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02 August 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 10th August 2021 at 6.00pm** in the **Members Room, County Hall, Matlock DE4 3AG**.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'James McLaughlin'.

James McLaughlin
Director of Corporate Services & Customer Services

AGENDA

SITE VISITS: Attached to the agenda is a list of sites the committee will visit on **Monday 09th August 2021**. A presentation with photographs and diagrams will be available at the meeting for all applications including those visited by the committee.

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

13th July 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

To provide members of the public **who have given prior notice** (by no later than 12 Noon on the working day prior to the meeting) with the opportunity to express views, ask questions or submit petitions relating to planning applications under consideration. Representations will be invited immediately before the relevant item of business/planning application is discussed. Details of the Council's Scheme are reproduced overleaf. To register to speak on-line, please click here www.derbyshiredales.gov.uk/attendameeting. Alternatively email: committee@derbyshiredales.gov.uk or telephone 01629 761133.

5. APPLICATIONS FOR DETERMINATION

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

	Page No.
5.1 APPLICATION NO. 21/00643/FUL (Site Visit and Presentation)	06 - 21
Erection of replacement dwelling and a swimming pool building (modifications to previously approved planning permission 15/00718/FUL) (Resubmission) at Bent Farm, Farley Hill, Farley.	
5.2 APPLICATION NO. 20/01306/FUL (Site Visit and Presentation)	22 - 66
Partial demolition of existing buildings and erection of a building comprising of 47 no. apartments (C3 Use) and a ground floor retail unit (Use Class E) and associated works and change of use of ground floor of retained 30 Causeway Lane to retail (Class E) and creation of additional apartment in upper floors at Riber View, (Former Matlock Ford Site), Causeway Lane, Matlock.	
5.3 APPLICATION NO. 20/01129/REM (Site Visit and Presentation)	67 - 80
Reserved matters application for approval of the appearance, landscaping, layout and scale of a residential development of 17no. dwelling houses (outline planning consent reference 17/00934/OUT) at former Harveydale Quarry, Dale Road, Matlock.	
5.4 APPLICATION NO. 21/00622/FUL (Site Visit and Presentation)	81 - 95
Erection of replacement dwelling house and associated garage and studio buildings at Kiln Bank, Yokecliffe Lane, Wirksworth.	
5.5 APPLICATION NO. 21/00341/FUL (Presentation)	96 - 102
Conversion of garage with two storey extension, single storey extension and loft conversion at 33 Intakes Lane, Cromford.	

5.6	APPLICATION NO. 21/00722/FUL (Presentation)	103 - 108
	Creation of vehicular access and parking area with turntable at Tagg Hill Cottage, 43 Church Street, Matlock.	
6.	INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS	109 - 119
7.	APPEALS PROGRESS REPORT	120 - 145
	To consider a status report on appeals made to the Planning Inspectorate.	

Members of the Committee:

Councillors Jason Atkin (Chairman), Richard Fitzherbert (Vice Chairman)

Robert Archer, Sue Bull, Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Clare Gamble, Stuart Lees, Garry Purdy, Peter Slack and Colin Swindell.

Nominated Substitute Members:

Jacqueline Allison, Paul Cruise, Helen Froggatt, Chris Furness, Peter O'Brien and Andrew Statham.

SITE VISITS

Members are asked to convene outside reception at the front entrance of Town Hall, Matlock at **10.20am prompt on Monday 09th August 2021**, before leaving to visit the following sites. Please note that members are expected to make their own way to each site.

	Page No.
10:30am APPLICATION NO. 21/00643/FUL	06 - 21
Bent Farm, Farley Hill, Farley.	
11:10am APPLICATION NO. 20/01306/FUL	22 - 66
Riber View, (former Matlock Ford site), Causeway Lane, Matlock.	
11:45pm APPLICATION NO. 20/01129/REM	67 - 80
Former Harveydale Quarry, Dale Road, Matlock.	
12:20pm APPLICATION NO. 21/00622/FUL	81 - 95
Kiln Bank, Yokecliffe Lane, Wirksworth.	
1:00pm Return to Town Hall, Matlock.	

