defence scheme.

Derbyshire County Council (Highways)

5.3 No objections in view of town centre location, on-street parking restrictions and availability of public parking.

Derbyshire County Council (Flood Team)

5.4 A holding objection was received as surface water information was required. A Surface Water Strategy has been submitted and is currently being reviewed and a revised consultation response is awaited and shall be reported in late representations.

Derbyshire County Council (Archaeologist)

5.5 With regard to below-ground archaeological remains, the proposal site is within the medieval core of Ashbourne as defined in the Extensive Urban Survey compiled by Derbyshire County Council and English Heritage in 2001. The site lies within medieval component 12 'settlement along the south side of Church Street', an area of long narrow burgage plots with boundaries running back to Henmore Brook. The applicant has submitted an archaeological desk-based assessment which makes a reasonable assessment of archaeological context and potential, and concludes that the new buildings on the backplot part of the site may impact upon archaeology associated with the medieval and post-medieval town. A condition requiring a scheme of archaeological investigation and recording prior to commencement of development that should comprise of evaluation trenching (phase 1) to assess character

and preservation, followed by a scheme of mitigation recording (phase 2) as appropriate is recommended.

Derbyshire Wildlife Trust

- 5.6 The originally submitted report did not include the bat survey data collected in July 2018. The updated report (Protected Species Survey and Further Bat Surveys prepared by EMEC Ecology, January 2021 updated) has been received and reviewed. Additionally due to the time that has now elapsed since these surveys were completed (just over 2 years) EMEC have provided details of an updated preliminary bat roost inspection and bat mitigation plan in the form of a letter addressed to Allan Joyce Architects (10th February 2021). The survey information has confirmed the presence of a bat roost of brown long-eared bat in the loft space of the Methodist Church. It seems likely that use of this as a roost has increased since 2018. As stated in the 2021 report the current proposals do not directly impact on the loft space of the Methodist Church. Given the current understanding of the use of the site and its buildings by bats and the current proposals for development it seems likely that there will not be a direct impact on the bat roost that has been confirmed. It is therefore, considered that adequate information is already available for the determination of the application. Conditions are recommended that the further emergence surveys should be undertaken as specified in Appendix 1 of the 2021 letter from EMEC Ecology and works should be in accordance with the report together with conditions in relation to breeding birds and water voles.

Historic England

- 5.7 Previous concerns were raised in relation to the design of the proposed extension. In particular, the proposed link building which would tie into the existing building at transom level and obscure the fenestration and composition of the side elevation of the church. It was highlighted that they did not accept that the use of glazing for the roof would mitigate this successfully. In our view, the extension as proposed would result in harm to the significance of the Grade II Methodist Church and the Ashbourne Conservation Area.

It is proposed to construct three new blocks to the south of the main listed church, in an area which is currently green open space and a yard area. Having reviewed the supporting plans we have concerns in relation to the intensity of proposed development, which in our view would visually detract from and erode the setting of the listed buildings. It would also be harmful to the character and appearance of the conservation area.

It is for your authority to consider whether the level of development proposed and resultant harm has been clearly and convincingly justified. If your authority is satisfied the level of development proposed is justified, then we advise that the detailed design is considered with the benefit of advice from your in-house conservation officer.

As the proposal affects the setting of listed buildings and the conservation area the statutory requirement to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must be taken into account by your authority when determining this application.

It will be for your authority to consider the justification put forward for this scheme, and to balance all planning matters, including public benefit afforded by this proposal, affording the required weight to heritage matters as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 Act and the NPPF(paragraphs 194 and 196).

Design and Conservation Officer (Derbyshire Dales)

- 5.8 It is considered that the principle of a modern, contemporary, extension within the courtyard is an acceptable proposal in this context but this is heavily reliant on its constructional details and materials and its relationship and abutments etc. with the adjacent buildings. Sufficient detail has been supplied in this regard and is considered acceptable. The south-western element of the church is to be demolished and replaced and it is considered that the proposed replacement structure/building would be complimentary to the concept of the overall scheme and to this part of the site/context. The proposed conversion and extension to Chapel House and the new build apartments are considered, in general terms, to have a simplicity of form and layout which presents a subservient, recessive and quieter language to the exuberant architectural detailing of the church and Century Hall etc. This is also assisted in the topography of the site and the scale of the new development. The proposal is considered to constitute less than substantial harm to the Heritage assets with the NPPF advising that harm should be weighed against the public benefits of the proposal.

Arboriculture Officer (Derbyshire Dales)

- 5.10 No objections to the revised Tree Report updated in January 2021 subject to a condition that works are carried out in accordance with its recommendations.

Environmental Health (Derbyshire Dales)

- 5.11 There are no objections to this development subject to conditions as the use of the development for extended community use including concerts. A noise mitigation scheme and restriction in construction hours conditions are recommended.

Strategic Housing (Derbyshire Dales)

- 5.12 As the scheme is for 10 units, no affordable housing contribution is required.

Derbyshire Police

- 5.13 There are no objections to the proposal, and no comments to make regarding the community safety and crime prevention implications of this development.

5.14 Cllr Archer

States that this appears to be a well thought out and sensitive plan that considers the historical significance and architectural importance of the building while making it more versatile and 'future proof'. It is a complex site and it is unfortunate that we are not able to have a site visit.

6 REPRESENTATIONS RECEIVED

- 6.1 A total of 4 representations have been received. A summary of the representations is outlined below:

- The Tree Report dated the 18th April is only valid for 6 months and should be updated.
- There are no details of replacement trees provided.
- The health of the trees to be removed appear to be good.
- The removal of trees is a concern as bats are found in the area.
- The removal of on-street parking is a concern as it where residents will park.
- There is no details of the emergency access for vehicles to the site.
- The existing outdoor play area for the residents of the Methodist Church would be lost.
- The proposed 2m boundary wall would need to be discussed with the adjoin resident (The Old Stables) and clarification of which ground level would be used required.
- There is a concern regarding the 'right of light' with regard to 32 Church Street.

7 OFFICER APPRAISAL

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

- Principle of development
- Impact upon heritage assets
- Impact on residential amenity
- Impact on trees
- Flood Risk
- Highway safety

Principle of development

7.2 The site includes both principle Grade II Listed Buildings together with curtilage Listed Buildings within Ashbourne Conservation Area, occupying a prominent site on the main route through the centre. The site is within the town centre of Ashbourne but is not allocated as Primary Shopping Frontage. The buildings are used by Ashbourne Methodist Church for community uses and as outlined in the submitted viability statement, the funds generated by the associated housing development would provide critical funding for the development of the church buildings, which would bring significant community benefit.

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

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

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

7.6 The physical requirements in order to achieve this include:

- providing a clear, visual link into the Worship space from the new entrance foyer and from Station Road. The central position of the opening is symmetrical in the west façade when

viewed from both the entrance foyer and from inside the worship space which is reflective of the existing symmetry to the interior of the worship space.

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

7.7 In terms of the appropriateness of redeveloping the land to the south of the church for housing, the site lies within the centre of Ashbourne where such development would, in principle, be considered acceptable. Any development would, however, need to respect the setting of adjacent listed buildings, the character and appearance of this part of Ashbourne Conservation Area and neighbouring properties / land uses.

Impact upon Heritage Assets

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

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

7.10 Policy PD2 requires proposals that affect a heritage asset and/or its setting to demonstrate how it has taken into account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset. The application is accompanied by a detailed Heritage Statement (HS) which assesses the significance of the assets taking account of the Conservation Area Character Appraisal and views that allow the significance of the assets to be appreciated. In respect of views the report states:-
"The church is prominent in views in both directions along Church Street, identified in the Conservation Area Character Appraisal as key views and allowing the elaborate design of the front elevation to be appreciated. Although both the church and Century Hall are prominent in views north along Station Road, these are not identified as key views and only the church is identified as a prominent building in the streetscape". The conclusion of the report is that the harm caused by the development is offset by substantial public benefits with the proposals considered beneficial overall.

New Extension to Church:

7.11 It is considered that the principle of a modern, contemporary, extension within the courtyard is an acceptable proposal in this context but this is heavily reliant on its constructional details and materials and its relationship and abutments with the adjacent buildings. Some details

have been submitted and these show that as light a touch (i.e. in terms of abutments and junctions etc.) as possible is being proposed.

- 7.12 The junction or abutment of the new extension with the west elevation of the church is the most important. The proposal is to join the new extension roof at the horizontal transom point to the run of five tall, semi-circular, headed windows. Due to their height the original window frames were designed to be divided with a (painted timber) transom at half their height. In earlier iterations of the scheme the roof junction at this point was a flat roofed abutment with a narrow glazed clerestory detail. Following concerns raised about the solidity and robustness of such a junction a proposal, as now submitted, has been formulated whereby the junction/abutment is a sloping structural glass roof. The abutment detail with the transom has been submitted and this is considered to be acceptable. Whilst glass is never truly 'invisible' the size and shape of the sloping glass roof at this point/junction would allow the lower part of the tall windows to have some visibility thus preserving, as much as possible, the western elevation of the church.
- 7.13 It is noted that the basement windows to the courtyard side of the main church (and those to the basement of Century Hall) would be fully concealed by the proposed extension. The original design concept of the main church (and in some respects to Century Hall) was for these particular windows to have a less architectural/decorative treatment than those to the main body of the church/upper part of Century Hall. This is reflected in the design of their openings and their window frames. In this regard, there is considered to be more scope to subsume these particular windows within the proposed 'Lower Ground' floor level. It is noted, however, that that they would be visible/exposed within the internal circulation areas of the lower level allowing the original architectural treatment and the sense of a modern 'infill' to the courtyard to be appreciated.
- 7.14 The proposed introduction of sections of brick walling to the new extension are to introduce some correlation between the existing brick buildings and the new extension. In the areas proposed this is considered to be acceptable. The remaining external material for the main extension is zinc cladding (and structural glass) and a stone coping to the zinc clad parapet. It is considered that the use of a zinc cladding (subject to approval of a sample etc.) in combination with the extensive use of structural glass would convey a relatively 'light' architectural infill to the courtyard and would be complimentary to the ornate period architecture, detailing and materials of the three existing buildings that surround it.
- 7.15 The current south-western element of the church is to be demolished and replaced. The current projection is of two-storeys (originally a stilted upper floor only the lower, open part, being filled in in the later 20th century) with a dual pitched roof over. Its proposed replacement, on a similar footprint and scale, is to contain 'toilets' and 'gateway lounge' and is to be constructed in matching brickwork with a zinc clad coped parapet to a flat roof, recessed brick 'string-coursing' and modern 'slot' windows (interspersed with a zinc clad panel). It is considered that the proposed replacement structure/building in this part of the site and its context should be 'contemporary' and pick up on details and materials of the main new extension. In this regard, it is opined that this proposed new element is an acceptable replacement of the existing structure and would be complimentary to the concept of the overall scheme and to this part of the site/context.
- 7.16 The proposal to breach the listed boundary wall/railings in two places is regrettable as these form an existing continuous boundary to this side of the site. However, in considering the principle of a new extension and entrance in this location a breach of the boundary would be needed. Three new stone gateposts (matching those to Century Hall) are proposed where the boundary is breached. Subject to exemplary detailing between the breached wall/railings and the new posts (and altered existing railings) it is considered that this traditional approach to this particular element is an appropriate way forward presenting an

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

- 7.17 It should be acknowledged that in dealing with developments that include such significant listed buildings the use of renewable energy etc.. may not be appropriate, however, the scheme would utilise and ensure the future use of all the historic buildings and in doing so would provide capital for maintenance and possible investment to improve their energy efficiency in accordance with Policy PD7.
- 7.18 In conclusion, it is considered that a modern, contemporary, extension within the courtyard (and to the southern end) would be acceptable. In terms of its impact on the listed buildings it is considered that the proposals have been carefully considered and junctions / abutments have been thought through. Subject to exemplary detailing and external materials/finishes it is considered that the new extensions would be complimentary to the existing historic buildings, its context and present a readable and definable narrative to the architectural ensemble of the building grouping.
- 7.19 In terms of proposed development in a Conservation Area, the 1990 Act places a duty on an Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area. As a new architectural entity, being imposed into a grouping of existing historic buildings, it is considered that there would be an element of harm to the character and appearance of this part of the Conservation Area. However, under the guidance of the NPPF, it is considered that the proposed new extensions would not constitute substantial harm to the significance of the Conservation Area. The NPPF advises that where a development will lead to less than substantial harm that harm should be weighed against the public benefits of the proposal.

New development in curtilage:

- 7.20 In terms of the layout of the proposed development it is considered that this has been considered in detail and its geometry compliments that of the main group of historic buildings and utilised as much as the available site area as possible. As a consequence of the topography of the site and the scale of the proposed development the drawn 'Station Road Elevation' depicts that the new development is much lower than the main historic buildings on the site and this displays and presents a distinctive change in hierarchy of development on the site. The use of hipped roofs, reflecting the extensive use of such a detail on the historic buildings, also assists in the correlation of the new development to the existing buildings and an assimilation of one of its architectural details or elements. This detail helps to bind the architectural blocks of the entire site in a holistic way.
- 7.21 The proposed external materials of the new development is to be brickwork and natural slate roofs. All doors and windows are to be of ppc aluminium. In general terms, and subject strictly to the appropriate choice of brickwork, the proposed external materials would complement the site. In terms of architectural design and appearance the elevational treatments are relatively plain and simple with a variety of structural openings generally ordered and aligned. The elevations contain some articulation in the form of recessed brick panels below some of the windows and to blank recesses to maintain an external presence (where no internal layout window is required). To articulate and identify doorways a simple, projecting, glass canopy over is proposed. On a number of the upper, large windows, an inset, glass, balustrade is proposed. The roofs to the development are to be blank and un-interrupted save for two rooflights on the rear, north-east elevation.
- 7.22 It is considered that the proposed development, in general terms, has a simplicity of form and layout which presents a subservient, recessive and quieter language to the exuberant architectural detailing of the church and Century Hall etc. This is also assisted in the topography of the site and the scale of the new development. However, amendments to the

size of the windows on Block A and C were sought as it was considered that the first floor windows should be narrower than the ground floor windows below them to establish a distinct architectural hierarchy. The large first floor windows are to have a frameless glass balustrades inset within the structural opening. The concept of in-setting the balustrade within the structural opening is the correct approach, however, this is reliant on the depth of recess. It will be important that the depth of recess is of a sufficient depth to present the glass balustrades as an integral and intrinsic architectural element of the elevational design and treatment. This shall be controlled by condition.

7.23 Whilst some (slight) recessed brick panels are to be included which would introduce some articulation to the elevational walls there is a concern that these may be too slight. In this regard, it is considered that the proposed recessed panels should be of a sufficient depth (via constructional detailing) to introduce elevational shadowing. This would also be in association with the window (and doors) themselves which would need an appropriate depth of recess. Any rainwater downpipes would need to be carefully considered on each elevation so as to harmonise with the architectural treatment/layout of each elevation and the eaves should be a brick corbel detail with rise and fall brackets and this shall be controlled by condition. On the basis of the above assessment, the proposal's impact on the setting of the existing listed buildings is considered to be sympathetic and minimises harm to the assets in accordance with Policy PD2.

7.24 In terms of proposed development in a Conservation Area, the 1990 Act places a duty on an Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area. As a new architectural entity being imposed within the curtilage of the existing group of historic buildings it is considered that there would be an element of harm to the character and appearance of this part of the Conservation Area. However, under the guidance of the NPPF, it is considered that the proposed new development would not constitute substantial harm to the significance of the Conservation Area. The NPPF advises that where a development would lead to less than substantial harm that harm should be weighed against the public benefits of the proposal.

7.25 As outlined above in section 7.5, the public benefits of the scheme are considered substantial and are twofold. The proposal would not only ensure the future of these prominent Listed Buildings of a high significance within the town; it would also provide a flexible community facility not currently found in the area. The glazed link extension subject to exemplary detailing and external materials/finishes controlled by conditions would be complimentary to the existing historic buildings, its context and present a readable and definable narrative to the architectural ensemble of the building grouping. The proposed new build apartments would appear subservient and recessive due to their design, scale and lower ground level than the main buildings within the site. The main view of the apartments would be from the Bridge and open space over Henmore Brook and they would be read in context with the principle buildings at a lower height and simpler form, mirroring the hipped roofs of the main buildings. The retention of the Beech tree would also soften their impact. The proposals are considered to lead to less than substantial harm to the significance of the ensemble of historical buildings through both the attached extension and new builds in their setting and to the character and appearance of Ashbourne Conservation Area. When this is weighted against the significant public benefits and the consequence of providing a viable use for all of the existing buildings to secure not only the future of the church but the long term community use of the buildings; these public benefits are considered to outweigh the harm to the heritage assets.

Impact on residential amenity

7.26 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. An assessment of the impact of the conversion and extension of Chapel House on

the adjacent residential properties to the north east is required. The nearest property is located adjacent to the south eastern corner of the site and is two storey. Block B and Block C are proposed in parallel with this boundary with a 1m gap and the rear of the nearest dwelling (Lambourne View) is at an angle with the boundary and faces north west. In 2017, planning permission was granted for a single storey garage extension within the rear garden and extending from the rear gable and this appears to be under construction. The floor plans submitted with the application indicate the ground floor windows in the rear gable serve secondary windows and the first floor window in the rear gable is also secondary as there is another window to the room on the south western elevation. The elevation of Blocks B and C adjacent to this boundary proposes six habitable room windows on the ground floor and two on the first floor of Block C. The elevation plan indicates a 2m high boundary fence at a land level of 119.70 FDL would obscure the majority of the windows and that the nearest first floor window would be obscure glazed. The first floor windows serve habitable rooms and due to the orientation of the neighbouring properties these windows would not cause a significant overlooking impact as they would be adjacent to the existing workshop buildings which are within the rear garden area. However, as the windows overlook the boundary a condition to require them to be obscure glazed shall be placed on any permission. Chapel House has a blank gable adjacent to the boundary and this building would obscure any views from these first floor windows from any residential properties to the north. On the basis of the above assessment, the impact on the residential amenity of neighbouring properties is not considered significant and the proposal complies with Policy PD1.

Impact on trees

7.27 There are ten individual trees and one group of trees within the site. The majority of the trees are classified as category C which are low quality. However, the Beech tree (T6) is considered to be category B of moderate quality and is proposed to be retained. Further assessment of the Beech tree has indicated that the western limb has defects and may be weak and prone to failure. The report recommends crown raising of the Beech tree to 4m over the site, not the stream and the large elongated limb over the site removed back to the main trunk. Part of the proposed development encroaches the RPA of T6. The foundations within this area would have to be a piled foundation with floating slab to prevent damage to roots. The Tree Officer considers the recommendation of the tree survey that provide details of the tree works and method of construction within the RPA to be acceptable and should allow for the tree to be successfully retained in accordance with Policy PD6. A landscaping scheme shall be required by condition to provide replacement trees and soften the appearance of the development.

Flood Risk

7.28 The majority of the site lies within Flood Zone 2 with a small part to the south located within Flood Zone 3. The Henmore Brook is a main river located adjacent to the southern site boundary. The Environment Agency (EA) Flood Map for Planning suggests the site partially located within Flood Zone 3 of the Henmore Brook, however, the Flood Map confirm the site currently benefits from EA maintained flood defences. The EA requested that a hard-engineered solution to reduce flood risk to the site from the Henmore Brook is constructed that would provide flood protection for events up to and including the 1 in 200 year event. It is proposed that the finished floor levels of (Blocks A, B and C) will be set at 119.96m AOD. This will afford (Blocks A and B) will a freeboard of 0.61m when compared with the design event. The freeboard and raising of ground levels is considered sufficient to allow for potential increases in flood levels associated with the higher central and upper end climate change allowances. Low residual risks have been identified, in the forms of pluvial, groundwater, reservoir failure & sewer flooding and simple mitigation measures have been proposed for these risks. A surface water strategy has been submitted and is currently being reviewed by the Lead Local Flood Authority and their revised comments and any conditions recommended shall be included within late representations. It is considered that the submitted FRA demonstrates that the proposed development is at an acceptable level of

flood risk subject to the recommended flood mitigation strategies being implemented in accordance with Policy PD8.

Highway safety

7.29 Policy S3 requires development to have appropriate access and parking provision Policy HC19 seeks to ensure that development can be safely accessed in a sustainable manner and adequate parking is provided. The site is located within the town centre of Ashbourne and is thus accessible by a choice means of transport and there is on-street parking on Station Road and a number of public car parks in close proximity to the site. Due to the constraints of the site vehicle access and car parking provision for the apartments is not possible and the Highways Authority have no objections to the lack of provision based on its sustainable town centre location with on-street parking restrictions and town centre car parks.

7.30 Conclusion

This proposal represents the aspirations of the Methodist Church to retain and utilise all the buildings within the site with a view to the future provision of a flexible community building for the use of both by the Church and the residents of Ashbourne. The viability report identifies that although grants may be secured there would be a large shortfall in realising the link structure that would connect all three buildings. On this basis, the apartment scheme was required to provide the capital to meet this shortfall. The harm to the significance of the Listed buildings in terms of the extensions proposed with the damage to their setting together with the harm of the scheme to the character and appearance of the Conservation Area have been assessed in detail and on balance it is considered that the less than substantial harm identified is outweighed by the very clear and substantial public benefits of the scheme. The proposal is therefore considered to accord with the relevant local plan policies and guidance with the NPPF.

8 RECOMMENDATION

That planning permission be granted subject to the following conditions.

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

Reason:

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

2. The development hereby permitted shall be carried out in accordance with the following plans:-
 - Location Plan Scale 1:1250
 - Proposed Site Plan 02 Rev H
 - Proposed Elevations 12 Rev E
 - Proposed Plans – Lower Ground Floor 10 Rev H
 - Proposed Plan – Upper Ground and First Floor 11 Rev K
 - Proposed Elevations 06 Rev F
 - Ground Floor Plan 03 Rev E
 - First Floor Plan 04 Rev F
 - Indicative Details of Sections of Glazed Roof Abutment 14 Rev A
 - Indicative Sections 17
 - Environment Agency – Site Layout and Sections 07 Rev B
 - Site Sections 05 Rev A
 - Surface Water Drainage Strategy 0500 Rev P02

;unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt.

3. The development shall be carried out in accordance with the submitted flood risk assessment (FRA) revision P02, dated August 2020, Ref: NTW-2676_FRA, and the following mitigation measures it details:
 - Finished floor levels shall be set no lower than 119.96 metres AOD. This provides a minimum freeboard of 600mm above both the 1 in 100 year plus climate change and the 1 in 200-year scenarios.
 - External finished ground levels shall be set no lower than 119.7 metres AOD in the area to the west of the proposed flood defence, as this will allow land levels to tie in with the crest of the proposed flood defence. However external ground levels should be profiled locally to direct any overland flows away from proposed buildings and towards the nearest drainage point.
 - A minimum 3m clear easement between any new buildings (Blocks A to C) and the landward face of the proposed replacement flood defence.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017)

4. Prior to the commencement of any above ground development for the new buildings (Blocks A to C) the detailed design of the proposed flood defence scheme as outlined in Sections 4.2 to 4.6 and Appendix 1, of the FRA and on Drawing Nos. 02 Revision H (Proposed Site Plan), 07 Revision B (Environment Agency - Site layout and sections) shall be submitted and approved in writing by your authority, in consultation with the Environment Agency.
 - the flood defence is to be constructed 1.0m west of the 119.50m AOD contour
 - it is proposed that such a feature is not built below the height of 119.70m AOD. As such this will provide the development a level of protection for all events up to and including the 1 in 200 year event, as detailed in Table 3.2 of the FRA. This will also ensure that the proposed flood defence will be able to tie in with the existing brick wall defence located to the north east of the site, which would contribute to mitigating flood risk to the wider area.
 - the scheme shall provide a minimum 3m clear easement between any new buildings (Blocks A to C) and the landward face/toe of the proposed replacement flood defence, as shown by cross-sections 'A-A' and 'D-D'.
 - access for maintenance and inspection of existing/proposed surface water outfalls to the Henmore Brook, will need to be included in the detailed design.

This scheme shall be fully implemented prior to the commencement of any above ground development of the new buildings (Blocks A to C). The scheme detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

- To prevent development in the floodplain and/or on top of the existing flood defence embankment prior to the replacement flood defence being constructed.
- To ensure the structural integrity of the existing and/or proposed flood defences during the construction phase, thereby reducing the risk of flooding.
- to ensure the replacement flood defence is constructed prior to the commencement

of the new buildings (Blocks A to C) in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017)

5. Upon completion of the replacement flood defence and prior to first occupation, an 'as built' topographical survey of the replacement flood defence structure/s shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency.

Reason

To ensure that the replacement flood defence is constructed in accordance with the approved scheme and in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017)

6. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
 1. comprise of evaluation trenching (phase 1) to assess character and preservation, followed by a scheme of mitigation recording (phase 2) as appropriate.
 2. The programme and methodology of site investigation and recording
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

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

"c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured."

Reason:-

To enable potential archaeological remains and features to be adequately recorded, in the interests of the cultural heritage of the District, recognising that initial preparatory works could have unacceptable impacts in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

7. Prior to the commencement of the link building, a noise mitigation scheme shall be submitted in writing and approved in writing by the Local Planning Authority detailing sound insulation measures and implemented in accordance with the approved scheme.

Reason:

to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017)

8. Construction hours shall be restricted to the hours of 8am to 6pm Mondays to Friday, 8am to 1pm on Saturdays and no working at all on Sundays and Bank Holidays.

Reason:

In the interests of preserving the amenity of neighbouring residents in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017)

9. The proposed development shall be carried out in accordance with the recommendations within the Hamps Valley BS 5837:2012 Tree Survey Report and Arboricultural Impact Assessment updated in January 2021.

Reason:-

To ensure the health of the retained tree in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017)

10. Prior to the occupation of any of the apartments a contract for the implementation and construction of the extensions to the Methodist Church approved as part of this permission have been secured, submitted and approved in writing by the Local Planning Authority.

Reason:-

As the justification for the apartments was to fund the extensions for this community facility in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan.

11. Full constructional details of all new external window and door joinery and/or metal framed windows and doors (including finish colour) shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, details of heads, cills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan.

12. The rooflights hereby approved shall be of the conservation type with a single vertical glazing bar and mounted flush (i.e recessed) with the roof slope.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan.

13. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before works commence on the facing walls or roof of the building(s). The works shall thereafter be constructed in accordance with the approved details.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan

14. A sample of the brick and details of the proposed brick bond (together with a sample panel of brickwork [1 sq.m] erected on site) to be used for the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before works commence on the construction of the exterior walls of the building(s). The development shall thereafter be constructed in accordance with the approved details.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan

15. No meter boxes and/or soil vent waste pipes or any other grilles/pipes/vents etc. shall be fixed to the exterior of the building without the prior written approval of the Local Planning Authority.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan

16. Details of all new or replacement, flues, extract ducts, vents, grilles and meter shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan

17. Full details of all gutters, downpipes and all other associated external pipework shall be submitted to and approved in writing by the Local Planning Authority prior to being fixed to the building. The details should include large-scale details/sections of the eaves (with its brick corbel detail), and the rise and fall brackets. These items shall then be provided in accordance with the approved details and so retained.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan.

18. Full construction details shall be submitted for the following prior to installation:-

- The proposed recessed panels to the building elevations,
- Details of the type, location and fixing of the 'juliette' glazed balconies,
- Details of the flat roof section to Block B
- The proposed canopies over the doors,
- The new 'open metal staircase' between Chapel House & Block B,

The works shall thereafter be constructed in accordance with the approved details.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan.

19. No means of enclosure shall be erected until the design, location, and materials to be used on all boundary walls/fences/screen walls etc. have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments so approved shall then be completed prior to occupation of any of the apartments and shall thereafter be retained in perpetuity.

Reason:

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

20. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority within 56 days of the commencement of development, the details of which shall include :-

- a) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- b) grass seed mixes and sowing rates;
- c) pedestrian access and circulation areas;
- d) hard surfacing materials;

- e) minor artefacts and structures (e.g. furniture, refuse and other storage units, signs, lighting etc);
- f) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

21. The development hereby approved shall be implemented in full accordance with the bat mitigation strategy set out in Appendix 1 of the letter addressed to Allan Joyce Architects (10th February 2021) from EMEC Ecology. This report requires updated emergence surveys to be carried out prior to commencement of the development and if any direct impacts on bats that might arise be covered by a protected species licence from Natural England.

Reason:

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

22. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason:

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

23. No development shall take place (including demolition, ground works, vegetation clearance) until a water vole survey has been undertaken in accordance with the details set out on page 11 of the letter addressed to Allan Joyce Architects (10th February 2021) from EMEC Ecology and any necessary mitigation measures have been fully identified. Any approved mitigation measures shall be implemented prior to the first occupation of any of the apartments.

Reason:

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

24. Details of the obscure glazing to be used in the first floor windows on the north eastern elevation of Block C shall be submitted to and approved in writing by the Local Planning Authority. The obscure glazing shall thereafter be installed as approved prior to the first occupation of the development and maintained in accordance with the approved details.

Reason:

In the interests of preserving residential amenity and privacy in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9 NOTES TO APPLICANT:

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

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

This decision notice relates to the following documents:

Location Plan Scale 1:1250
Proposed Site Plan 02 Rev H
Proposed Elevations 12 Rev E
Proposed Plans – Lower Ground Floor 10 Rev H
Proposed Plan – Upper Ground and First Floor 11 Rev K
Proposed Elevations 06 Rev F
Ground Floor Plan 03 Rev E
First Floor Plan 04 Rev F
Indicative Details of Sections of Glazed Roof Abutment 14 Rev A
Indicative Sections 17
Environment Agency – Site Layout and Sections 07 Rev B
Site Sections 05 Rev A
Surface Water Drainage Strategy 0500 Rev P02
Surface Water Existing Site Assessment 0001 Rev P02
Existing Site Plan 01 Rev E
Chapel House – Existing Plans and Elevations 08
Existing Plans FOS-726/1, 726/2, 726/3, 726/4, 726/5/1,726/5/2, 726/5/4, Street Elevations - 726/5/5, Cornerstone Café External Elevations - 726/5/5
Statement of Significance by Jenny Wetton Conservation dated December 2017
Historic Environment Desk Based Assessment by Trent and Peak Archaeology 151/2019
Flood Risk Assessment by BWB dated August 2020
Flood Risk Sequential Test dated August 2020
Planning Statement dated September 2020
Further justification dated 13th September 2018
Statement of Need dated July 2020
Hamps Valley BS 5837:2012 Tree Survey Report and Arboricultural Impact Assessment updated in January 2021
Design and Access Statement
Viability Statement
Protected Species Survey by EMEC Ecology May 2018 (Updated September 2020)
Letter from Nottingham and Derby District Methodist Church Property Secretary dated 12th October 2020
Letter of Support from Chair of Nottingham and Derby District Methodist Church dated 7th October 2020
Ecclesiastical Exemption Report dated 14th March 2019
Surface Water Drainage Strategy by Ridge dated 22nd January 2021

Additional Information from the Environment Agency

1. An environmental permit for flood risk activities will be required for any works within 8m of the watercourse at the appropriate juncture, as detailed below.

Environmental permitting regulations (EPR)

This development will require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Henmore Brook a designated 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

2. Section 4.19 of the FRA states that: -

The ground conditions (Sandstone group bedrock), indicate a potential for infiltration and soakaways should be the primary method for the disposal of surface water. A response from Derby County Council, included as Appendix 5, states that the north half of the site is potentially suitable for use of free-draining SuDS.

However any discharge of surface water into the ground behind the proposed flood defence scheme for this site, will have to be taken into account in the detailed design of both the flood defence and surface water drainage system, so as not to negatively impact on the proposed new defences.

3. It would appear from the proposed layout as shown on Drawing Nos. 02 Revision H (Proposed Site Plan), 07 Revision B (Environment Agency - Site layout and sections), that the kitchen/lounge to Block A Apartment 4 will be constructed within the existing bank slope to Station Road, and therefore the proposed kitchen and western facing window/s may be below existing ground levels.

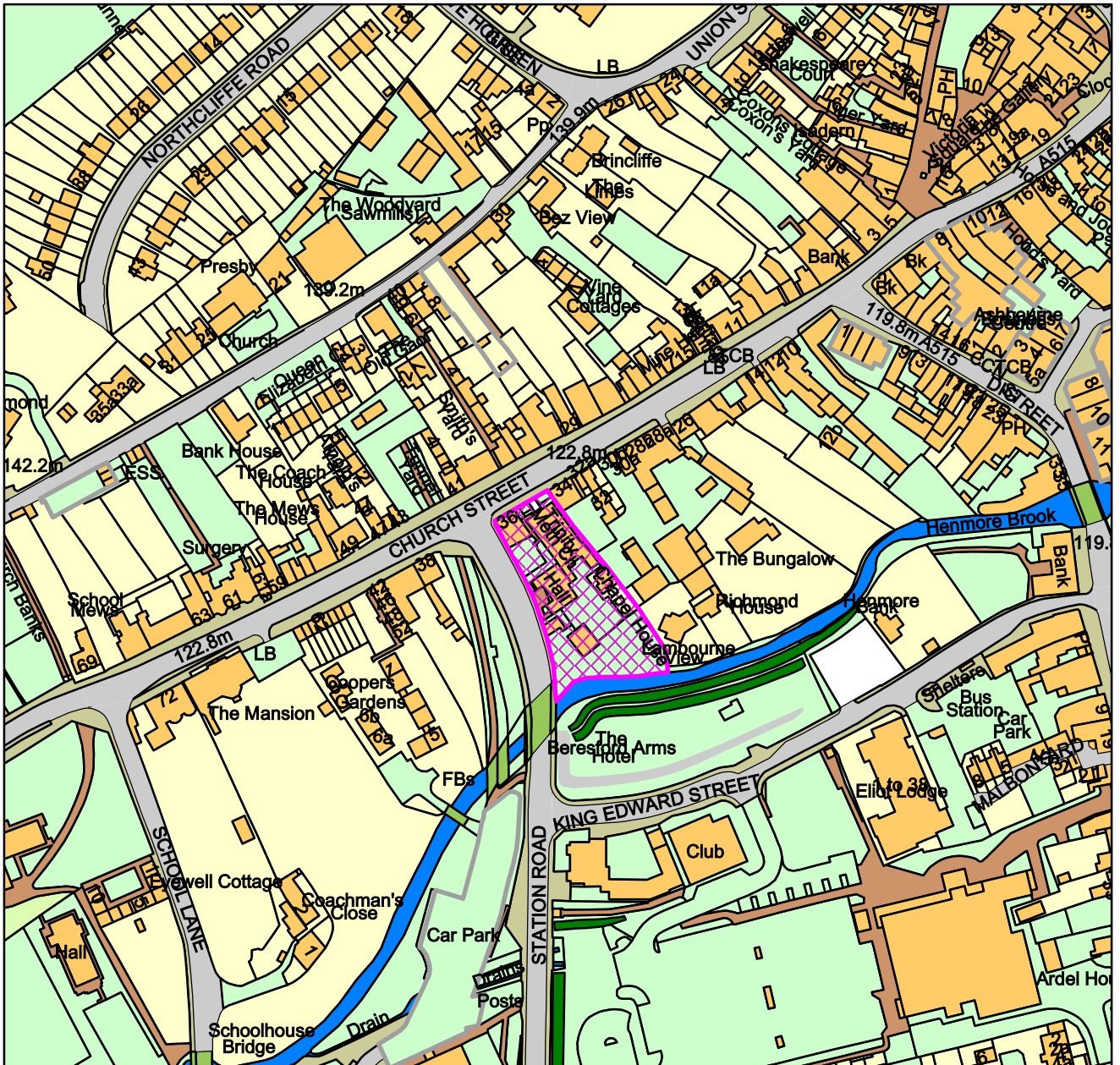
APPLICATION NUMBER		20/01035/LBALT	
SITE ADDRESS:		Ashbourne Methodist Church, Church Street, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Extensions, internal and external alterations to existing church, associated buildings and Chapel House.	
CASE OFFICER	Sarah Arbon	APPLICANT	Ashbourne Methodist Church
PARISH/TOWN	Ashbourne	AGENT	Allan Joyce Architects Ltd
WARD MEMBER(S)	Cllr T Donnelly Cllr R Archer	DETERMINATION TARGET	15 th December 2020
REASON FOR DETERMINATION BY COMMITTEE	Linked to Major planning application	REASON FOR SITE VISIT (IF APPLICABLE)	

MATERIAL PLANNING ISSUES
– Impact upon heritage assets

RECOMMENDATION
Approval

20/01035/LBALT

Ashbourne Methodist Church, Church Street, Ashbourne



Derbyshire Dales DC

1:2,500

Date: 25/02/2021

100019785

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

1 THE SITE AND SURROUNDINGS

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



2 DETAILS OF THE APPLICATION

- 2.1 The proposals involve the construction of a new extension to be primarily located within the courtyard adjacent to Station Road and formed by the church, Century Hall and the Corner Café. This courtyard (parts of which are lower than the adjacent road level) is bounded to Station Road by a brick wall and decorative metal railings (listed as part of Century Hall). A replacement of a two storey extension is proposed on the south eastern elevation.
- 2.2 The proposed new extension is to be attached to the side of Corner Café and to the side (west) elevation of the main church building. It is set back (at a shallow angle) from the majority of the north elevation of Century Hall. This 'Upper Ground' plan includes an entrance lobby, foyer, two staircases, a platform lift and a spinal corridor adjacent to the west elevation of the church. One set of stairs (& platform lift) access this higher level corresponding to the internal floor level of the main church itself forming the spinal corridor along the external side of this part of the church and the formation of a new double-doorway into the main body of the church. This corridor continues southwards to give access into the rear of the main church, into Century Hall and to a new extension containing toilets. The other staircase (and platform lift) descends to a 'Lower Ground' level. This contains toilets, a storeroom and meeting rooms.⁴⁰ A void or light well (fully glazed) provides some

natural light/ventilation to this subterranean level. Below the new toilets, at the southern end of the proposed scheme, is a 'Gateway Lounge' serving the basement of the main church. The new extension involves the breaching – in two parts – of the existing brick boundary wall and railings to Station Road.