COMMITTEE SITE MEETING PROCEDURE

The purpose of the site meeting is to enable the Committee Members to appraise the application site. The site visit is not a public meeting. No new drawings, letters of representation or other documents may be introduced at the site meeting. The procedure will be as follows:

1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting)
2. A representative of the Town/Parish Council and the applicant (or representative can attend.
3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.
4. The Planning Officer will give the reason for the site visit and point out site features.
5. Those present will be allowed to point out site features.
6. Those present will be allowed to give factual responses to questions from Members on site features.
7. The site meeting will be made with all those attending remaining together as a single group at all times.
8. The Chairman will terminate the meeting and Members will depart.
9. All persons attending are requested to refrain from smoking during site visits.

PUBLIC PARTICIPATION

Members of the public may make a statement, petition or ask questions relating to planning applications or other agenda items in the non-exempt section of an agenda at meetings of the Planning Committee. The following procedure applies.

- a) Public Participation will be limited to one hour per meeting, with the discretion to extend exercised by the Committee Chairman (in consultation) in advance of the meeting. On line information points will make that clear in advance of registration to speak.
- b) Anyone wishing to make representations at a meeting must notify the Committee Section before Midday on the working day prior to the relevant meeting. At this time they will be asked to indicate to which item of business their representation relates, whether they are supporting or opposing the proposal and whether they are representing a town or parish council, a local resident or interested party.
- c) Those who indicate that they wish to make representations will be advised of the time that they need to arrive at the meeting venue so that the Committee Clerk can organise the representations and explain the procedure.
- d) Where more than 2 people are making similar representations, the Committee Administrator will seek to minimise duplication, for instance, by establishing if those present are willing to nominate a single spokesperson or otherwise co-operate in the presentation of their representations.
- e) Representations will only be allowed in respect of applications or items which are scheduled for debate at the relevant Committee meeting,
- f) Those making representations will be invited to do so in the following order, after the case officer has introduced any new information received following publication of the agenda and immediately before the relevant item of business is discussed. The following time limits will apply:

Town and Parish Councils	3 minutes
Objectors	3 minutes
Ward Members	5 minutes
Supporters	3 minutes
Agent or Applicant	5 minutes

At the Chairman's discretion, the time limits above may be reduced to keep within the limited one hour per meeting for Public Participation.

- g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers
- j) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any comments by participants that are not directed to genuine planning considerations.