- 2.3 The primary concept behind the new extension is to physically link the three buildings on the site – the Church, Century Hall and the Café. Its location is such that it is housed in a deep 'area' to the west of the church allowing a lower ground level for additional accommodation/use. The extension has been designed and formulated to allow inclusive access to all of the three buildings bringing the three disparate buildings around a focal and communal hub. The design concept of the extension is 'contemporary' with the use of structural glass, zinc cladding and stonework/brickwork.
- 2.4 Internal works in order to link the buildings involves the creation of a new opening in the western façade of the worship space to provide an entrance from the foyer within the glazed extension. New glazed partitions within the enclosed area beneath the gallery are proposed to replace the existing wooden framed partition that shall allow it to be opened improving flexibility of the space. The pews within the worship space are proposed to be retained and relocated to the walls and against the partition to allow the provision of flexible seating within the space which can be cleared when the space is required for community events. Wooden chairs that can be stacked when not required are proposed.

3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 1 Ashbourne Conservation Area Appraisal
2. National Planning Policy Framework
National Planning Practice Guidance

4 RELEVANT PLANNING HISTORY:

20/01034/LBALT	Extensions and alterations to existing church and associated buildings, conversion of Chapel House to 2 no. apartments, construction of 8 no. apartments and demolition of hut building.	Pending	
19/00595/FUL	Proposed construction of 11 no. apartments, link extension and two storey extension to Church and demolition of Chapel House and Horsa hut	WDN	19/07/2019
19/00596/LBALT	Demolition of Chapel House, extensions to Methodist Chapel/Century Hall and external and internal alterations	WDN	19/07/2019
05/00616/FUL	Siting of storage container for a temporary period of 12 months (retrospective)	PERC	11/10/2005
05/00806/LBALT	Alterations to listed building - Single storey extension	WDN	25/10/2005
05/00807/FUL	Single storey extension	PERC	09/11/2005
0992/0726	ALTERATIONS TO LISTED BUILDING	A	28/10/1992

5 CONSULTATION RESPONSES

Ashbourne Town Council

5.1 No response received.

Derbyshire County Council (Archaeologist)

5.2 With regard to below-ground archaeological remains, the proposal site is within the medieval core of Ashbourne as defined in the Extensive Urban Survey compiled by Derbyshire County Council and English Heritage in 2001. The site lies within medieval component 12 'settlement along the south side of Church Street', an area of long narrow burgage plots with boundaries running back to Henmore Brook. The applicant has submitted an archaeological desk-based assessment which makes a reasonable assessment of archaeological context and potential, and concludes that the new buildings on the backplot part of the site may impact upon archaeology associated with the medieval and post-medieval town. A condition requiring a scheme of archaeological investigation and recording prior to commencement of development that should comprise of evaluation trenching (phase 1) to assess character and preservation, followed by a scheme of mitigation recording (phase 2) as appropriate is recommended.

Historic England

5.3 Previous concerns were raised in relation to the design of the proposed extension. In particular, the proposed link building which would tie into the existing building at transom level and obscure the fenestration and composition of the side elevation of the church. It was highlighted that they did not accept that the use of glazing for the roof would mitigate this successfully. In our view, the extension as proposed would result in harm to the significance of the Grade II Methodist Church and the Ashbourne Conservation Area.

It is proposed to construct three new blocks to the south of the main listed church, in an area which is currently green open space and a yard area. Having reviewed the supporting plans we have concerns in relation to the intensity of proposed development, which in our view would visually detract from and erode the setting of the listed buildings. It would also be harmful to the character and appearance of the conservation area.

It is for your authority to consider whether the level of development proposed and resultant harm has been clearly and convincingly justified. If your authority is satisfied the level of development proposed is justified, then we advise that the detailed design is considered with the benefit of advice from your in-house conservation officer.

As the proposal affects the setting of listed buildings and the conservation area the statutory requirement to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must be taken into account by your authority when determining this application.

It will be for your authority to consider the justification put forward for this scheme, and to balance all planning matters, including public benefit afforded by this proposal, affording the required weight to heritage matters as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 Act and the NPPF(paragraphs 194 and 196).

Design and Conservation Officer (Derbyshire Dales)

5.4 It is considered that the principle of a modern, contemporary, extension within the courtyard is an acceptable proposal in this context but this is heavily reliant on its constructional details

and materials and its relationship and abutments etc. with the adjacent buildings. Sufficient detail has been supplied in this regard and is considered acceptable. The south-western element of the church is to be demolished and replaced and it is considered that the proposed replacement structure/building would be complimentary to the concept of the overall scheme and to this part of the site/context. The proposed conversion and extension to Chapel House and the new build apartments are considered, in general terms, have a simplicity of form and layout which presents a subservient, recessive and quieter language to the exuberant architectural detailing of the church and Century Hall etc. This is also assisted in the topography of the site and the scale of the new development. The proposal is considered to constitute less than substantial harm to the Heritage assets with the NPPF advising that harm should be weighed against the public benefits of the proposal.

5.5 Councillor R Archer

States that this appears to be a well thought out and sensitive plan that considers the historical significance and architectural importance of the building while making it more versatile and 'future proof'. It is a complex site and it is unfortunate that we are not able to have a site visit.

6 REPRESENTATIONS RECEIVED

6.1 A total of 4 representations have been received. A summary of the representations is outlined below:

- The Tree Report dated the 18th April is only valid for 6 months and should be updated.
- There are no details of replacement trees provided.
- The health of the trees to be removed appear to be good.
- The removal of trees is a concern as bats are found in the area.
- The removal of on-street parking is a concern as it where residents will park.
- There is no details of the emergency access for vehicles to the site.
- The existing outdoor play area for the residents of the Methodist Church would be lost.
- The proposed 2m boundary wall would need to be discussed with the adjoining resident (The Old Stables) and clarification of which ground level would be used required.
- There is a concern regarding the 'right of light' with regard to 32 Church Street.

7 OFFICER APPRAISAL

7.1 The following material issues are relevant to this application:
– Impact upon heritage assets

Impact upon Heritage Assets

7.2 The application is accompanied by a detailed Heritage Statement (HS) which assesses the significance of the assets taking account of the Conservation Area Character Appraisal and views that allow the significance of the assets to be appreciated. In respect of views the report states:-

“The church is prominent in views in both directions along Church Street, identified in the Conservation Area Character Appraisal as key views and allowing the elaborate design of the front elevation to be appreciated. Although both the church and Century Hall are prominent in views north along Station Road, these are not identified as key views and only the church is identified as a prominent building in the streetscape”. The conclusion of the report is that the harm caused by the development is offset by substantial public benefits with the proposals considered beneficial overall.

Internal works

- 7.3 The new opening within the western façade of the worship space would be in a central position when viewed from the proposed foyer and from within the worship place. Its position would accommodate the flow of people into and out of the worship space, which would be particularly important for larger community events which the church is intending to host as a suitable venue does not exist in Ashbourne. The double doors also allow full access for DDA compliance. The position of the proposed doors are considered to retain the symmetry of the building and are thus considered acceptable. The proposed folding timber screen with solid panelling and mouldings to match the balcony above (with timber to match the existing) within the enclosed area beneath the gallery is considered an improvement and achieves the benefit of allowing the area to be included within the main worship space or used separately. The relocation of the pews on the edges of the worship space to allow the provision of flexible seating, whilst there is a level of harm it is weighted against the public benefit of allowing the use of the area more flexibility and for general community uses rather than just for worship. On the basis that the changes are adequately justified and would all seek to achieve the aspirations of the church for increased use of the building it is considered that the less than substantial harm to significance and character of the building is outweighed by the substantial public benefits in accordance with NPPF guidance.

External Works

- 7.4 It is considered that the principle of a modern, contemporary, extension within the courtyard is an acceptable proposal in this context but this is heavily reliant on its constructional details and materials and its relationship and abutments with the adjacent buildings. Some details have been submitted and these show that as light a touch (i.e. in terms of abutments and junctions etc.) as possible is being proposed.
- 7.5 The junction or abutment of the new extension with the west elevation of the church is the most important. The proposal is to join the new extension roof at the horizontal transom point to the run of five tall, semi-circular, headed windows. Due to their height the original window frames were designed to be divided with a (painted timber) transom at half their height. In earlier iterations of the scheme the roof junction at this point was a flat roofed abutment with a narrow glazed clerestory detail. Following concerns raised about the solidity and robustness of such a junction a proposal, as now submitted, has been formulated whereby the junction/abutment is a sloping structural glass roof. The abutment detail with the transom has been submitted and this is considered to be acceptable. Whilst glass is never truly 'invisible' the size and shape of the sloping glass roof at this point/junction would allow the lower part of the tall windows to have some visibility thus preserving, as much as possible, the western elevation of the church.
- 7.6 It is noted that the basement windows to the courtyard side of the main church (and those to the basement of Century Hall) would be fully concealed by the proposed extension. The original design concept of the main church (and in some respects to Century Hall) was for these particular windows to have a less architectural/decorative treatment than those to the main body of the church/upper part of Century Hall. This is reflected in the design of their openings and their window frames. In this regard, there is considered to be more scope to subsume these particular windows within the proposed 'Lower Ground' floor level. It is noted, however, that that they would be visible/exposed within the internal circulation areas of the lower level allowing the original architectural treatment and the sense of a modern 'infill' to the courtyard to be appreciated.
- 7.7 The proposed introduction of sections of brick walling to the new extension are to introduce some correlation between the existing brick buildings and the new extension. In the areas proposed this is considered to be acceptable. The remaining external material for the main extension is zinc cladding (and structural glass) and a stone coping to the zinc clad parapet. It is considered that the use of a zinc cladding (subject to approval of a sample etc.) in combination with the extensive use of structural glass would convey a relatively 'light'

architectural infill to the courtyard and would be complimentary to the ornate period architecture, detailing and materials of the three existing buildings surround it.

- 7.8 The current south-western element of the church is to be demolished and replaced. The current projection is of two-storeys (originally a stilted upper floor only the lower, open part, being filled in in the later 20th century) with a dual pitched roof over. Its proposed replacement, on a similar footprint and scale, is to contain 'toilets' and 'gateway lounge' and is to be constructed in matching brickwork with a zinc clad coped parapet to a flat roof, recessed brick 'string-coursing' and modern 'slot' windows (interspersed with a zinc clad panel). It is considered that the proposed replacement structure/building in this part of the site and its context should be 'contemporary' and pick up on details and materials of the main new extension. In this regard, it is opined that this proposed new element is an acceptable replacement of the existing structure and would be complimentary to the concept of the overall scheme and to this part of the site/context.
- 7.9 The proposal to breach the listed boundary wall/railings in two places is regrettable as these form an existing continuous boundary to this side of the site. However, in considering the principle of a new extension and entrance in this location a breach of the boundary would be needed. Three new stone gateposts (matching those to Century Hall) are proposed where the boundary is breached. Subject to exemplary detailing between the breached wall/railings and the new posts (and altered existing railings) it is considered that this traditional approach to this particular element is an appropriate way forward presenting an existing, but altered, connection to the past and architecturally enclosing and defining the area of the new extension.
- 7.10 In conclusion, it is considered that a modern, contemporary, extension within the courtyard (and to the southern end) would be acceptable. In terms of its impact on the listed buildings it is considered that the proposals have been carefully considered and junctions / abutments have been thought through. Subject to exemplary detailing and external materials/finishes it is considered that the new extensions would be complimentary to the existing historic buildings, its context and present a readable and definable narrative to the architectural ensemble of the building grouping.
- 7.11 In terms of proposed development in a Conservation Area, the 1990 Act places a duty on an Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area. As a new architectural entity, being imposed into a grouping of existing historic buildings, it is considered that there would be an element of harm to the character and appearance of this part of the Conservation Area. However, under the guidance of the NPPF, it is considered that the proposed new extensions would not constitute substantial harm to the significance of the Conservation Area. The impact of the new build on the setting of the listed buildings is considered within the committee report for the associated planning application. The NPPF advises that where a development will lead to less than substantial harm that harm should be weighed against the public benefits of the proposal.
- 7.12 The public benefits of the scheme are considered substantial and are twofold. The proposal would not only ensure the future of these prominent Listed Buildings of a high significance within the town; it would also provide a flexible community facility not currently found in the area. The glazed link extension subject to exemplary detailing and external materials/finishes controlled by conditions would be complimentary to the existing historic buildings, its context and present a readable and definable narrative to the architectural ensemble of the building grouping. The extensions are considered to lead to less than substantial harm and when weighted against the significant public benefits and the consequence of providing a viable use for all of the existing buildings to secure not only the future of the church but the long term community use of the buildings; these benefits outweigh the harm to the heritage assets.

Conclusion

7.13 This proposal represents the aspirations of the Methodist Church to retain and utilise all the buildings within the site with a view to the future provision of a flexible community building for the use of both by the Church and the residents of Ashbourne. The internal changes have been adequately justified to achieve the aim of flexible use of the building and are considered less than substantial impacts. The external proposals involving the link extension and courtyard extension are considered to amount to less than substantial harm to the character and setting of the listed buildings in terms of their significance to the character and appearance of the Conservation Area. The detailed assessment on the impacts on the heritage assets have been undertaken and on balance it is considered that the less than substantial harm identified is outweighed by the very clear substantial public benefits of both securing the long term future of this assemblage of historic buildings and putting them to much wider and more flexible public use. The proposal is therefore considered to accord with the guidance within the NPPF.

8 RECOMMENDATION

That listed building consent be granted subject to the following conditions.

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

Reason:

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

2. The development hereby permitted shall be carried out in accordance with the following plans:-

Location Plan Scale 1:1250

Proposed Site Plan 02 Rev H

Proposed Elevations 12 Rev E

Proposed Plans – Lower Ground Floor 10 Rev H

Proposed Plan – Upper Ground and First Floor 11 Rev K

Proposed Elevations 06 Rev F

Ground Floor Plan 03 Rev E

First Floor Plan 04 Rev F

Indicative Details of Sections of Glazed Roof Abutment 14 Rev A

Indicative Sections 17

Site Sections 05 Rev A

Narthex Screen 15 Rev A

Location of Retained Pews 16

; unless as otherwise required by condition attached to this permission.

Reason: For the avoidance of doubt and to preserve the special character and appearance of the listed buildings and comply with policies contained within the National Planning Policy Framework - 2019 (Conserving and Enhancing the Historic Environment), National Planning Policy Guidance and the Historic England Advice Note 2.

3. Full constructional details of all new external window and door joinery and/or metal framed windows and doors (including finish colour) shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, details of heads, cills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

Reason:

To preserve the special character and appearance of the listed buildings and comply with policies contained within the National Planning Policy Framework - 2019 (Conserving and Enhancing the Historic Environment), National Planning Policy Guidance and the Historic England Advice Note 2.

4. The rooflights hereby approved shall be of the conservation type with a single vertical glazing bar and mounted flush (i.e recessed) with the roof slope.

Reason:

To preserve the special character and appearance of the listed buildings and comply with policies contained within the National Planning Policy Framework - 2019 (Conserving and Enhancing the Historic Environment), National Planning Policy Guidance and the Historic England Advice Note 2.

5. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before works commence on the facing walls or roof of the building(s). The works shall thereafter be constructed in accordance with the approved details.

Reason:

To preserve the special character and appearance of the listed buildings and comply with policies contained within the National Planning Policy Framework - 2019 (Conserving and Enhancing the Historic Environment), National Planning Policy Guidance and the Historic England Advice Note 2.

6. A sample of the brick and details of the proposed brick bond (together with a sample panel of brickwork [1 sq.m] erected on site) to be used for the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before works commence on the construction of the exterior walls of the building(s). The development shall thereafter be constructed in accordance with the approved details.

Reason:

To preserve the special character and appearance of the listed buildings and comply with policies contained within the National Planning Policy Framework - 2019 (Conserving and Enhancing the Historic Environment), National Planning Policy Guidance and the Historic England Advice Note 2.