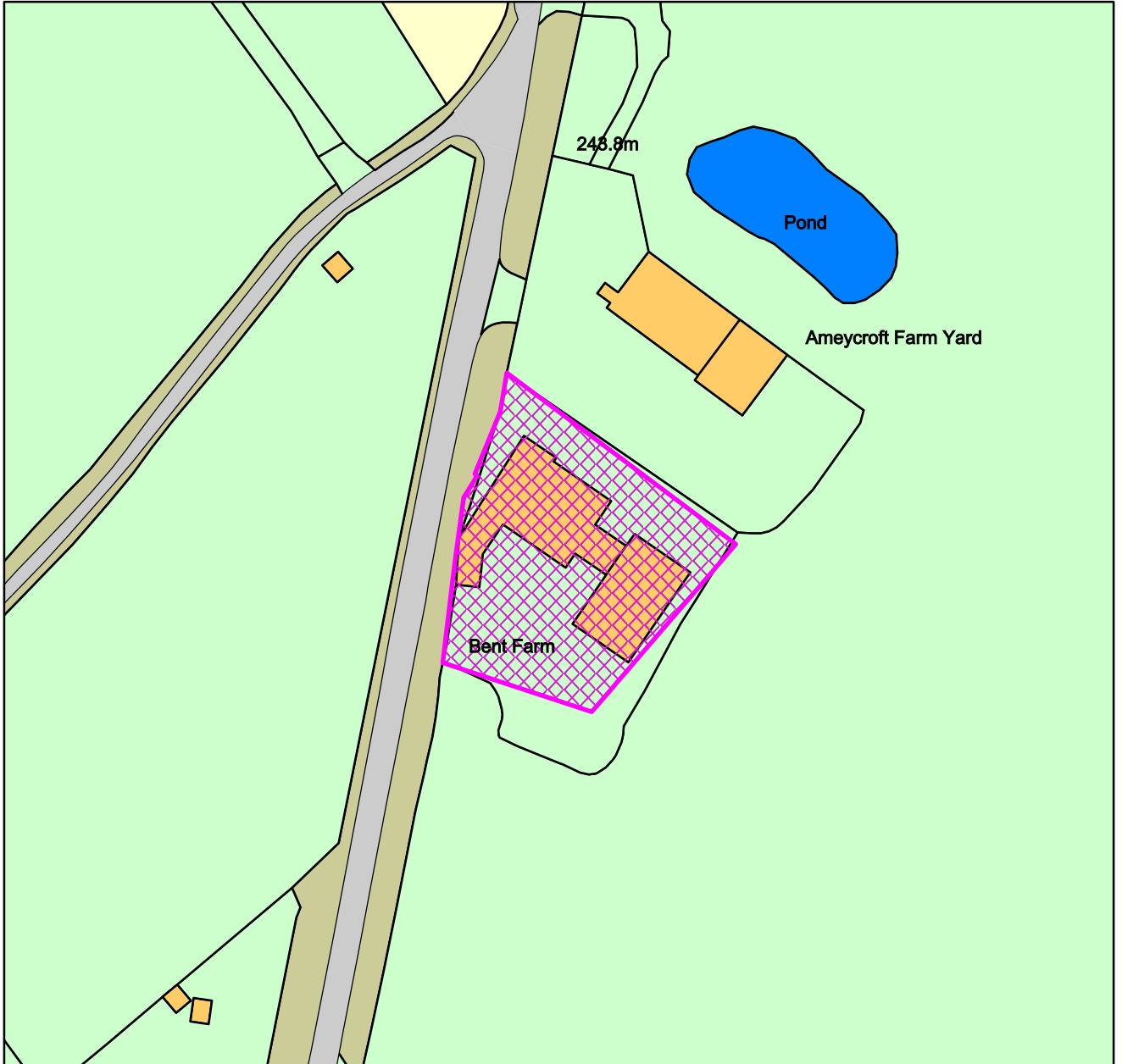
APPLICATION NUMBER		21/00643/FUL	
SITE ADDRESS:		Bent Farm, Farley Hill, Farley	
DESCRIPTION OF DEVELOPMENT		Erection of replacement dwelling and a swimming pool building (modifications to previously approved planning permission 15/00718/FUL) (Resubmission)	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr M Slack
TOWN	Darley Dale	AGENT	Roger Yarwood Planning Consultant Ltd
WARD MEMBERS	Cllr. J. Atkin Cllr. M Salt Cllr. A. Statham	DETERMINATION TARGET	23 rd July 2021
REASON FOR DETERMINATION BY COMMITTEE	The number of representations received objecting to the development	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the development in its context.

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

RECOMMENDATION
Approval with conditions.

21/00643/FUL

Bent Farm, Farley Hill, Farley



Derbyshire Dales DC

1:1,250

Date: 29/07/2021

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 property comprises a dwellinghouse which is nearing completion in its construction. This has replaced a traditional farmhouse with associated barn. The dwelling is set side on to a highway verge to the east of Farley Hill. To the east and south, the site is bounded by open fields. To the north, is an agricultural building, which forms the remnants of a chicken farm enterprise, which has been partially demolished and replaced with a metal framed and clad building.
- 1.2 Access to the property is directly off Farley Hill via new access gates which are in a similar position to the former access. There is an unmade area of hardstanding to the front of the dwelling and a raised area of land which then drops down to the field. The applicant has also erected boundary walls, with a gate, and timber panel fencing.

2015



2021



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission (ref: 15/00718/FUL) was granted for the demolition of the former farmhouse and agricultural buildings and the replacement with this larger dwellinghouse and a linked building to house a swimming pool. A structural report on the dwellinghouse was submitted with that planning application which provided a justification for replacement because of significant structural problems.
- 2.2 The replacement dwellinghouse was approved to be constructed with tooled sandstone walling and slate with smooth stone quoins, copings and lintels. The pool building was approved to be constructed with tumbled gritstone to the lower walls with timber clad weatherboarding above and a slate roof. The link is largely glazed. The dwellinghouse was approved to measure as follows:
- main element - to measure 16m wide by 9m deep and 9m high
 - east side projection to measure 7m wide by 9m deep and 8.5m high
 - front west side two storey projection to measure 5.5m wide by 6.5m deep and 7.5m high
 - front west side single storey projection to measure 5m wide by 8.3m deep and 3.9m high
 - front porch to measure 4m wide by 2m deep and 3.65m high
 - two storey rear projection measuring 8m wide by 8m deep and 8.3m high
 - single storey flat roofed rear projection measuring 14.5m wide by 7m deep and 3.8m high with two roof lanterns set atop
 - pool building measuring 12.8m wide by 21.4m deep and 6.2m high
 - link building measuring 7m wide by 5.4m deep and 3m high.
- 2.3 In terms of the size of the approved replacement dwelling, compared to that which it replaced, the dwellinghouse was approved with a floor area of some 454sqm compared to the previous dwelling, and its attached buildings, having had a floor area of some 407sqm. The pool building was approved with a floor area of some 275sqm and the link some 37sqm. The former farm also had a separate agricultural building which was demolished.
- 2.4 In terms of accommodation, the approved replacement dwellinghouse has a sitting room, dining room, kitchen, hall, study and family area on the ground floor. The link provides a sunroom leading to the pool building which was approved to include a pool, sauna, steam room, shower and plant room. At first floor level, the approved scheme has five bedrooms. A basement is also provided under the main part of the dwelling.
- 2.5 Whilst the development was granted planning permission under application ref: 15/00718/FUL, the applicant has not erected the dwellinghouse fully in accordance with the approved details. This planning application seeks to regularise matters. The discrepancies between the approved drawings and the as built development are as follows:
- the proposed single storey projection closest to the site entrance is now some 2.2m higher than approved (measured at approximately 6.1m in height on site and detailed as 3.9m in height on the approved drawings) – the applicant has detailed the overall height to be 5.8m with an approved height of 4.5m on the current submitted drawings;
 - the eaves line of the main part of the dwellinghouse has no step down on the building as constructed, which differs from the approved drawings where this was detailed two thirds of the way along from the roadside;
 - many of the windows of the dwellinghouse have not been provided in accordance with the approved drawings and have a horizontal emphasis rather than the approved vertical emphasis;
 - the chimney is not positioned as approved as it is inset further off the gable;

- the front porch is of a different size and has been provided with a lean-to roof rather than a pitched roof, and has a different door;
- the swimming pool building has been set some 2.3m back from the approved siting;
- the ridge height of this swimming pool component has increased by some 300mm
- the swimming pool building has windows inserted in the boarding of the front gable and the ones at the rear gable are larger than the one that had been detailed on the approved drawing;
- the front facing windows to the ground floor of the swimming pool building have been changed from three to two;
- the window/door openings to the rear are different to those approved;
- the cladding to the swimming pool building has been applied horizontally rather than vertically as detailed in the approved drawing;
- the stone has been taken up to above the top of the windows where boarding was previously detailed for the top half of the windows up to eaves level;
- a fence has been provided to the roadside boundary which was not approved with the original permission and should be a boundary wall (the applicant advises this to be a temporary measure); and
- the apparent extent of the curtilage to the front (south of the dwelling) is not as detailed on the approved drawings.

2.6 The applicant considers that the decision by Members of the Planning Committee to refuse planning permission (by one vote) was made on the basis of inaccurate assessment of the departures from the approved scheme in the officer's previous report. It is also considered by the applicant that the vote to refuse permission followed on from inaccurate statements made by the mover of the motion and was made on the grounds that the dwelling as constructed is overbearing, incongruous and highly prominent. To this end, the applicant advises that the dwelling is no larger in its ground area and no higher than the originally approved design.

2.7 The applicant advises that the application is being resubmitted to allow further opportunity for a decision to be made on the basis of accurate analysis of the extent of departures from the approved development. The applicant has also submitted details of landscaping as he considers that the absence of such details was raised as a concern at the Committee Meeting.

2.8 The applicant advises that the building has not materially changed from the original approved scheme and occupies the same footprint, except that the swimming pool building has been set further to the rear of the site. In terms of the height, the applicant advises that only the front projecting wing and the eaves of the swimming pool building have been increased. It is advised that the height of the house is unchanged from the approval. The applicant advises that the increase in height of the front wing is approximately 1m above that approved but, as the ground slopes downwards, the opportunity has been taken to lower the floor level of this element. The applicant states that the eaves height of the swimming pool building is slightly higher than approved but the overall height of the pool element is virtually unchanged.

2.9 The applicant points out what he considers to be the alterations to the design of the dwellinghouse:

- some of the window openings have been made marginally wider and provided with centre mullions to retain a vertical emphasis;
- whilst the ridge line of the house has marginally stepped down at its midpoint, the eaves line has not stepped down; and
- rooflights in the forward projecting wing have been omitted.