7. No meter boxes and/or soil vent waste pipes or any other grilles/pipes/vents etc. shall be fixed to the exterior of the building without the prior written approval of the Local Planning Authority.

Reason:

To preserve the special character and appearance of the listed buildings and comply with policies contained within the National Planning Policy Framework - 2019 (Conserving and Enhancing the Historic Environment), National Planning Policy Guidance and the Historic England Advice Note 2.

8. Details of all new or replacement, flues, extract ducts, vents, grilles and meter shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To preserve the special character and appearance of the listed buildings and comply with policies contained within the National Planning Policy Framework - 2019 (Conserving and Enhancing the Historic Environment), National Planning Policy Guidance and the Historic England Advice Note 2.

9. Full details of all gutters, downpipes and all other associated external pipework shall be submitted to and approved in writing by the Local Planning Authority prior to being fixed to the building. The details should include large-scale details/sections of the eaves (with its brick corbel detail), and the rise and fall brackets. These items shall then be provided in accordance with the approved details and so retained.

Reason:

To preserve the special character and appearance of the listed buildings and comply with policies contained within the National Planning Policy Framework - 2019 (Conserving and Enhancing the Historic Environment), National Planning Policy Guidance and the Historic England Advice Note 2.

10. No means of enclosure shall be erected until the design, location, and materials to be used on all boundary walls/fences/screen walls etc. have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments so approved shall then be completed prior to occupation of any of the apartments and shall thereafter be retained in perpetuity.

Reason:

To preserve the special character and appearance of the listed buildings and comply with policies contained within the National Planning Policy Framework - 2019 (Conserving and Enhancing the Historic Environment), National Planning Policy Guidance and the Historic England Advice Note 2.

11. Full construction details shall be submitted for the following prior to installation:-

- The proposed recessed panels to the building elevations,
- Details of the type, location and fixing of the 'juliette' glazed balconies,
- Details of the flat roof section to Block B
- The proposed canopies over the doors,
- The new 'open metal staircase' between Chapel House & Block B,

The works shall thereafter be constructed in accordance with the approved details.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan.

9 NOTES TO APPLICANT:

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

This decision notice relates to the following documents:

Location Plan Scale 1:1250

Proposed Site Plan 02 Rev H

Proposed Elevations 12 Rev E

Proposed Plans – Lower Ground Floor 10 Rev H

Proposed Plan – Upper Ground and First Floor 11 Rev K

Proposed Elevations 06 Rev F

Ground Floor Plan 03 Rev E

First Floor Plan 04 Rev F

Indicative Details of Sections of Glazed Roof Abutment 14 Rev A

Indicative Sections 17

Environment Agency – Site Layout and Sections 07 Rev B

Site Sections 05 Rev A

Surface Water Drainage Strategy 0500 Rev P02
Surface Water Existing Site Assessment 0001 Rev P02
Existing Site Plan 01 Rev E
Chapel House – Existing Plans and Elevations 08
Existing Plans FOS-726/1, 726/2, 726/3, 726/4, 726/5/1,726/5/2, 726/5/4, Street Elevations -
726/5/5, Cornerstone Café External Elevations - 726/5/5
Statement of Significance by Jenny Wetton Conservation dated December 2017
Historic Environment Desk Based Assessment by Trent and Peak Archaeology 151/2019
Flood Risk Assessment by BWB dated August 2020
Flood Risk Sequential Test dated August 2020
Planning Statement dated September 2020
Further justification dated 13th September 2018
Statement of Need dated July 2020
Hamps Valley BS 5837:2012 Tree Survey Report and Arboricultural Impact Assessment updated
in January 2021
Design and Access Statement
Viability Statement
Protected Species Survey by EMEC Ecology May 2018 (Updated September 2020)
Letter from Nottingham and Derby District Methodist Church Property Secretary dated 12th
October 2020
Letter of Support from Chair of Nottingham and Derby District Methodist Church dated 7th October
2020
Ecclesiastical Exemption Report dated 14th March 2019
Surface Water Drainage Strategy by Ridge dated 22nd January 2021

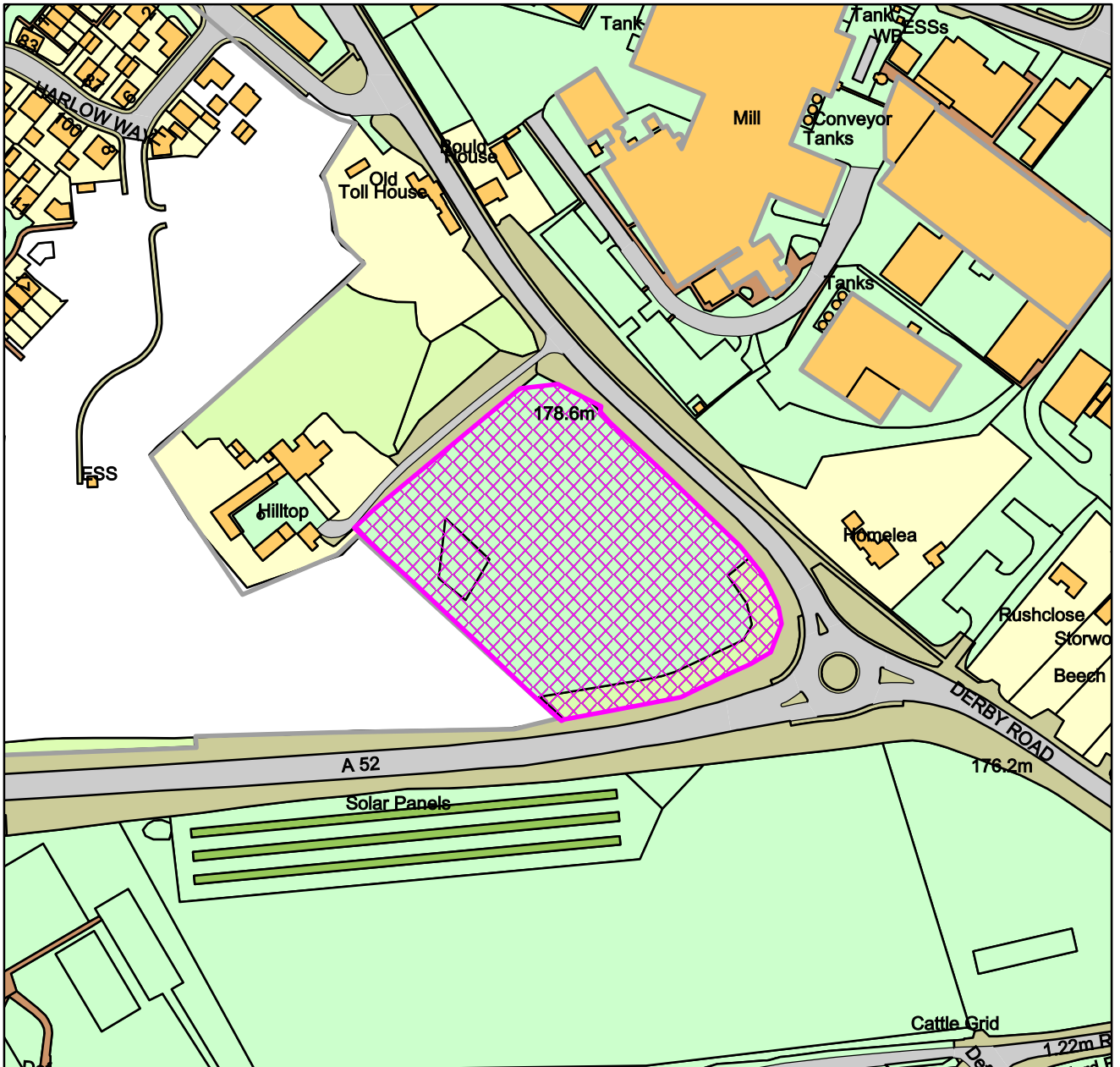
APPLICATION NUMBER		20/01139/REM	
SITE ADDRESS:		Land Adjacent to Hill Top, Derby Road, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Reserved matters application for approval of the appearance, landscaping, layout and scale of a residential development of 36no. dwelling houses (outline planning consent reference 16/00711/OUT)	
CASE OFFICER	Mr Andrew Stock	APPLICANT	Cameron Homes
PARISH	Ashbourne	AGENT	Nineteen47 Ltd
WARD MEMBER(S)	Cllr T Donnelly Cllr R Archer	DETERMINATION TARGET	23 rd February 2021
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	n/a

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Impact on this part of the settlement; • Impact on residential amenity; • Whether there would be any adverse highway safety implications; • Housing mix and the level of affordable housing to be provided; • Impact on the local environment, including contribution towards mitigating global warming and adapting to climate change, and; • Impact on ecology and trees.

RECOMMENDATION
Approval, subject to conditions.

20/01139/REM

Land Adj. Hill Top, Derby Road, Ashbourne



Derbyshire Dales DC

1:2,500

Date: 25/02/2021

100019785

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

1 THE SITE AND SURROUNDINGS

- 1.1 The site comprises a field some 1.13ha in area located at the junction of Derby Road and the A52 Ashbourne relief road on the approach into the town from the south east. It is enclosed on its north eastern and southern boundaries by trees and hedgerows planted on the road frontage. Hill Top, comprising a former farmhouse and range of converted farm buildings and its associated access road with a number of mature trees lies to the north-west. The boundary to the south west abuts the partially completed David Wilson Homes development.
- 1.2 The area is mainly grass with groups of semi mature / mature trees in the north, the east and close to the south western boundary. Groups of trees on the roadside boundary in the north and in the site in the east are protected by Tree Preservation Orders. Other site trees are in good to reasonable condition.
- 1.3 The existing site entrance is at a point close to the roundabout road junction.



2 DETAILS OF THE APPLICATION

- 2.1 The application seeks approval of all matters which were reserved in respect of Outline application 16/00711/OUT including appearance, landscaping, layout and scale. A total of 36 no. dwellinghouses are proposed with associated works, as illustrated on submitted revised plans date stamped 24th February 2021.
- 2.2 The development would be accessed via single vehicular access directly off Derby Road from the north-east corner of the site. The spinal road through the development will swing into the site from the north-east corner looping southwards towards the south-east corner of the site. A surface water attenuation pond has been located adjacent to the site entrance.
- 2.3 The application proposes a mixture of two storey detached, semi-detached and terraced dwellinghouses and a pair of single storey bungalows. A mix of tenures are proposed with a percentage of onsite (8 units) affordable housing. The overall housing mix comprises of the following:-

House Type	Number of units	Percentage
One bed	2	6%
Two bed	12	33%
Three bed	18	50%
Four bed	4	11%
Total	36	

- 2.4 The development includes a mixture of front and side parked detached, semi-detached and terraced dwellings predominately accessed from main spinal road through the site. A traditional design concept is proposed throughout the development with the use of a single red brick with plain tiled roofs. Design details include the incorporation of corbelled brickwork to verges, brick heads and cills, flat roofed porch canopies and decorative brick chimneys.
- 2.5 An area of public open and play space has been created between Plots 24 and 25 which links into an informal path that meanders through the dense wooded edge on the south eastern boundary of the application site. Within the wooded area woodland play trail is proposed, comprising of zig zag steps, twin balance beams and zig zag stilts.
- 2.6 A Soft Landscape Proposal has been submitted which proposes a comprehensive planting scheme including turfing, seeding, hedgerow management/planting and tree management/planting (approximately 140 new trees proposed) across the entire site.

3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S4 Development in the Countryside
- S8 Ashbourne Development Strategy
- PD1 Design and Place Making
- PD3 Biodiversity and the Natural Environment
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodlands
- PD7 Climate Change
- PD8 Flood Risk Management and Water Quality
- PD9 Pollution Control and Unstable Land
- HC1 Location of Housing Development
- HC4 Affordable Housing
- HC11 Housing Mix and Types
- HC14 Open Space, Sport and Recreation Facilities
- HC19 Accessibility and Transport
- HC21 Car Parking Standards

3.2 Other

- National Planning Policy Framework (2019)
- National Planning Practice Guidance

4 PLANNING HISTORY

- 4.1 16/00711/OUT Outline application for residential development GRANTED
of up to 37 dwellings

5 CONSULTATION RESPONSES

5.1 Ashbourne Town Council

Object. Members wish to re-iterate their response to the outline Planning Application: That it is not identified in the Local Plan and will have a significant impact on the infrastructure within the town. It will be a loss of natural beauty and will have a negative impact on wildlife. Members also feel there will be issues with vehicular access and an increase in the traffic generated.

5.2 Derbyshire County Council (Local Highway Authority)

The internal road width needs to be a minimum of 5m, not the 4.8m as shown. Swept path analysis is required for the turning head at the end of the internal road for a 11.6m refuse vehicle. Whilst the Reserved Matters Application is not for access, there is a condition in the Outline consent for an access design to be submitted. The Highway Authority comments to the Outline application queried the absolute minimum visibility splays indicated on the original layout. There are also conditions requiring details of bin storage and refuse collection and travel plan, both of which should be part of any Reserved Matters Application or Full Application. These details appear to be missing. There is a redundant access from the site on to Derby Road, this will require closure and reinstating as verge. We will need this identifying by the applicant as well please. As submitted, the layout does not meet an acceptable standard for adoption as public highway and I would, therefore, request that the applicant revise the layout and provide the information requested.

5.3 Derbyshire County Council (Land Drainage)

Initial response –

Thank you for consulting the Lead Local Flood Authority (LLFA) in relation to the above planning application. The LLFA need to see further information:

- The LLFA are pleased to see the inclusion of swales and attenuation pond appear to be brought forward to this stage of the planning process. However, the applicant is still to undertake a suitable ground investigation to BRE 365 specification to confirm if infiltration is achievable. It is also not understood that the condition of the outfall culvert has been verified as requested in the Outline application 16/00711/OUT.
- Please detail and ensure that there will be sufficient space to surrounding properties for the proposed attenuation basin to have 1 in 4 maximum gradients with a minimum easement of 3 metres for maintenance purposes and maximum depths of 1.5 metres as outlined in CIRIA C753 Part D, Chapter 22.
- The LLFA need to see that there is more significant distance between the inlet S7 and outlet S8 within the attenuation basin to allow for greater benefits of treatment within the basin and consideration for a sinous shaped low flow channel between the inlet and outlet. The LLFA need to see that fencing is only used where absolutely needed from a risk assessment perspective as this reduces the amenity value of the SuDS feature as would usually be an open space.
- There is potential for native rich species of grassland to be used rather than typical wet grassland mix to enable Biodiversity net gains within the attenuation basin area.
- Will the swales as described in the Surface Water Management Plan have attenuation functionality and how are these to be sized, shaped and landscaped?

Second response –

Thank you for the information supplied. The updated drawings with the additional information are satisfactory and the Lead Local Floor Authority has no further information required at this stage of the application process.

5.4 Landscape Design Officer (Derbyshire Dales)

Initial response –

There are no objections to the application in principle. The site currently consist of a relatively flat grassy field with trees around much of its perimeter. A group of 4 TPO semi-mature beech are located towards the centre of the site. A small group of mixed species and mixed age trees located at the northern point of the site are also covered by a TPO, though it is unclear whether they are limited to the roadside verge. Two individual TPO trees are located in the field to the SW of the site.

Woodland group in the southern part of the site - This is predominantly composed of ash. Ash dieback disease is likely to kill the great majority of these ash trees. I therefore recommend that all the ash within this group be removed before development commences. This gives opportunity to replant this whole area with a mix of appropriate native tree species. Smaller growing species could be used closer to the proposed gardens with larger growing species further away to reduce potential future conflicts and potential pressure to prune/remove trees causing shading and/or perceived/real safety risks. A planting plan should be submitted for approval.

Oaks along field boundary - Three mature oak trees (identified within the Arboricultural Impact Assessment as T002, T003 and T004) are located in the proposed rear gardens of plots 26, 28 and 29. These oaks are large mature trees forming a linear group along the historic field boundary. The Arboricultural Method Statement within the Arboricultural Impact Assessment described proposed facilitation pruning of these 3 oaks. I do not consider these works to be necessary and consider that the works may be harmful to the trees and/or their amenity. I would much prefer these trees remain unpruned other than for removal of any significant deadwood.

Beeches toward the centre of the site - I agree with the recommendation in the AIA report that the 4 beech currently subject to TPO located toward the centre of the site are removed to facilitate most efficient use of the site for development. Their poor form makes their life expectancy very limited. Replacement planting for these trees in the woodland group to the south of the site following the removal of the ash from this group, and planting of trees around the proposed new entrance to the development will provide replacements (and more).

Tree/hedgerow protection - The specification and positioning of tree protection fencing and temporary ground protection system as proposed are appropriate and should be undertaken as described in the Arboricultural Method Statement and on the Tree Protection Plan (drawing GL1141 02), other than as described above/below. There does not appear to be any tree protection fencing shown for the hedgerow running along the northern site boundary. This should be added to the Tree Protection Plan (drawing GL1141 02) which should then be resubmitted for approval.

Concerns regarding proposed development near tree T004 - I am concerned about the proximity of proposed development to this tree, which is an important mature specimen, where significant encroachment into its root protection areas is indicated. The proposed parking area for Plot 31 lies largely within the root protection area of T004 and extends a significant distance into it toward the tree's stem and necessitates installation of new surfacing. I accept that the proposal is to utilise a specified no-dig construction for this which would be acceptable if its extent and location within the root protection area was less impactful and if the tree were less important. However, in my opinion, the proposed parking area should be redesigned to lie outside the root protection area to remove the risk of harmful damage to the trees rooting system and potential future reduction in the trees vitality and/or stability.

Boundary fences near retained trees - A specification should be submitted for approval that details the materials and methodology for proposed plot/site permanent boundary fencing where this lies within 10m of retained trees. Installation of such fencing has the potential to damage the rooting systems of retained trees.

Tree removals to facilitate site entrance - Trees T015 (horse chestnut), T016 (oak), T017 (oak) and T018 (oak) are proposed for removal to allow for the construction of the entrance to the site and develop adequate visibility splay. These trees are of relatively low quality category and have poor form. The proposed replanting on the site will compensate for their loss.