2.10 With regards to the swimming pool building, the applicant considers the changes to be as follows:

- horizontal timber cladding has been used above the window heads instead of vertical cladding;
- high level windows have been inserted in the gables;
- the glazing arrangements of some of the ground floor windows have changed; and
- the rooflights have increased from 8 to 10.

2.11 The applicant considers that the changes have in no way impacted on the design principles adopted in the original scheme and are not discernible without close scrutiny and comparison with the originally approved drawings. The applicant considers most of the changes are of a type which would not have necessitated a new planning application and considers the changes, as far as they impact on the development to be beneficial.

2.12 The applicant has submitted details of the proposed landscaping for the site. This details extensive tree planting both within the application site and in adjacent areas within the ownership of the applicant. A new gritstone boundary wall, varying between 1–2m in height, is also proposed to be constructed along the road verge frontage, with the intervention of the projecting gable to part of the wall.

3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

- S1 Sustainable Development Principles
- S4 Development in the Countryside
- PD1 Design and Place Making
- PD5 Landscape Character
- PD7 Climate Change
- HC7 Replacement Dwellings
- HC21 Car Parking Standards

3.2 Darley Dale Neighbourhood Plan (2019-2033)

- NP9 Protecting the Landscape Character of Farley
- NP19 Design Principles for C3 Residential Development in Farley

3.3 National Planning Policy Framework

3.4 National Planning Practice Guidance

4 RELEVANT PLANNING HISTORY

20/00530/FUL Erection of replacement dwelling and a swimming pool building (modifications to previously approved planning permission 15/00718/FUL) - Refused

15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building - Granted

5 CONSULTATION RESPONSES

Town Council

5.1 - no comments received at the time of preparing the officer's report.

Local Highway Authority (Derbyshire County Council)

- 5.2 - refer to previous highways comments where no objections were raised subject to conditions
- further to site meeting, satisfied that the realigned wall no longer encroaches the adjacent public highway

6 REPRESENTATIONS RECEIVED

- 6.1 Seven representations by, and on behalf of, Farley residents have been received. A summary of the representations is outlined below:

Policy consideration of the development

- relevant detrimental effect this has had and is having on the rural landscape of Farley in relation to local policy plan S4
- can see no reason for the Planning Committee to change their earlier decision of refusal (20/00530/FUL) - the differences between the approved plans and the 'as built' building go beyond those acceptable in terms of Local Plan policy S4 - this woefully inadequate new application does not change that conclusion

Accuracy of drawings

- yet again, the applicant has submitted an array of computer aided drawings that do not have any professional nor architectural value
- each drawing has differing scales and even more alarming is the fact that again these drawings are not what stands as built
- this tactic has been well used with this developer together with his agent on this and his other developments and are purposely misleading
- the applicant should have commissioned a survey of the site as it stands to enable comparison from elevation to elevation and floor plan to floor plan, not elevational drawings showing distorted images of what stands
- 'plans' do not enable comparison between the 'as built' and the approved plans - this form of submission is neither adequate nor acceptable as a planning application
- the plans submitted are in no way, shape, or form, even close to being accurate
- they are drawn in perspective projection, not orthographic
- there are no scale bars or annotated measurements, which makes assessment completely impossible
- all proportions are distorted, and each diagram even contains the footnote 'do not scale from this drawing'
- the applicant, and his agent, expect the planning officer to make a recommendation, and committee members to make a decision, based on this entirely unrepresentative set of drawings
- if the applicant had still wished to claim that the DDDC Officers, are wrong then he should have commissioned a professionally produced survey to allow accurate detailed comparison
- the decision by the Planning Committee to reject the previous application ref: 20/00530/FUL was based on the extent of the changes between the 'approved plans' and the 'as built' property - these resubmitted plans ref: 21/00643/FUL just attempt to correct errors in the previous submission and do not address the difference between 'approved' and 'as built' plans
- Members concluded that the changes went beyond those acceptable in terms of Policy S4 of the Local Plan - the new plans do not change that position

Character and appearance

- have submitted photographs of before and after the applicant developed in the area

- Bent Farm has a massive adverse effect and impact on the rural surrounding area and does absolutely nothing to enhance the character of Farley with its overbearing scale - this also leads to encroachment and expansion further to the side and back of Bent Farm
- the applicant has chosen to create maximum visual impact to his numerous developments and it is heart breaking to see how Farley used to look before the applicant removed every tree, shrub, wall and hedge in his quest for this
- the character and appearance of Bent Farm is incongruous with our distinctive rural environment
- it is an overbearing monstrosity of an eyesore
- dominates the surrounding area and the approach to Farley Hamlet
- bears little resemblance to the farmhouse it was meant to replace
- original proposal was so large that there was a need for a cap to be placed on further building
- like to point out that Bent Farm is, in the eyes of everyone except the applicant (and, it seems, some surprisingly sympathetic planning department staff) an absolute eyesore
- its reputation across Matlock and further afield continues to grow – variously described as a ‘monstrosity’, ‘planning scam’ and ‘half-finished travelodge’
- Farley Hill was a fairly small rural hamlet, but now has not one but two monstrosities which let down the DDDC’s planning

Scale and siting

- the accompanying 'design and access statement' asserts that the building "*occupies precisely the same footprint as that which was approved under permission 15/00718*" - this is patently untrue and thereby lay most of the problems associated with its perceived bulk and scale.
- the whole building was re-orientated so that the facade was more faced on to the road
- the pool building had to be stepped back to reduce its forward projection but its facade (made wider and taller) was still very much face on to the road
- the reorientation brought the south west corner of the main building, and the arm containing the sitting/dining room, right on to the boundary - increasing the height of this element added to the building's over bearing nature being so close to the road

Landscaping

- landscaping proposals have already been disregarded, leaving it without screening so that it can be seen from far and wide.

Other

- does not own any of the verges yet chose to remove any vegetation and still to this day continues to mow DCC verges within an inch of their life, destroying any hope for wildlife
- Farley Group of Residents would like to add their Planning Consultant John Groves' Statement which he made for the original application for Bent Farm Ref: 20/00530/FUL
- to grant permission now would be tantamount to rewarding the incompetence and the deliberate abuse of planning regulations and procedures which this developer is persistently guilty of (to the great detriment of our environment and landscape)
- if DDDC’s planning committee wants to give the green light to every rogue developer in the District (and be assured, they certainly ARE watching, we know this for a fact) then go ahead and grant permission for this obscene blot on the Derbyshire Dales landscape
- without a doubt, this will effectively signal that any developer, by consistently ignoring planning notices and batting off lame attempts at enforcement, will eventually see DDDC’s planning department capitulate - is that really a precedent the planning committee wants to set
- applicant’s pattern of behaviour, with his inability to adhere to planning controls, is replicated on the other sites with which he is involved in Derbyshire Dales and elsewhere

- urge members to please refuse planning permission, and show that the Derbyshire Dales isn't a soft touch for anyone who has complete disregard for planning law.

7 OFFICER APPRAISAL

Background and Principle of the Development

- 7.1 The principle of the replacement dwellinghouse and its general size has been previously secured planning permission (15/00718/FUL). Whilst the replacement dwellinghouse is larger than the farmhouse it replaced, it was considered that the design of the replacement dwelling was appropriate in its context and that it would sit comfortably in this rural, edge of settlement location when read in context with the neighbouring dwellinghouses, particularly the larger ones to the north. However, given the size and scale of replacement dwellinghouse, and the consideration of its design and appearance, it was deemed reasonable that permitted development rights were removed.
- 7.2 Notwithstanding the above, the dwellinghouse was not erected fully in accordance with the approved drawings. A subsequent, retrospective planning application was submitted (ref: 20/00530/FUL) to seek permission for the as built property. This planning application was refused by Members in April 2021 for the following reason:
1. *The dwelling, as constructed, is overbearing and incongruous in this rural setting. It is highly prominent and has a detrimental impact on the character and appearance of the rural area, contrary to Policy S4 of the Adopted Derbyshire Dales Local Plan (2017).*

Rather than going to Appeal, the applicant has submitted the proposals again, but with further information to be taken into consideration.

- 7.3 The principal matters for consideration again are the differences in the details shown in the approved drawings, and/or required by condition, to the as built detail of the dwellinghouse and the swimming pool building which have been set out above, and having regard to the additional information and amendments submitted by the applicant with this further, revised application.