TPO tree close to south-western corner of site -This important TPO tree is not shown on the tree protection plan and no tree protection fencing (if needed) is shown. The root protection area of this tree should be calculated and the plan amended to show the tree and its details as required then submitted for approval.

Soft landscape proposals - The proposals detailed on drawing GL1141 03 are generally acceptable, however some of the proposed trees are not labelled with their species. This information should be added to the drawing which should then be resubmitted for approval.

Final response –
No objection, subject to conditions.

5.5 Head of Housing (Derbyshire Dales)

The Housing Department supports the proposed scheme.

5.6 Environment Agency

Do not wish to comment.

5.7 Development Control Archaeologist (Derbyshire County Council)

Steve Baker (Development Control Archaeologist) provided comments on the outline application for this scheme, confirming that the site was likely to contain little or no archaeological significance. We would not wish to comment further on the application therefore.

5.8 Derbyshire Wildlife Trust

No objection raised.

5.9 Environmental Health Officer

Initial response –

I have no objections to this reserved matters application. However, when consulted on the outline application I requested that after reading the submitted noise assessment I would expect to see verification of the noise attenuation methods proposed for this site when the final site layout and design has been agreed. The attenuation methods should reflect the noise consultant's recommendations which are outlined in the noise assessment report.

Second response –

I am satisfied that the minor changes to the layout, other than plot 36 which is to be revised, will not affect the overall noise attenuation methods.

5.10 Derbyshire County Council (Strategic Planning)

It is noted there is also a S106 with contributions towards primary phase and secondary phase (with post 16) education and travel plan monitoring on the outline permission. As such the County Council has no further comments to make with regard to developer contributions on the above application.

6 REPRESENTATIONS RECEIVED

6.1 None received.

7 OFFICER APPRAISAL

7.1 This application follows the grant of Outline planning permission at Planning Committee on the 22nd February 2017 (application ref: 16/00711/OUT) for the erection of up to 37 no. dwellings on the site, with all matters other than access reserved for subsequent approval on Land Adjacent to Hill Top, Derby Road, Ashbourne.

7.2 The Decision Notice was issued on the 3rd December 2019 following the completion of the s106 legal agreement, dated 7th November 2019. The S106 agreement secured 8 no. affordable housing units on-site and an off-site contribution being fixed by the number of units to be provided on site and the balance being delivered by way of contribution (equivalent to £24,450 per Affordable Housing Unit) or such other split between on-site and offsite affordable housing units equivalent to 45% of the total affordable housing provision to be made.

7.3 The principle of new residential development of up to 37 no. dwellings on Land Adjacent to Hill Top, Derby Road, Ashbourne was established following the approval of Outline application (application ref: 16/00711/OUT) in 2017. Therefore having regard to the relevant policies within the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework, the main issues to assess in consideration of this application are:

- Impact on this part of the settlement;
- Impact on residential amenity;
- Whether there would be any adverse highway safety implications;
- Housing mix and the level of affordable housing to be provided;
- Impact on the local environment, including contribution towards mitigating global warming and adapting to climate change, and;
- Impact on ecology and trees.

Impact on this part of the settlement

7.4 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) relates to design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development so as not to cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

7.5 Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017) seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement.

- 7.6 The development would be accessed via single vehicular access directly off Derby Road from the north-east corner of the site. The proposed layout incorporating a single spine road directly from Derby Road follows the general design principles of the Outline approval. The development proposes a mix of two storey detached, semi-detached and terraced houses which front onto the main spine road which runs through the site. A pair of single storey bungalows can be found in the north-west corner of the site. A traditional design concept is proposed by the applicant which incorporates corbelled brickwork to verges, brick heads and cills, flat roofed porch canopies and decorative brick chimneys.
- 7.7 Officers have engaged with the applicant in seeking improvements following initial concerns relating to the use of Goddard (H-41559) house type, use of integral garages, string course detailing, use of gablets, proposed housing mix, lack of chimney stacks, proximity of Plots 1 and 16 to the highway, orientation of Plots 24 and 25 to the streetscene, lack of open space/play provision within the site and the impact of the development on existing trees (including Tree Preservation Order Trees). Following a number of discussions with the applicants' agent a full set of revised plans have been submitted for formal consideration which look to address the concerns of Officers, the Local Highway Authority, the Trees and Landscapes Officer and the Lead Local Flood Authority.
- 7.8 A number of significant changes have been made to the scheme including the reconfiguration of the internal site layout, revised housing mix, reduction in overtly decorative design details, removal of the gablet details, inclusion of a double fronted dwellings (Plots 25 and 36), increased area of open useable space, inclusion of play equipment and improved landscaping scheme.
- 7.9 The resulting changes in line with the originally submitted traditional design concept has contributed to the overall development. The general design, scale and appearance of the dwellings, in their revised form, creates a successful transition from the existing built form to the proposed new fringe development. The mix of detached, semi-detached and terraced dwellings of a traditional appearance is considered to respond positively to the existing settlement edge in this important location at the entrance to the town.
- 7.10 The boundary with the A52 is defined by a strong tree belt which would effectively screen the development from public view. The new access road will require a break in the boundary vegetation along Derby Road, however the line of trees around the Tree Preservation Order groups of tree, in this area to the north of the new access road, would be strengthened as part of the overall landscape management plan. The attenuation pond which is design to be a dry feature will be located adjacent to the site will be planted with a native species of grassland to integrate into the surrounding woodland area to minimise any impact upon the character and appearance site entrance.
- 7.11 Further tree and hedge planting along Derby Road and the A52 is proposed in the Soft Landscape proposals which covers the entire application site. Existing trees along the boundaries with the A52 relief road and Derby Road are retained and any gaps filled, including the existing vehicular access which will be permanently closed off. A comprehensive planting scheme of turfing, seeding, hedgerow management/planting and tree management/planting (approximately 140 new trees) will screen views of the site. A 2.5m high acoustic fence is erected around the rear gardens of Plots 1 and 16 to 24. Whilst such a structure has the potential to have an adverse impact on the local landscape, the existence and retention of tree belts along the A52 and Derby Road would effectively screen the fence.
- 7.12 When approaching the town from the south east the proposed planting will form a strong settlement edge and would contain the existing and proposed housing development beyond. The District Councils Landscape Officer has considered the proposal and concluded that there is likely to be no significant adverse impact on visual amenity as a result of

development. The number of dwellings proposed is of sufficiently low density to ensure the provision of an appropriate amount of open space, land drainage features and the protection of trees and important boundary vegetation without having an adverse impact on local landscape character or visual amenity. As such it is considered that the development would not have any significant adverse impact on either landscape character or visual amenity in this regard.

Impact on residential amenity

- 7.13 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development so as not to cause unacceptable effects by reason of noise or other adverse impacts on local character and amenity.
- 7.14 The site sits in close proximity to an industrial estate and borders the A52 relief road and Derby Road. A site noise survey has been carried out by the applicants' consultants to establish the existing noise levels at the site. The survey indicates that noise incidents (sound waves that travel towards the reflecting surface) on the proposed development site are generally controlled by road traffic, predominantly from Derby Road and the A52. An assessment of noise has been carried out with respect to internal ambient noise levels within proposed dwellings and external noise levels in outdoor amenity areas. As part of the application a scheme of acoustic screening has been proposed to reduce noise in external amenity areas as far as is practicable. The report confirms that providing the noise control measures described within this report are included in the scheme, it is considered that the acoustic conditions for future residents on the site will be acceptable. The District Councils Environmental Health Officer supports the findings of the Noise Assessment and raises no objection to the application providing that the noise attenuation recommendations are followed. An appropriately worded condition will be attached to any approval.
- 7.15 Hill Top, comprising a former farmhouse and range of converted farm buildings lies to the north-west. The boundary to the south-west abuts the recently approved and partly completed David Wilson Homes development. The scale and position of the site relative to the existing dwellings at Hilltop and housing development adjacent and the presence of intervening boundary vegetation is such that there are sufficient distances and screening from the proposed dwellings along the north and west boundaries of the application to avoid an overbearing or overshadowing impact between them. Having regard to the internal layout the proposed siting, scale, orientation and design of the dwellings are such that they would provide adequate privacy and outlook.
- 7.16 The proposed development is not considered to result in any significant loss of privacy or amenity for the occupants of existing neighbouring properties or future occupants of the proposed dwellings.

Whether there would be any adverse highway safety implications

- 7.17 The Local Highway Authority has previously acknowledged that they are satisfied that there are no fundamental highway issues that would result in a severe impact on the surrounding highway network as a result of the development and no objections were raised with regard to the position and level of visibility that can be achieved from the proposed site access as part of the outline permission.
- 7.18 A tactile crossing is indicated as part of the detailed access arrangements, for pedestrians to cross Derby Road, to access existing footways on the opposite side of the road. The Local Highway Authority has already consider this to be acceptable in principle. A Travel Plan has been secured as part of the development proposals with £2500 provided towards the future review / monitoring of a Travel Plan through the completed s106 legal agreement.

- 7.19 With regard to the Reserved Matters application the Local Highway Authority has advised that the development layout, as submitted, does not meet an acceptable standard for adoption as public highway and has requested that the applicant revise the layout to address this, which is welcomed by the Local Planning Authority. Officers have engaged with the applicants in seeking highway improvements and revised plan have been submitted, date stamped 9th February 2021 which looks to address the above highway concerns including; increased carriageway widths to 5.0m wide; swept path analysis; visibility splay improvements and details of the bin collection and storage locations.
- 7.20 No formal response has been received from the Highway Authority following re-consultation however, it is anticipated, subject to conditions that the highway/pedestrian concerns previously expressed can be fully resolved in time to be presented at committee.

Housing mix and the level of affordable housing to be provided

- 7.21 Policy HC4 of the Adopted Derbyshire Dales Local Plan (2017) seeks to maximise the delivery of affordable housing across the plan area by working in partnership with the Homes and Community Agency, Registered Providers, Developers and Local Communities.
- 7.22 When the Outline application was considered at Planning Committee on the 22nd February 2017 the Councils Head of Housing agreed to an on-site contribution of 8 no. affordable units and off-site financial contribution towards the provision of the total affordable housing contribution, to be acceptable. This was secured by a Section 106 Obligation, dated 7th November 2019, which secured 8 no. affordable housing units on-site and an off-site contribution being fixed by the number of units to be provided on site and the balance being delivered by way of contribution (equivalent to £24,450 per Affordable Housing Unit) or such other split between on-site and offsite affordable housing units.
- 7.23 8 no. 2 bed, 4 person affordable units on site would amount to 22.2% of the total number of new houses to be constructed. An off-site financial contribution towards affordable to bring the overall level up to 45% of the total housing provision is also to be made. This would equate to £208,893.60 (36 x 0.228 (22.8%) x £25,450).
- 7.24 Policy HC11 of the Adopted Derbyshire Dales Local Plan (2017) advises that the provision of market housing should be focused on delivering smaller family housing for younger households. On this basis the following mix of market housing is recommended: 1-bed properties: 5%, 2-bed properties: 40%, 3-bed properties: 50%, 4-bed properties: 5%. It is also a condition (Condition no. 24) on the Outline permission that the overall housing mix proposed as part of any application for approval of reserved matters should comprise the following: 1-bed properties at 15%, 2-bed properties at 40%, 3-bed properties at 40% and 4-bed properties at 5%. The condition goes on to state that any alternative mix will need to be appropriately justified in the application submission to demonstrate that the development contributes to meeting the long term housing needs of the district.
- 7.25 The applicant has committed to the delivery of 8 no. 2 bed roomed, four person dwellings and a financial contribution towards affordable housing which represents a significant contribution towards the delivery of smaller family housing. Whilst it is acknowledged that a condition has been imposed on the Outline approval, the proposed mix put forward, whilst at variance with Policy HC11 having a larger percentage of 3 & 4 bed units, when the off-site provision of 45% affordable housing is factored in the proposed housing mix of 1-bed properties: 6%, 2-bed properties: 33%, 3-bed properties: 50%, 4-bed properties: 11% is considered to be appropriately justified in this case such that the aims of condition 24 are satisfied.

Impact on the local environment, including contribution towards mitigating global warming and adapting to climate change

7.26 Policies contained within the Local Plan not only seeks to ensure that development responds to local distinctiveness and sense of place, they also seek to respond positively to the challenge of climate change. Policy PD7 Adopted Derbyshire Dales Local Plan (2017) advises in addressing the move to a low carbon future for the Derbyshire Dales, the District Council will promote a development strategy that seeks to mitigate global warming, adapts to climate change and respects our environmental limits.

7.27 The applicants have confirmed the following with regard to mitigating against climate change:-

- A large number of the roofs slopes on the site are orientated in an optimum southerly direction and as such would be suitable for solar panels, should the future occupants wish to install them. The rest have a roof slope facing either southeast or southwest, which are also ideal for solar panels, with a slightly less energy generation.
- The scheme includes the planting and replacement of new trees, some of which would have died naturally through ash dieback and are being replaced with more suitable species and will flourish, acting to capture carbon dioxide from the atmosphere and produce oxygen. Trees also naturally retain water and provide cooling shade in the warmer months.
- The scheme incorporates sustainable drainage systems
- Cameron Homes are a small, local housing developer who use locally sourced materials and labour wherever possible. Their efforts to do this reduces the length and amount of vehicular movements required to and from the site, overall reducing the energy output required to construct the site.

7.28 The following measures are incorporated into the design of the dwellings to promote energy efficiency, including:

- Energy-efficient building fabric and insulation to all heat loss floors, walls and roofs;
- U Values will be enhanced by increasing the size of cavity walls and increasing insulation thickness;
- Installation of high performance insulated ground floors;
- High-efficiency double-glazed windows throughout;
- Quality of build will be confirmed by achieving good air-tightness results throughout to reduce air leakage;
- Efficient-building services including high-efficiency heating systems;
- Low-energy lighting throughout the dwellings; and
- Water usage will meet the standards set out in Part G of the building regulations, which seek to promote water efficiency.

7.29 When having regard to when the Outline permission (application ref: 16/00711/OUT) that was granted and the lack of requirement to address Policy PD7 within the approval the details set out by the applicant above are welcomed by the Local Planning Authority as they will help minimise the effects of the new development on the environment. To this end, it is considered that the development would achieve some of the aims of limiting the carbon footprint that would be associated with the development and is deemed to be in reasonable compliance with Policy PD7 of the Adopted Local Plan (2017).

Impact on ecology and trees

- 7.30 The site currently consist of a relatively flat grassy field with trees and hedgerows around much of its perimeter. The site contains two groups of protected trees, including a group of 7 Sycamore and 3 Holly adjacent the existing site access and a group of 4 Beech trees within the central part of the site. Three mature oak trees are located along the western boundary forming a linear group along the historic field boundary. They have attractive form and are of very significant amenity, landscape and biodiversity value. Along the southern boundary of the site is a woodland belt, predominately composed of ash.
- 7.31 The 4 no. beech trees, currently subject to Tree Preservation Order (TPO) located towards the centre of the site, are proposed to be removed to facilitate most efficient use of the site for development. The application is accompanied by an Arboricultural Method Statement and Arboricultural Impact Assessment which justifies their loss. The Councils Trees and Landscapes Officer agrees with the argument set out Arboricultural Method Statement and Arboricultural Impact Assessment as their poor form makes their life expectancy very limited. A number of trees are proposed for removal to allow for the construction of the entrance to the site and develop adequate visibility splay. The Councils Trees and Landscapes Officer confirms that these trees are of relatively low quality category and also have poor form and that the extent of proposed replanting on the site will compensate for their loss.
- 7.32 Three mature oak trees located within the rear gardens of Plots 26, 28 and 29 are of very significant amenity, landscape and biodiversity value and should be retained. This is recognised by the applicant, and following amendments to the layout and repositioning of dwellings, garages and hardstanding the proposed development would not encroachment into the Root Protection Area (RPA) of the trees. The application is accompanied by a detailed tree protection measure plan (drwg GL1141-02B) which is calculated in accordance with formulae outlined in section 6 of British Standard 5837:2012 and provides suitable construction detail to ensure development works do not have any adverse impact on the condition of existing retained trees. An appropriately worded condition will be attached to any approval. Following amendments the housing layout provides sufficient stand-off distance between any new dwellings and existing trees to ensure their long term survival and prevent pressure for their removal and to ensure their protection during construction.
- 7.33 As part of the development a compensatory landscape management plan has been submitted which proposes a comprehensive planting scheme comprising seeding, hedgerow management/planting and tree management/planting (approximately 140 new trees) across the site. With regard to tree plans it is proposed to replace existing ash trees within the woodland group to the south of the site, a group of trees around the new entrance to the development and pockets of trees within the street scene and area of open space.
- 7.34 In terms of the impact of the development on protected species, only two trees were considered to provide suitable habitat for bats and are shown to be retained. The accompanying preliminary ecological appraisal does not identify any other habitats of high nature conservation value. The applicant has submitted an updated ecology report with the application which has been independently assessed by Derbyshire Wildlife Trust. They have raised no major concerns and suggested conditions which form the basis of the outline approval. With this in mind there are no overriding ecology concerns in this case.

Other matters

- 7.35 An area of public open space has been created between Plots 24 and 25 which links into informal path that meanders through the dense wooded edge on the south eastern boundary. The wooded area includes a woodland play trail comprising zig zag steps, twin balance beams and zig zag stilts. The play provision and useable open space is considered to be acceptable for the scale of the development.
- 7.36 A surface water attenuation pond has been located adjacent to the site entrance for drainage and is designed to be a dry feature. The Lead Local Flood Authority (LLFA) has advised that they are pleased to see the inclusion of such details as part of the reserved matters application. Following further analyse by the applicants' consultants and the submission of amended plans the Lead Local Flood Authority (LLFA) are satisfied with the information submitted and raise no objection to the application. The surface water disposal scheme will be approved as part of the building regulations approval process in compliance with Part H of the Building Regulations 2000 to ensure that surface water from the site is appropriately disposed of and should prevent future flooding on the site.

Conclusion

- 7.37 Subject to confirmation being received from the Local Highway Authority that the amendments to the estate road layout are acceptable ahead of committee consideration on the 9th March 2021 the Local Planning Authority are satisfied that the development would comply with the relevant provisions of the development plan and a recommendation of approval is put forward on this basis.