Policy Principle

- 7.4 Since the previous planning permission was granted, the former Local Plan (2005), and its policies by which the proposals were previously assessed, has now been replaced by the Adopted Derbyshire Dales Local Plan (2017).
- 7.5 Policy S1 (Sustainable Development Principles) of the Adopted Derbyshire Dales Local Plan (2017) advises that all developments should seek to make a positive contribution towards the achievement of sustainable development and includes making effective use of land which has been previously developed. It also advises of the need to provide a mix of types and tenures of quality homes to meet the needs and aspirations of existing and future residents in sustainable locations. This seeks to minimise the need to travel by promoting development in locations where there is access to a broad range of jobs, services and facilities which are accessible by foot, cycle or public transport with reduced reliance on the private car.
- 7.6 The site is outside of a Settlement boundary and in open countryside. In this respect, Policy S4 (Development in the Countryside) advises that the District Council will seek to ensure that new development protects and, where possible, enhances the landscape's intrinsic character and distinctiveness. In terms of residential development, this can be supported where it constitutes a single replacement dwelling in accordance with Policy HC7

(Replacement Dwellings). Policy HC7 advises that replacement dwellings will be permitted where:

- the residential use was not abandoned;
- the dwelling is lawful;
- the number of units is not increased;
- the existing dwellinghouse does not make a positive contribution to the landscape
- the scale, form, design and massing of the replacement dwelling does not detract from the character and appearance of the setting and surroundings; and
- the existing dwelling is demolished.

7.7 In this case, the residential use of the former dwelling was not abandoned, it was lawful, the number of units remains as a single dwellinghouse and the former dwelling was demolished to make way for redevelopment. The former dwelling and its associated buildings did make a positive contribution to the landscape but, as advised above, it was not considered viable to undertake the significant repairs necessary to the building to make this secure going forward and a replacement dwelling was justified in this respect. The matters of the scale, design and massing of the modified replacement dwelling are considered below.

7.8 In terms of new development, Policy PD1 (Design and Place Making) seeks to ensure that the layout and design of new development creates well designed, socially integrated, high quality successful places where people enjoy living and working. This also seeks to ensure that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable loss to local character and amenity. Policy PD5 (Landscape Character) also seeks to protect, enhance and restore the landscape character of the Plan area by recognising its intrinsic beauty.

7.9 Whilst the former dwelling has been replaced with the current dwelling, there was a requirement to address matters of ecology. To this end, Policy PD3 (Biodiversity and the Natural Environment) advises that development should include measures to contribute positively to the overall diversity of the Plan area. In addition, Policy PD7 (Climate Change) requires that development seeks to mitigate global warming.

7.10 Further to the granting of the previous planning permission, the Darley Dale Neighbourhood Plan (2019-2033) has also been adopted and is a material consideration. Policy NP 9 (Protecting the Landscape Character of Farley) advises that planning permission will be supported for development in Farley where the proposal can demonstrate a layout that reflects the open and fragmented character which allows for long views to the Peak District National Park. Policy NP 19 (Design Principles for C3 Residential Development in Farley) advises that planning permission will be supported for residential development in Farley where the proposal is of a high design quality that will positively contribute to the character of its setting and may demonstrate:

- a) the use of local stone and slate tile roofs to reinforce the unity of the settlement; and
- b) a range of boundary treatments to delineate boundaries and reinforce the distinctive character (dry stone walling) and landscaping (trees).

Impact on the Character and Appearance of the Area

7.11 The acceptability of a replacement dwelling has been established. The principal matters for consideration are how the original approved scheme has been altered from the approved plans in its construction and whether these alterations are deemed acceptable/unacceptable in the round. There are a number of differences detailed above which it is considered are worth reflecting upon again. These are:

- the proposed single storey projection closest to the site entrance is now some 2.2m higher than approved (measured at approximately 6.1m in height on site and detailed as 3.9m in height on the approved drawings);
- the eaves line of the main part of the dwellinghouse has no step down on the building as constructed, which differs from the approved drawings where this was detailed two thirds of the way along from the roadside;
- many of the windows of the dwellinghouse have not been provided in accordance with the approved drawings and have a horizontal emphasis rather than the approved vertical emphasis;
- the chimney is not positioned as approved as it is inset further off the gable;
- the front porch is of a different size and has been provided with a lean-to roof rather than a pitched roof, and has a different door;
- the swimming pool building has been set some 2.3m back from the approved siting;
- the ridge height of this swimming pool component has increased by some 300mm
- the swimming pool building has windows inserted in the boarding of the front gable and the ones at the rear gable are larger than the one that had been detailed on the approved drawing;
- the front facing windows to the ground floor of the swimming pool building have been changed from three to two;
- the window/door openings to the rear are different to those approved;
- the cladding to the swimming pool building has been applied horizontally rather than vertically as detailed in the approved drawing;
- the stone has been taken up to above the top of the windows where boarding was previously detailed for the top half of the windows up to eaves level;
- a fence has been provided to the roadside boundary which was not approved with the original permission and should be a boundary wall (the applicant advises this to be a temporary measure);
- the relationship of the dwelling and proposed boundary wall to the highway verge; and
- the apparent extent of the curtilage to the front (south of the dwelling) is not as detailed on the approved drawings.