8 OFFICER RECOMMENDATION:

That the Approval of Reserved Matters application be granted subject to the following conditions:

1. The development shall be carried out in accordance with the additional information and plans and amended plans received on 24th January 2021 except insofar as may otherwise be required by other conditions to which this permission is subject.

Reason:

To define the permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with Policy HC1 of the Adopted Derbyshire Dales Local Plan (2017).

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to the hereby approved (Plots 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36) (inc no buildings, extensions, gates, hard standing, fences or walls (other than those expressly authorised by this permission)) shall be carried out within the curtilages without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To preserve the appearance of the dwelling and to ensure the retention of trees on the site in the interests of visual amenity, wildlife and biodiversity benefits, human health and social benefits, climate change minimisation in accordance with Policies PD1, PD5, PD6 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

3. Samples of all materials to be used for the external facing materials of the dwellings and garages shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be constructed in accordance with the approved details.

Reason:

To ensure the use of appropriate materials and a satisfactory external appearance of the development in accordance with the aims of Policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

4. Prior to installation, details of the windows and doors (inc treatment and/or colour) shall be submitted to and approved in writing by the Local Planning Authority. The window and door frames shall then be installed in accordance with the approved details and so retained.

Reason:

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

5. Notwithstanding the submitted drawings, constructional drawings of the chimney stack shall be submitted to and approved in writing by the Local Planning Authority. The chimney stack shall then be installed in accordance with the approved details and so retained.

Reason:

To ensure the satisfactory appearance of the development to comply with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

6. All the soft landscaping comprised in the approved details of landscaping (Soft Landscape Proposals GL1141-03C, date stamped 24th January 2021) shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the first occupation of the building(s) or the completion of the development whichever is the sooner, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of preserving the character and appearance of the area in accordance with Policies S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

7. The existing vehicular access shall be permanently closed prior to the first occupation of the building(s) or the completion of the development whichever is the sooner, and the highway margin and kerbs fully reinstated (inc planting scheme), in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure an appropriate landscaped setting and in the interest of highway safety in accordance with Policies S3, PD1, PD5 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

8. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason:

To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity, wildlife and biodiversity benefits, human health and social benefits, climate change minimisation in accordance with Policies PD1, PD5, PD6 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

9. The hedgerow along the north-western boundary of Plots 30 to 36 shall not be uprooted or destroyed, without the prior written approval of the Local Planning Authority. If any hedgerow is removed, uprooted or destroyed or dies, another hedgerow shall be planted at the same place and that hedge shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason:

To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity, wildlife and biodiversity benefits, human health and social benefits, climate change minimisation in accordance with Policies PD1, PD5, PD6 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

10. No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until all retained trees are protected by the approved scheme of protective fencing / ground protection as defined on drawing number GL1141 02B (Tree Protection Plan and Method Statement) and in accordance with British Standard 5837 (2012): Trees in Relation to Construction. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

Reason:

To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity, wildlife and biodiversity benefits, human health and social benefits, climate change minimisation in accordance with Policies PD1, PD5, PD6 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

11. All works shall be carried out in strict accordance with the approved Arboricultural Method Statement (AMS) and Arboricultural Impact Assessment (AIA) throughout the life of the development.

Reason:

To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity, wildlife and biodiversity benefits, human health and social benefits, climate change minimisation in accordance with Policies PD1, PD5, PD6 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

12. Prior to first occupation of the dwellings hereby approved, a timetable for the delivery of the equipped play area and details of the legal and funding mechanism for the management of all landscaped areas (excluding private gardens) shall be submitted to and approved in writing by the Local Planning Authority. The equipped play area and landscaped areas shall thereafter be delivered and managed in perpetuity in accordance with the approved details.

Reason:

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

13. The dwellings hereby permitted shall not be brought into use until the noise attenuation recommendations set out in the Planning Noise Assessment Report, prepared by Spectrum Acoustic Consultants, date stamped 24th November 2020 have been implemented in full. The approved scheme shall be maintained in accordance with the approved details at all times thereafter.

Reason:

In the interests of preserving the amenities of the occupants of the proposed dwellings in accordance with Policies PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

14. Notwithstanding the submitted details Plots 3, 33 & 35 (House Type: Sunflower H-4-1167) shall be constructed without a rendered finish. Amended plans which take the above into consideration shall be submitted to and approved in writing by the Local Planning Authority before the construction of Plots 3, 33 & 35. The development shall then be constructed in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

FOOTNOTES:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which resulted in revised proposals that overcame initial problems with the application.
2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached

to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

3. This Decision Notice relates to the following documents:

Presentation Layout n1319_009 Rev E
Street Scenes n1319_010
House Type Pack 1319_100 Rev A
Location Plan n1319_001 Rev A
Tree Protection Plan GL1141 02B
Soft Landscape Proposals GL1141 03C
Drainage Appraisal Sheet 1 19072 101 Rev C
Drainage Appraisal Sheet 2 19072 104 Rev C
S278 General Arrangement 19072 102 Rev A
General Arrangement 19072 103 Rev A
Refuse Vehicle Tracking 19072 106
Highway Longsections 10972 200 Rev B
Drainage Longsection 19072 201 Rev A

Ashbourne North

ENF/19/00016	Installation of artificial grass to steps, neon internal signage and spotlights to Grade II Listed Building	5 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
ENF/19/00082	Siting of caravan and alterations to associated access track	Land To The Rear Of Woodcock Delph And Adjacent To Herdsman Close Farm Ashbourne Road Fenny Bentley Derbyshire	Pending Consideration
ENF/19/00154	Breach of Conditions 19 and 20 of Planning Permission 09/00496/FUL (Allowed on appeal)	The Mount 4 North Avenue Ashbourne Derbyshire	Pending Consideration
ENF/20/00003	Installation of solar panels to roof	13 Church Street Ashbourne Derbyshire DE6 1AE	Notice Issued
ENF/20/00055	Unauthorised engineering works to facilitate a vehicular access and parking space onto a classified road, 23 Buxton Road, Ashbourne.	23 Buxton Road Ashbourne Derbyshire DE6 1EX	Pending Consideration

Ashbourne South

ENF/17/00038	Unauthorised works to listed building	Avanti Jewellers 2 - 4 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
ENF/18/00125	Breach of Conditions 6 (Soft Landscaping), 7(Landscape Management Plan), 8 (Amenity and Play Areas laid out before first occupation) and 27 (Landscape and Ecological Management Plan) of 14/00722/FUL	Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB	Notice Issued
ENF/18/00164	Unauthorised siting of caravan for residential purposes.	Land To The Rear Of Mayfield Road Cadet Hut Mayfield Road Ashbourne Derbyshire DE6 1AR	Pending Consideration
ENF/19/00040	Breach of Condition 10 (Construction Management Plan) of planning permission 15/00060/OUT	Land Off Lathkill Drive Ashbourne Derbyshire	Pending Consideration
ENF/19/00114	Provision of traffic regulation order and markings to restrict parking secured via section 106 agreement not yet in place, landscaping/ damaged fencing on site and unauthorised signage (banner sign and advanced sign) for local housing site being displayed. Related planning approval 18/00180/FUL	Unit 6 Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire	Pending Consideration

ENF/20/00030	Breach of Condition 24 (Tree Protection) of planning approval 17/00250/REM and damage to protected trees	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Pending Consideration
ENF/21/00021	Siting of storage container	Henmore Trading Estate Mayfield Road Ashbourne Derbyshire DE6 3AS	Pending Consideration

Brailsford

ENF/17/00058	Unauthorised erection of replacement fencing around boundary of South Lodge, Long Lane, Longford, Derbyshire	South Lodge Long Lane Longford Derbyshire DE6 3DS	Pending Consideration
ENF/18/00009	Unauthorised building works to barn at West Mammerton Farm, Sutton Lane, Longford	Buildings At West Mammerton Farm Sutton Lane Longford Derbyshire	Pending Consideration
ENF/18/00138	Unauthorised change of use of Agricultural land and the erection of a timber built cabin.	Land North East Of Willow Croft New Road Mercaston Derbyshire	Notice Issued
ENF/19/00062	Creation of new fishing lake	Birch House Fishing Lake Derby Lane Ednaston Derbyshire	Pending Consideration
ENF/19/00063	Unauthorised building of hay store. Building in different location to that approved under 16/00946/AGR.	Land North Of Willow Croft New Road Mercaston Derbyshire	Pending Consideration
ENF/20/00139	Dwelling not built in accordance with planning approval reference 18/00726/FUL	Former Sunny Bank Longford Lane Longford Derbyshire DE6 3DT	Pending Consideration

Carsington Water

ENF/16/00034	Unauthorised erection of Dog kennels	Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ	Notice Issued
ENF/18/00013	Building not built in accordance with approved plans	Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR	Pending Consideration
ENF/18/00196	Works to Holiday Let - Installation of chimney, erection of conservatory and extension to single storey element. Other Works - Caravan hookups, associated timber structure and extension to shower block	New Harboro Farm Manystones Lane Brassington Derbyshire DE4 4HF	Pending Consideration
ENF/19/00067	Unauthorised engineering works to create a raised platform base for the approved building, and a new access and access track onto land off Manystones Lane, Brassington.	Land North Of Wirksworth Dale Brassington Derbyshire	Pending Consideration

ENF/19/00096	Unauthorised change of use of the building known as Shaws Barn, from B8 (Limited storage and distribution) use, to a use including the sale of alcohol.	Shaws Barn Winn Lane Atlow Derbyshire DE6 1NS	Pending Consideration
ENF/20/00128	Erection of shed and boundary fence	3 Haven View Mill Lane Bradbourne Derbyshire DE6 1PA	Pending Consideration

Clifton And Bradley

ENF/19/00151	Alterations to bridleway including resurfacing to create access track, recessing of gateway and tarmac of entrance onto Sides Lane	Snelston BW 3 Sides Lane Snelston Derbyshire	Pending Consideration
ENF/19/00159	Formation of a new access off a Classified Road	The Flatts Wyaston Road Ashbourne Derbyshire	Pending Consideration
ENF/20/00005	Clearance of hedgerow at 'The Firs' residential development and erection of fence - Related planning applications 16/00340/OUT and 18/00699/REM	Land At The Firs Main Road Wyaston Derbyshire DE6 2DR	Pending Consideration
ENF/20/00141	Siting of static caravans	Cloud Barn Clifton Road Clifton Derbyshire DE6 2DH	Pending Consideration
ENF/20/00159	Erection of signage and change of use of yard to rear of premises	Duke Of York Filling Station Mayfield Road Mayfield Ashbourne Derbyshire DE6 2BN	Pending Consideration

Darley Dale

ENF/12/00034	Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.	Stancliffe Quarry, Darley Dale, Matlock.	Notice Issued
ENF/17/00016	Breach of pre commencement conditions on planning permission 15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building.	Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT	Pending Consideration
ENF/17/00139	Works comprising the siting of an office building on "the land"	Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR	Notice Issued
ENF/19/00102	Continued siting of mobile home (Breach of Condition 1 of Appeal Decision APP/P1045/C/15/3131891)	Woodside Farm Back Lane Darley Moor Matlock Derbyshire DE4 5LP	Pending Consideration
ENF/19/00144	Without planning permission the unauthorised use of the site as a camping and caravan site	Land Opposite Square And Compass Main Road Darley Bridge Derbyshire DE4 2EQ	Pending Consideration
ENF/20/00154	Felling of Scot's Pine tree subject to Tree Preservation Order 119 (G3)	Land At St Elphins Park Dale Road South Darley Dale Derbyshire	Pending Consideration

Doveridge And Sudbury

ENF/19/00017	Unauthorised commencement of development prior to correctly discharging planning conditions relating to planning permissions 15/00389/OUT - residential development of upto 70 dwellings and 18/00891/REM - Approval of reserved matters for the erection of 62 dwellings- Land East of Bakers Lane, Doveridge	Land To The East Of Bakers Lane Doveridge Derbyshire	Pending Consideration
ENF/20/00010	Change of use of land to site a crane and condition 4 (landscaping works to screen mounding) of planning permission 11/00806/FUL not fully implemented	Steve Foster Crane Hire Units 1 To 3 Derby Road Doveridge Derbyshire DE6 5JU	Pending Consideration
ENF/20/00129	Formation of a car park in association with the fishing club	Land Between Dove Villa And Tollgate Cottage Doveridge Derbyshire	Pending Consideration

Hulland

ENF/15/00004	Unauthorised engineering works including substantive excavation on land at Common Farm.	Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP	Pending Consideration
ENF/15/00024	The unlawful use of the buildings outlined and hatched green on the 1:2500 and 1:1000 Scale attached plans, as a dwellinghouse (Use Class C3).	Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Notice Issued
ENF/18/00155	Replacement agricultural storage building not built in accordance with permission 15/00616/AGR, construction of car park and building being used as a dog training business	Moorside Farm Moor Lane Kirk Ireton Derbyshire DE6 3JZ	Pending Consideration
ENF/20/00115	Unauthorised siting of caravan	Land To East Of Hoon Well Lane Biggin Ashbourne Derbyshire	Pending Consideration
ENF/20/00123	Provision of additional caravan pitches, Breach of Condition 6 of Planning Permission Reference 16/00568/FUL and erection of storage buildings and band stand	Blackbrook Lodge Camping And Caravan Site Intakes Lane Turnditch Derbyshire DE56 2LU	Pending Consideration
ENF/20/00137	Conversion of barn into industrial unit with associated siting of a caravan, construction of a toilet block, installation of interceptor tank and creation of soakaway	Barn To The West Of Meadows Farm Nether Lane Biggin Ashbourne Derbyshire	Pending Consideration
ENF/21/00005	Erection of yurt for personal use and associated change of use of land	Keepers Field Bullhill Lane Ireton Wood Derbyshire DE56 2EA	Pending Consideration

Masson

ENF/15/00054	Unauthorised alterations to a Grade II Listed Building.	Rita's Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/18/00077	Unauthorised change of use of buildings from to fully self contained holiday cottage.	The Carriage House Building 24 Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ	Pending Consideration
ENF/18/00078	The painting of the shopfront with a paint colour that is not approved under the Matlock Bath Conservation Area Article 4 Direction	196-198 South Parade Matlock Bath Derbyshire DE4 3NR	Notice Issued
ENF/18/00140	Commencement on site prior to discharging conditions 3, 4 and 7 of planning application 17/01097/FUL	Outbuilding To The Rear Of 14 - 16 Yeoman Street Bonsall Derbyshire DE4 2AA	Pending Consideration
ENF/18/00177	Unauthorised erection of decking in the rear garden of Ranmoor, Waterloo Road, Matlock Bath	Ranmoor Waterloo Road Matlock Bath Derbyshire DE4 3PH	Pending Consideration
ENF/19/00086	Breach of condition 16 (paint finish and colour of all external joinery) of planning permission DDD/0697/0381/C - Repainting of premises without prior consent to variation	Unit 5 The Riverside South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/19/00139	Breach of Conditions - Use of premises as a hotel without compliance with conditions 2, 4, 6 and 7 of planning permission 17/01012/FUL and conditions 2, 3, 6, 7 and 8 of listed building consent 17/01013/LBALT	Cromford Court Derby Road Matlock Bath Derbyshire DE4 3PY	Pending Consideration
ENF/20/00015	Unauthorised erection of fence adjacent to a classified road, A6, and within close proximity to protected trees (DCCTPO/123/A1).	Rock Cottage Rock Lodge 69 Derby Road Cromford Derbyshire DE4 3RP	Notice Issued
ENF/20/00020	Construction of raised platforms	Weavers Cottage 45 Yeoman Street Bonsall Derbyshire DE4 2AA	Pending Consideration
ENF/20/00035	Externally illuminated signage	The Coven The George Centre 30 North Parade Matlock Bath Derbyshire DE4 3NS	Pending Consideration
ENF/20/00068	Unauthorised internal and external works to this listed building	90 The Hill Cromford Derbyshire DE4 3QU	Pending Consideration
ENF/20/00097	Use of shed as letting accommodation, installation of outdoor toilet and shower room and creation of wetroom in property	14 The Hill Cromford Derbyshire DE4 3QL	Notice Issued

ENF/18/00042	Unauthorised alteration of shop frontage	Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT	Notice Issued
ENF/19/00044	Erection of verrandah to top of shed	133 Smedley Street Matlock Derbyshire DE4 3JG	Notice Issued
ENF/19/00091	Alleged change of use of Band Hall to business/domestic storage facility	Hall Jackson Road Matlock Derbyshire	Notice Issued

Matlock St Giles

ENF/13/00084	Unauthorised erection of workshop	Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY	Notice Issued
ENF/17/00020	Unauthorised use of land for the storage and stationing of caravans.	Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ	Notice Issued
ENF/18/00178	The development is not in accordance with the approved plans.	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Pending Consideration
ENF/19/00008	Use of land for the parking of vehicles, unloading and storage of aggregates, unloading and storage of domestic and business waste and as a personal allotment with a greenhouse	Land To The Rear Of Sunnyside Farm Riber Road Riber Matlock Derbyshire DE4 5JU	Pending Consideration
ENF/19/00015	Formation of access onto a classified road (A615)	The Cottage Alfreton Road The Cliff Matlock Derbyshire DE4 5EZ	Notice Issued
ENF/19/00027	Tipping of materials additional to soil including rock, concrete and redundant farm machinery	Land At Junction Of Cunnery Lane And Alders Lane Tansley Derbyshire	Pending Consideration
ENF/19/00167	(a) Without planning permission, unauthorised engineering work, including retaining walls, to facilitate the formation of a compound area, the erection of enclosing walls and gate piers to this compound. (b) Without planning permission, utilising the compound for the storage of building materials, plant and equipment.	Land And Barn At The Corner Of Thatchers Lane And Alders Lane Tansley Derbyshire	Notice Issued
ENF/19/00168	Replacement windows in Grade II* Listed Building	St Andrews House Lumsdale Road Matlock Derbyshire DE4 5NG	Pending Consideration
ENF/20/00012	Unauthorised erection of garage within the domestic curtilage	20 Lynholmes Rise Matlock Derbyshire DE4 3DX	Pending Consideration
ENF/20/00092	The extension of domestic curtilage, engineering works and laying of hardsurfacing.	Land And Barn At The Corner Of Thatchers Lane And Alders Lane Tansley Derbyshire	Notice Issued

ENF/20/00103	Breach of Condition 14 of planning permission 15/00861/FUL and formation of roadway and associated engineering works (raising of land and formation of swales)	Land South Of Bentley Bridge Chesterfield Road Matlock Derbyshire	Pending Consideration
ENF/20/00145	Installation of air conditioning unit to exterior of Grade II Listed Building	Tavern At Tansley Nottingham Road Tansley Derbyshire DE4 5FR	Pending Consideration
ENF/20/00147	Erection of treehouse	Littlemoor Farm Littlemoor Lane Riber Matlock Derbyshire DE4 5JS	Pending Consideration

Norbury

ENF/17/00056	Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire	Old House Farm Can Alley Roston Derbyshire DE6 2EF	Pending Consideration
ENF/17/00156	Unauthorised engineering works to create a vehicular access to the holiday lets from the Roston Inn car park	Roston Inn Mill Lane Roston Derbyshire DE6 2EE	Pending Consideration
ENF/18/00142	Siting of shipping container	Land Off Rodsley Lane Yeaveley Derbyshire	Pending Consideration
ENF/19/00034	Erection of Building	The Orchard Audishaw Lane Boylestone Derbyshire	Notice Issued
ENF/19/00079	Breach of condition 11 of planning permission 16/00587/FUL - No machinery shall be operated on the site, no process or operations shall be carried out and no deliveries shall be taken at or despatched from the site except between 8:00 and 18:00 hours Monday to Friday and 9:00 and 13:00 on Saturdays or at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.	Mushroom Farm Rodsley Lane Yeaveley Derbyshire DE6 2DT	Pending Consideration
ENF/20/00006	Without planning permission the change of use of land for the stationing of caravans for the purposes of human habitation with associated building and engineering works comprising of the construction of amenity buildings, laying of hard surface and erection of fencing	Land East Of Grove Lane Somersal Herbert Derbyshire	Pending Consideration
ENF/20/00018	Unauthorised change of use of garage block to independent dwelling	Coton Wood Lodge Muse Lane Boylestone Derbyshire DE6 5AB	Pending Consideration
ENF/20/00148	Unauthorised stationing of static and mobile caravans for the purposes of human habitation and the change of use of land for the storage of vehicles and machinery not associated with agriculture	Shaw Lane Farm Shaw Lane Marston Montgomery Derbyshire DE6 2FJ	Notice Issued

Stanton

ENF/20/00062	Erection of stables, extension of residential curtilage and extension of access	Rowsley Barn Chesterfield Road Rowsley Derbyshire DE4 2EG	Pending Consideration
ENF/20/00120	Without planning permission, the unauthorised erection of a dwellinghouse, deliberately concealed inside an agricultural storage/stable building Without planning permission the erection of a single storey, lean to extension to the agricultural storage/stable building	North Park Farm Whitworth Road Darley Dale Derbyshire DE4 2HJ	Pending Consideration

Winster And South Darley

ENF/20/00016	Construction of storage buildings approved under application code ref. 19/00525/FUL using corugated steel sheets to the walls finished in an unauthorised off white colour	H J Enthoven And Sons Darley Dale Smelter Oldfield Lane Warren Carr Derbyshire DE4 2LP	Pending Consideration
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Wirksworth

ENF/17/00002	Unauthorised engineering operations to create a raised area	11 New Road Bolehill Derbyshire DE4 4GL	Pending Consideration
ENF/17/00018	Unauthorised works to remove a fire surround in a Grade II Listed Building.	Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET	Pending Consideration
ENF/17/00023	Breach of conditions on planning permission 14/00891/FUL	Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS	Pending Consideration
ENF/17/00051	Unauthorised change of use of garage/store to beauty studio.	The Mews 3 Wirksworth Hall Farm Wash Green Wirksworth Derbyshire DE4 4FD	Pending Consideration
ENF/18/00126	Removal of front wall and erection of ply wood replacement	Kenwood Cottage Wash Green Wirksworth Derbyshire DE4 4FD	Pending Consideration
ENF/18/00216	Breach of conditions 3 and 4 of planning permission 15/00793/FUL - Conversion and extension of garage to form dependant relative unit.	38 West End Wirksworth Derbyshire DE4 4EG	Pending Consideration
ENF/19/00004	Installation of hot tub to front of property	Stowe Cottage 4 New Road Middleton By Wirksworth Derbyshire DE4 4NA	Pending Consideration
ENF/20/00008	Unauthorised ground works to facilitate a car park and large plant training area.	Land To The North Of Jacksons Ley And Porter Lane Middleton By Wirksworth Derbyshire	Pending Consideration

ENF/20/00077	Unauthorised building works, consisting of demolition of outbuilding and erection of two storey side extension to dwelling at 5 Churchill Avenue, Middleton by Wirksworth.	5 Churchill Avenue Middleton By Wirksworth Derbyshire DE4 4NG	Pending Consideration
ENF/20/00101	Erection of shed ☒	The Old Barn Rise End Middleton By Wirksworth Derbyshire DE4 4LS	Pending Consideration

Total Open Cases

94

Enforcement Investigations Closed



In the Month Prior to 25/02/2021

Ashbourne North

ENF/18/00038	Breach of Conditions 6, 16, 17, 18, 19, 21, 22 and 23 of Planning Permission 09/00496/FUL (Allowed on appeal)	The Mount 4 North Avenue Ashbourne Derbyshire DE6 1EZ	Not in the Public interest to pursue	05/02/2021
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Masson

ENF/20/00165	Erection of replacement signage	The Promenade Fish Bar (Formerly Route 66) 134 North Parade Matlock Bath Derbyshire DE4 3NS	Duplicated Case	15/02/2021
ENF/21/00006	Land clearance works	Land Adj. Woodseats Farm Willersley Lane Cromford Derbyshire	Complaint Unfounded	25/01/2021
ENF/21/00012	Alterations to windows	Wiffle Waffle 192 South Parade Matlock Bath Derbyshire DE4 3NR	Complaint Unfounded	01/02/2021

Norbury

ENF/21/00004	Compliance with conditions of 17/01069/FUL - Formation of new access and track	Land North East Of Rodsley Lane Rodsley Derbyshire	Complaint Unfounded	09/02/2021
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Wirksworth

ENF/21/00019	Siting of a static caravan to rear of property	St Helens House Farm St Helens Lane Wirksworth Derbyshire DE4 4PP	Complaint Unfounded	18/02/2021
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Total Closed Cases 6

NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 09th March 2021

PLANNING APPEAL – PROGRESS REPORT

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
18/00662/LBALT	Brook Cottage, Pethills Lane, Kniveton	WR	Appeal being processed
20/00108/FUL	1 Church Street, Ashbourne	WR	Appeal being processed
20/00109/LBALT	1 Church Street, Ashbourne	WR	Appeal being processed
20/00286/FUL	3 to 5 Rodsley Lane, Yeaveley	WR	Appeal being processed
ENF/20/00006	Land east of Grove Lane, Somersal Herbert	IH	Appeal being processed
20/00317/DCOND	Milnhay, Broadway, Kirk Ireton	HOUSE	Appeal being processed
20/008300/FUL	6 Grange Avenue, Hulland Ward	HOUSE	Appeal being processed
19/01240/FUL	Meadow View Cottage, Cross O Th Hands, Turnditch	HOUSE	Appeal being processed
Central			
20/00625/FUL	114 Northwood Lane, Darley Dale	HOUSE	Appeal being processed
20/00902/CLPUD	214 Dale Road, Matlock	WR	Appeal being processed
ENF/19/00167	Land And Barn At The Corner Of Thatchers Lane And Alders LaneTansley	WR	Notice quashed – a copy of the decision is attached

ENF/20/00092	Land And Barn At The Corner Of Thatchers Lane And Alders LaneTansley	WR	Notice quashed – a copy of the decision is attached
ENF/20/00120	North Park Farm, Whitworth Road Darley Dale	IH	Appeal being processed
ENF/17/00139	Bent Farm / Ameycroft Farm Farley Hill Matlock	WR	Appeal allowed / dismissed – a copy of the decision is attached
20/00610/FUL	Elmcroft, Derby Road, Cromford	WR	Appeal being processed
20/00581/FUL	5 Asker Lane, Matlock	IH	Appeal being processed
20/00974/FUL	Field adjacent to Oldfield Lane, Warren Carr, Matlock	WR	Appeal being processed
ENF/19/00144	Square and Compass, Main Road, Darley Bridge	WR	Appeal being processed
20/00023/S106	Foxgloves, Chesterfield Road, Rowsley	WR	Appeal being processed
20/00348/FUL	The Old Barn, Rise End, Middleton	WR	Appeal being processed

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

OFFICER RECOMMENDATION:

That the report be noted.



Appeal Decisions

Site visit made on 25 November 2020

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 05 January 2021

Appeal A: APP/P1045/C/20/3256995

Land to the east of Alders Lane and north of Thatchers Lane

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Philip Stokes against an enforcement notice issued by Derbyshire Dales District Council.
- The enforcement notice was issued on 1 July 2020.
- The breach of planning control as alleged in the notice is: -
 - a) Without planning permission, unauthorised engineering work, including retaining walls, to facilitate the formation of a compound area, the erection of enclosing walls and gate piers to this compound.
 - b) Without planning permission, utilising the compound for the storage of building materials, plant and equipment.
- The requirements of the notice are: -

In relation to the breaches set out in 3 (a):

 - i) Completely remove the compound, hardstanding, retaining walls and enclosure walls and piers from the site within the area hatched green on the attached plan, return the site to its original contours and replant the areas with grass.

In relation to the breach set out in 3 (b):

 - i) Cease the use of the area hatched green on the attached plan for storing building materials, plant and equipment.
- The period for compliance with the requirements is: -
 - i) 6 months in relation to the breach as set out in 3 (a)
 - ii) 3 months in relation to the breach as set out in 3 (b).
- The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (c) and (e) of the Town and Country Planning Act 1990 as amended (the 1990 Act). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.

Summary Decision: The enforcement notice is quashed.

Appeal B: APP/P1045/C/20/3256996

Land to the east of Alders Lane and north of Thatchers Lane

- The appeal is made under section 174 of the 1990 Act as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Philip Stokes against an enforcement notice issued by Derbyshire Dales District Council.
- The enforcement notice was issued on 1 July 2020.
- The breach of planning control as alleged in the notice is: -

The extension of the domestic curtilage, engineering works and laying of hardsurfacing.
- The requirements of the notice are: -
 - A)
 - i) To cease the use of the area hatched green on the attached plan as residential curtilage
 - ii) Remove the hardstanding and retaining structures within the area hatched green on

the attached plan

iii) Regrade and replant the area hatched green on the attached plan as grassland B)

i) Remove retaining structures and hardsurfacing in the areas hatched blue on the attached plan and confine the access route and hardsurfacing within the area hatched black which accords with drawings 99-003 and 1950/16/200/B submitted with application 17/00107/PDA which is included as appendix 1 to this notice.

- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the 1990 Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.

Summary Decision: The enforcement notice is quashed.

Procedural Matters

1. There are 2 appeals before me that relate to 2 enforcement notices on the same land and the appellant is the same for both appeals. As such, I have dealt with the appeals together as the issues relating to the enforcement notices are interrelated.

Background

2. In 2017 prior approval¹ (2017 PA) was granted for the conversion of an agricultural building to a dwellinghouse on part of the appeal site through Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). In 2018 planning permission² was granted in relation to the removal of excavated material, sifting out the rubble and the deposition of soil on the field to the south of the access from Alders Lane.

The Notices

3. On an appeal any defect, error, or misdescription in an enforcement notice may be corrected using the powers available in section 176(1)(a) of the 1990 Act, or the terms may be varied, where the correction or variation will not cause injustice to the appellant or local planning authority. It may be the case that defects are too fundamental to be corrected without causing injustice, leading to the notice being quashed.
4. The appellant identifies what he considers are the failings of the notices within his statements of case. In relation to Appeal A the appellant states that it is not clear if the enforcement notice (Appeal A notice) is alleging a material change in use and whether the storage of building materials, plant and equipment is part of a mixed use of the land. He has also highlighted that the areas relating to the separate requirements of the 2 enforcement notices overlap. In relation to the enforcement notice in Appeal B (Appeal B notice) he states that domestic curtilage is not a use of land.
5. The Council accepts that there is an overlap between the areas identified in the plans attached to the enforcement notices. It considers that this could be corrected without injustice to the main parties. It also considers reference to an extension of the domestic curtilage does represent a change of use of land forming part of the domestic property. The Council states that it considers that the compound, affected by the Appeal A notice, is used for the storage of plant, equipment and materials that are not associated solely with agriculture.
6. There is no dispute that the 2017 PA was granted with a tight area drawn around the building that was to serve as its 'curtilage'. Nevertheless, 'curtilage'

¹ Ref No: 17/00107/PDA

² Ref No: 18/00627/FUL

is a legal term describing the relationship of land to a building; it is not a use of land for planning purposes. The description of the alleged breach, relating to Appeal B notice, does not refer to a material change of use and within the reasons for issuing the notice the 4 year time limit (section 171B of the 1990 Act) is cited rather than the 10 year time limit. Nevertheless, the requirement at A) i) relates to the use as residential curtilage. It is clear that there is no dispute between the parties that part of the land is currently in use in association with the residential use of the former agricultural building. Moreover, the area of land in that use appears to be appreciably larger than that shown within the 'curtilage' on the 2017 PA.

7. Both parties have stated that the lawful use of the land prior to the 2017 PA being granted was agriculture and I have no reason to dispute this. I noted at the site visit that there was numerous pieces of plant, machinery and equipment within the compound area but that there were also pieces of machinery and equipment on other parts of the land. The reasons for issuing the Appeal A notice cite both the 4 year and 10 year time limit. Therefore, it is reasonable to consider that the alleged breach relates to a material change in use and operational development.
8. To make an assessment as to whether a material change of use has occurred the planning unit is an accepted tool for determining the most appropriate area against which to assess the materiality of that change. The planning unit is usually the unit of occupation, unless a smaller area can be identified which is physically separate and distinct, and/or occupied for different and unrelated purposes. A mixed or composite use is where the occupier carries on a variety of activities and it is not possible to say one is incidental to the other. The component activities fluctuate in their intensity from time to time, but the different activities are not confined within separate and physically distinct areas of land.
9. The land affected by both enforcement notices (the land edged red) is the same and it is occupied by the appellant. Even though the compound area is formed by retaining structures, walls, fencing and gates there is little physical separation between the residential use, the agricultural use and the alleged storage use on the land edged red. This is highlighted by the overlap of the areas (hatched in green, blue and black) indicated on the plans attached to the enforcement notices.
10. There is little evidence before me to indicate whether an assessment of the planning unit has been undertaken by either party. Nevertheless, based on the evidence before me and my observations at the site visit it appears that the land edged red forms a planning unit. It is not necessary for the previous use to be recited in a notice alleging a material change of use. However, the description of what constitutes that alleged use needs to relate to the overall use of the planning unit so that the notice tells the person, on whom it is served, fairly what they have done wrong and what they must do to remedy it. Moreover, it is also required to enable the terms and scope of a deemed application under section 177(5) of the 1990 Act to be established.
11. Consequently, in these cases it is reasonable to consider that an alleged breach relating to a material change of use of the land edged red should cite a mixed use of residential, agriculture and storage of building materials, plant and equipment not associated with the agricultural use. Neither of the notices before me relate to a mixed use. I consider that the resultant lack of clarity and inherent uncertainty makes it very difficult for the appellant to tell what he

- is supposed to have done wrong in relation to the use of the land. He may have wished to appeal on additional grounds for either or both of the notices if the alleged material change in use of the land had been clear and precise. As such, I do not consider that I can correct the notices in these respects without injustice to the appellant.
12. I acknowledge that both notices seek to restore the land to its previous condition. However, I consider that the appellant would also find it very difficult to tell what he needs to do to comply with them as the requirements of the notices overlap and conflict with each other and also lack clarity. The extent of the hatched green areas, as shown on the attached plans to the notices, could be corrected so that they did not overlap onto each other without injustice to either party.
 13. Requirement i) in relation to the breaches set out in 3 a) of the Appeal A notice states: *'Completely remove the compound, hardstanding, retaining walls and enclosure walls and piers from the site within the area hatched green on the attached plan, **return the site to its original contours and replant the areas with grass.***' This conflicts with requirement B) i) of the Appeal B notice which states:- *'Remove retaining structures and hardsurfacing in the areas hatched blue on the attached plan and **confine the access route and hardsurfacing within the area hatched black** which accords with drawings 99-003 and 1950/16/200/B submitted with application 17/00107/PDA which is included as appendix 1 to this notice.'* The conflict and lack of clarity arises as parts of the hatched black area of that notice also overlap with the hatched green area of the Appeal A notice. In the areas of overlap the appellant would rightly be confused as to what works were needed to ensure compliance with both notices. It is not clear if or how the notices could be corrected to resolve the conflict and lack of clarity of these requirements without injustice to either party.
 14. Although all the requisite components of both of the notices are in place, in my judgement, both notices are defective in a number of important respects, not least the vague manner in which the material change of use allegations are framed and the absence of any reference to a mixed use. All this leads me to conclude that the defects are such that the notices fail to tell the person, on whom they have been served, fairly what they have done wrong and what they must do to remedy it.
 15. For the reasons given above, and having regard to all the other matters raised, I conclude that the notices do not specify with sufficient clarity the alleged breaches of planning control and the steps required for compliance. It is not open to me to correct the errors in accordance with section 176(1) (a) of the 1990 Act since injustice would be caused were I to do so. The notices are invalid and will be quashed. In these circumstances, the various grounds of appeal as set out in section 174(2) of the 1990 Act, and the applications deemed to have been made under section 177(5), do not fall to be considered.

Formal Decisions – Appeal A and Appeal B

16. The enforcement notices are quashed.

D. Boffin

INSPECTOR



Appeal Decisions

Site visit made on 25 November 2020

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 05 January 2021

Appeal A: APP/P1045/C/20/3256995

Land to the east of Alders Lane and north of Thatchers Lane

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Philip Stokes against an enforcement notice issued by Derbyshire Dales District Council.
- The enforcement notice was issued on 1 July 2020.
- The breach of planning control as alleged in the notice is: -
 - a) Without planning permission, unauthorised engineering work, including retaining walls, to facilitate the formation of a compound area, the erection of enclosing walls and gate piers to this compound.
 - b) Without planning permission, utilising the compound for the storage of building materials, plant and equipment.
- The requirements of the notice are: -

In relation to the breaches set out in 3 (a):

 - i) Completely remove the compound, hardstanding, retaining walls and enclosure walls and piers from the site within the area hatched green on the attached plan, return the site to its original contours and replant the areas with grass.

In relation to the breach set out in 3 (b):

 - i) Cease the use of the area hatched green on the attached plan for storing building materials, plant and equipment.
- The period for compliance with the requirements is: -
 - i) 6 months in relation to the breach as set out in 3 (a)
 - ii) 3 months in relation to the breach as set out in 3 (b).
- The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (c) and (e) of the Town and Country Planning Act 1990 as amended (the 1990 Act). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.

Summary Decision: The enforcement notice is quashed.

Appeal B: APP/P1045/C/20/3256996

Land to the east of Alders Lane and north of Thatchers Lane

- The appeal is made under section 174 of the 1990 Act as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Philip Stokes against an enforcement notice issued by Derbyshire Dales District Council.
- The enforcement notice was issued on 1 July 2020.
- The breach of planning control as alleged in the notice is: -

The extension of the domestic curtilage, engineering works and laying of hardsurfacing.
- The requirements of the notice are: -
 - A)
 - i) To cease the use of the area hatched green on the attached plan as residential curtilage
 - ii) Remove the hardstanding and retaining structures within the area hatched green on

the attached plan

iii) Regrade and replant the area hatched green on the attached plan as grassland B)

i) Remove retaining structures and hardsurfacing in the areas hatched blue on the attached plan and confine the access route and hardsurfacing within the area hatched black which accords with drawings 99-003 and 1950/16/200/B submitted with application 17/00107/PDA which is included as appendix 1 to this notice.

- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the 1990 Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.

Summary Decision: The enforcement notice is quashed.

Procedural Matters

1. There are 2 appeals before me that relate to 2 enforcement notices on the same land and the appellant is the same for both appeals. As such, I have dealt with the appeals together as the issues relating to the enforcement notices are interrelated.

Background

2. In 2017 prior approval¹ (2017 PA) was granted for the conversion of an agricultural building to a dwellinghouse on part of the appeal site through Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). In 2018 planning permission² was granted in relation to the removal of excavated material, sifting out the rubble and the deposition of soil on the field to the south of the access from Alders Lane.

The Notices

3. On an appeal any defect, error, or misdescription in an enforcement notice may be corrected using the powers available in section 176(1)(a) of the 1990 Act, or the terms may be varied, where the correction or variation will not cause injustice to the appellant or local planning authority. It may be the case that defects are too fundamental to be corrected without causing injustice, leading to the notice being quashed.
4. The appellant identifies what he considers are the failings of the notices within his statements of case. In relation to Appeal A the appellant states that it is not clear if the enforcement notice (Appeal A notice) is alleging a material change in use and whether the storage of building materials, plant and equipment is part of a mixed use of the land. He has also highlighted that the areas relating to the separate requirements of the 2 enforcement notices overlap. In relation to the enforcement notice in Appeal B (Appeal B notice) he states that domestic curtilage is not a use of land.
5. The Council accepts that there is an overlap between the areas identified in the plans attached to the enforcement notices. It considers that this could be corrected without injustice to the main parties. It also considers reference to an extension of the domestic curtilage does represent a change of use of land forming part of the domestic property. The Council states that it considers that the compound, affected by the Appeal A notice, is used for the storage of plant, equipment and materials that are not associated solely with agriculture.
6. There is no dispute that the 2017 PA was granted with a tight area drawn around the building that was to serve as its 'curtilage'. Nevertheless, 'curtilage'

¹ Ref No: 17/00107/PDA

² Ref No: 18/00627/FUL

is a legal term describing the relationship of land to a building; it is not a use of land for planning purposes. The description of the alleged breach, relating to Appeal B notice, does not refer to a material change of use and within the reasons for issuing the notice the 4 year time limit (section 171B of the 1990 Act) is cited rather than the 10 year time limit. Nevertheless, the requirement at A) i) relates to the use as residential curtilage. It is clear that there is no dispute between the parties that part of the land is currently in use in association with the residential use of the former agricultural building. Moreover, the area of land in that use appears to be appreciably larger than that shown within the 'curtilage' on the 2017 PA.

7. Both parties have stated that the lawful use of the land prior to the 2017 PA being granted was agriculture and I have no reason to dispute this. I noted at the site visit that there was numerous pieces of plant, machinery and equipment within the compound area but that there were also pieces of machinery and equipment on other parts of the land. The reasons for issuing the Appeal A notice cite both the 4 year and 10 year time limit. Therefore, it is reasonable to consider that the alleged breach relates to a material change in use and operational development.
8. To make an assessment as to whether a material change of use has occurred the planning unit is an accepted tool for determining the most appropriate area against which to assess the materiality of that change. The planning unit is usually the unit of occupation, unless a smaller area can be identified which is physically separate and distinct, and/or occupied for different and unrelated purposes. A mixed or composite use is where the occupier carries on a variety of activities and it is not possible to say one is incidental to the other. The component activities fluctuate in their intensity from time to time, but the different activities are not confined within separate and physically distinct areas of land.
9. The land affected by both enforcement notices (the land edged red) is the same and it is occupied by the appellant. Even though the compound area is formed by retaining structures, walls, fencing and gates there is little physical separation between the residential use, the agricultural use and the alleged storage use on the land edged red. This is highlighted by the overlap of the areas (hatched in green, blue and black) indicated on the plans attached to the enforcement notices.
10. There is little evidence before me to indicate whether an assessment of the planning unit has been undertaken by either party. Nevertheless, based on the evidence before me and my observations at the site visit it appears that the land edged red forms a planning unit. It is not necessary for the previous use to be recited in a notice alleging a material change of use. However, the description of what constitutes that alleged use needs to relate to the overall use of the planning unit so that the notice tells the person, on whom it is served, fairly what they have done wrong and what they must do to remedy it. Moreover, it is also required to enable the terms and scope of a deemed application under section 177(5) of the 1990 Act to be established.
11. Consequently, in these cases it is reasonable to consider that an alleged breach relating to a material change of use of the land edged red should cite a mixed use of residential, agriculture and storage of building materials, plant and equipment not associated with the agricultural use. Neither of the notices before me relate to a mixed use. I consider that the resultant lack of clarity and inherent uncertainty makes it very difficult for the appellant to tell what he

is supposed to have done wrong in relation to the use of the land. He may have wished to appeal on additional grounds for either or both of the notices if the alleged material change in use of the land had been clear and precise. As such, I do not consider that I can correct the notices in these respects without injustice to the appellant.

12. I acknowledge that both notices seek to restore the land to its previous condition. However, I consider that the appellant would also find it very difficult to tell what he needs to do to comply with them as the requirements of the notices overlap and conflict with each other and also lack clarity. The extent of the hatched green areas, as shown on the attached plans to the notices, could be corrected so that they did not overlap onto each other without injustice to either party.
13. Requirement i) in relation to the breaches set out in 3 a) of the Appeal A notice states: '*Completely remove the compound, hardstanding, retaining walls and enclosure walls and piers from the site within the area hatched green on the attached plan, **return the site to its original contours and replant the areas with grass.***' This conflicts with requirement B) i) of the Appeal B notice which states:- '*Remove retaining structures and hardsurfacing in the areas hatched blue on the attached plan and **confine the access route and hardsurfacing within the area hatched black** which accords with drawings 99-003 and 1950/16/200/B submitted with application 17/00107/PDA which is included as appendix 1 to this notice.*' The conflict and lack of clarity arises as parts of the hatched black area of that notice also overlap with the hatched green area of the Appeal A notice. In the areas of overlap the appellant would rightly be confused as to what works were needed to ensure compliance with both notices. It is not clear if or how the notices could be corrected to resolve the conflict and lack of clarity of these requirements without injustice to either party.
14. Although all the requisite components of both of the notices are in place, in my judgement, both notices are defective in a number of important respects, not least the vague manner in which the material change of use allegations are framed and the absence of any reference to a mixed use. All this leads me to conclude that the defects are such that the notices fail to tell the person, on whom they have been served, fairly what they have done wrong and what they must do to remedy it.
15. For the reasons given above, and having regard to all the other matters raised, I conclude that the notices do not specify with sufficient clarity the alleged breaches of planning control and the steps required for compliance. It is not open to me to correct the errors in accordance with section 176(1) (a) of the 1990 Act since injustice would be caused were I to do so. The notices are invalid and will be quashed. In these circumstances, the various grounds of appeal as set out in section 174(2) of the 1990 Act, and the applications deemed to have been made under section 177(5), do not fall to be considered.

Formal Decisions – Appeal A and Appeal B

16. The enforcement notices are quashed.

D. Boffin

INSPECTOR



Appeal Decision

Site visit made on 25 November 2020

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal Ref: APP/P1045/C/20/3258784

Land at Ameycroft Farm, Farley Hill, Matlock, Derbyshire DE4 5LR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr M Slack against an enforcement notice issued by Derbyshire Dales District Council.
- The enforcement notice was issued on 21 August 2020.
- The breach of planning control as alleged in the notice is works comprising the siting of an office building on "the Land".
- The requirements of the notice are: -
 - a) Permanently remove the Office building hatched in blue, from the land edged red on the enclosed plan.
- The period for compliance with the requirements is 30 days.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (c) and (g) of the Town and Country Planning Act 1990 as amended (the 1990 Act). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.

Summary Decision: The appeal succeeds in part and the enforcement notice is upheld as varied in the terms set out below in the Formal Decision.

The ground (c) appeal

1. The appeal on this ground is that the matters alleged in the notice do not constitute a breach of planning control. The onus of proof is on the appellant. For example, the appellant needs to demonstrate that development has not occurred for the purposes of section 55 of the 1990 Act, or that the matters alleged in the notice have been granted planning permission, or that they constitute '*permitted*' development.
2. The appellant considers that the unit is a demountable structure of modest scale which was delivered to the site in the form of a '*kit of parts*' for assembly; it is not permanent and has recently moved from one position to another; it has no foundations but is merely placed on the pre-existing yard. In addition he considers that the unit is in use as an office and planning permission¹ was granted in 2015 (the 2015 permission) for business use therefore there has been no material change in the use of the land.
3. There is a dispute between the parties as to whether the 2015 permission is extant. I also note that the alleged breach cites the '*siting of*' an office building. However, it is reasonable to consider that as the requirements of the notice only require the '*office building*' to be removed from the site and the

¹ Ref No: 15/00717/FUL

reasons for issuing the notice cite the 4 year time limit (section 173 B of the 1990 Act) that the enforcement notice relates to a building operation rather than a material change in use.

4. The 2015 permission does not relate to the '*office building*' that is affected by the enforcement notice and I have no evidence before me to indicate that planning permission is in place for it.
5. Section 336(1) of the 1990 Act sets out a wide definition for what constitutes a building and it includes '*any erection or structure*'. The courts have identified three primary factors as being relevant to the question of what constitutes a '*building*'. These are permanence, size and physical attachment.
6. In terms of permanence, whilst accepting that the '*office building*' has been moved within the appeal site, it has been within that site for approximately 3 years. I acknowledge that the appellant would wish to replace it at some stage for a more permanent structure. Nevertheless, he has stated within his grounds of appeal that a temporary planning permission for a further 3 years would be acceptable. In addition, in its planning context it has an impact that is significantly noticeable (in terms of its physical presence) from the nearby public right of way (PROW).
7. The '*office building*' does not appear to be physically affixed to the part of the hardstanding that it sits on, but it appears to be connected to some services as it is currently in use as an office. Moreover, it appears to be of considerable weight, and it is clearly held down by its own weight irrespective of what might be inside it. Even though it is smaller than the adjacent building it is relatively large. It would clearly have been necessary to have used specialist equipment to move it within the overall site. Further building operations would then have been required to level the '*office building*' and connect it to services. As a matter of fact and degree I consider that the '*office building*' can be classified as a '*building*' and that building operations were required to place it in position. Overall, therefore I consider that a building operation has occurred within the meaning of development under section 55 (1) of the 1990 Act.
8. My conclusion is that there has been development for which no planning permission was granted by the local planning authority. There is no evidence before me to indicate that the building operation is permitted development under any of the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). A breach of planning control has occurred and the appeal on ground (c) must therefore fail.

The ground (a) appeal and deemed planning application

Main Issue

9. Based on the evidence before me the main issue is the effect of the development on the character and appearance of the area.

Reasons

10. This part of Farley Hill is characterised by sporadic clusters of residential development, farmsteads and associated buildings. The open fields and pastureland which surround existing built development and abut Farley Hill provide for a generally open character which reinforces the rural qualities of this area.

11. The office building is largely screened from view when travelling/standing on Farley Hill. Nevertheless, it is clearly seen in views from the nearby PROW. The office building has a relatively simple form and it's viewed within the context of adjacent buildings which are taller and larger in size. However, its prefabricated and commercial appearance is stark and not in keeping with adjacent buildings. In addition, its external colour accentuates its stark appearance and draws the eye in views from the PROW. As such, it appreciably harms the character and appearance of this part of the countryside.
12. As stated above, there is dispute between the parties as to whether the 2015 permission is extant. Even if, I agreed with the appellant that this permission is extant and the additional building proposed within that application could be constructed, the design and appearance of that building would be in keeping with nearby buildings. Whereas, even though the office building is significantly smaller than that proposed additional building, I have found that it appreciably harms the character and appearance of the area. As such, even if the 2015 permission is extant it has little weight as a fallback position in this respect.
13. There is also dispute between the parties as to what the lawful use of the appeal site is. It is not for me, as part of the ground (a) appeal and deemed planning application, to determine the lawful use of the site. To that end it is open to the appellant to apply for a determination under sections 191/192 of the 1990 Act.
14. The appellant has stated that a temporary permission for a period of 3 years would be acceptable to him as this would enable the office building to be retained whilst a buyer for it is found. I acknowledge that in certain circumstances a condition can be used to grant planning permission for a temporary period only. However, the rationale behind the length of time suggested for the temporary planning permission is not clear as the appellant has also stated, in relation to the ground (g) appeal, that 3 months is a realistic time period to make arrangements for relocating the office building.
15. The appreciable harm identified would be mitigated to a degree by the fact that the harm would only be temporary but, even for a temporary period, the development would remain contrary to the relevant policies of the development plan. As a result, based on the evidence before me, a temporary planning permission would not be justified in this case.
16. I acknowledge that the principle of a 'business' use on the appeal site has and is supported by the Council. Nevertheless, the office building appreciably harms the character and appearance of the area. Consequently, in this respect it conflicts with Policies S1, S4, PD1 and PD5 of Derbyshire Dales Local Plan (LP). These policies seek, amongst other things, that; all development should make a positive contribution towards the achievement of sustainable development including conserving the distinct Peak District character; the intrinsic character and distinctiveness of the landscape should be protected whilst also facilitating sustainable economic development; new development to be of high quality design that respects the character of the landscape and development which would harm or be detrimental to the character of the local and wider landscape should be resisted.
17. These policies are consistent with paragraphs 83 and 127 of National Planning Policy Framework (the Framework) which, amongst other things, state that

planning policies and decisions should; enable the sustainable growth and expansion of all types of business in rural areas, through well-designed new buildings; and ensure that developments are sympathetic to local character. As such, with regard to paragraph 213 of the Framework the conflict arising in these respects is given full weight. In this case, there are no material considerations to indicate that the appeal should be determined other than in accordance with the development plan.

Conclusion – ground (a) and the deemed planning application

18. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal on ground (a) and the application for deemed planning permission should fail.

The ground (g) appeal

19. That any period specified in the notice in accordance with section 173(9) of the 1990 Act falls short of what should reasonably be allowed. As stated above, the appellant has stated that 30 days is not enough as it may be difficult to find a site to which the unit can be relocated and then arrange for its transportation if a buyer has not been found for it. He considers that a period of 3 months is a reasonable time to ensure compliance.

20. In my view 30 days is a reasonable period of time to comply with the requirements of the notice under normal circumstances. However, the current Covid-19 pandemic continues to place restrictions on the ability of people, services and businesses to move about freely and to carry out works. Consequently, 30 days may not now give sufficient time for the appellant to find a buyer and/or an alternative site for the office building and to arrange its relocation with the required equipment and transportation.

21. As such, I consider that 3 months is, under these circumstances, a reasonable period of time for compliance with the requirements of the notice and I intend to vary the notice in this respect. The appeal under ground (g) succeeds to that extent.

Formal Decision

22. The appeal is allowed in part, on ground g, and it is directed that the enforcement notice be varied by: -

- Deleting, in paragraph 5, '30 days' and substitution of '3 months' as the time for compliance.

23. Subject to these variations the enforcement notice is upheld.

D. Boffin

INSPECTOR

BACKGROUND PAPERS

The following documents have been identified in accordance with the provisions of Section 100(d) (5) (a) of the Local Government Act 1972 and are listed for inspection by members of the public.

Background papers used in compiling reports to this Agenda consist of:

- The individual planning application, (including any supplementary information supplied by or on behalf of the applicant) and representations received from persons or bodies consulted upon the application by the Local Planning Authority and from members of the public and interested bodies by the time of preparation of the Agenda.
- The Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and related Acts, Orders and Regulation and Circulars published by or on behalf of the Secretary of State for the Department for Communities and Local Government.
- The National Planning Policy Framework
- The Planning Practice Guidance

These documents are available for inspection and will remain available for a period of up to 4 years from the date of the meeting, during normal office hours. Requests to see them should be made to our Business Support Unit on 01629 761336 and arrangements will be made to comply with the request as soon as practicable.

BACK TO AGENDA