7.12 The originally approved replacement dwelling, whilst larger in proportions, was designed to seek to emulate the previous farmhouse and buildings by providing the main dwelling with elements projecting from it. To this end, it was considered important that the elements projecting to the front stepped down from the main part of the dwelling as a reflection of ancillary farm buildings. The main areas of change in the dimensions of the building detailed in the previously approved drawings, to that as built, are the height of the single storey element projecting off the front of the building, adjacent to the highway, which has increased by some 2.2m from the approved 3.9m in height to 6.1m in height. This has somewhat diluted the hierarchy of 'buildings' stepping down in height as they move away from the main part of the dwelling. However, whilst this impacts upon the original design philosophy, and raises the mass of the development in how it is appreciated adjacent to the highway, this is not deemed by Officers to be of such harm that it would reasonably justify refusal of planning permission.

7.13 The other main change to the dimensions of the main part of the dwelling is the eaves height to the east side of the building beyond the roof coping stones. On the original approved drawings, this detailed with a drop in height of some 0.1m but has been constructed without this. Nevertheless, it is the view of Officers that the raising in height of the front elevation on the eastern end of the main part of the dwelling (beyond the coping stones) is not such a perceptible alteration that it significantly harms the character and appearance of the dwelling to an extent that could justify refusal in terms of these specific increases in the height of the building; the raised coping and change in roof height are considered to still provide a sense of intervention between the western and eastern sides of the main dwelling.

- 7.14 In terms of design detail, the alterations to the window proportions to the main part of the dwellinghouse, and the swimming pool building, are not deemed to be harmful to the character and appearance of the building. The porch has been provided as a lean-to, which is considered more appropriate to the appearance of the building than the projecting gabled detail which was approved for the porch. The chimney is offset further from the roadside gable, than detailed on the approved drawings, but is not considered so out of place to be deemed harmful.
- 7.15 The height of the swimming pool building has increased by some 300mm. The timber boarding to the swimming pool building was preferred by officers to be of a vertical application, as one would normally find of agricultural buildings and which this element of the scheme was seeking to emulate. This was also approved to extend below the lintel line and half way down the windows. Whilst the end result dilutes the original agricultural genre, the overall design does not undermine it to an extent that would justify its removal and replacement. This has allowed the applicant to insert large windows into the timberwork in the gable ends given the alignment of the boarding. Again, as a contemporary take on an agricultural building, these alterations are not considered so harmful that it is necessary to correct this detail back to the original approved drawings. The setting back of the swimming pool building does not compromise the original design concept for the replacement development. The front elevation of the swimming pool building has two large openings rather than the three approved; this is considered an improvement to the design of this building.
- 7.16 There are clearly departures from the drawings approved with planning permission 15/00718/FUL. However, the development has been constructed substantially as approved in terms of its footprint and scale. It has been constructed of locally sourced gritstone and is considered appropriate in its materials.
- 7.17 Again, concern has been raised that the drawings submitted do not reflect accurately upon the development. Members have to consider the building as erected against the approved scheme. Whilst it does differ, the overall impact is largely the same and the change to the design is considered by officers to be acceptable.
- 7.18 In granting planning permission previously, it was recognised that the replacement dwelling was larger than the previous farmhouse and outbuildings. In this regard, permitted development rights were removed for extensions to the dwelling. In referring back to the previous planning permission, it is also considered reasonable that details of any garden sheds are submitted for approval to ensure the extent of built form is not overbearing on this prominent site as required in granting the previous planning permission and that details of the landscaping and boundary treatment are submitted.
- 7.19 Concern has also been raised that the domestic curtilage, as being engineered, goes beyond that shown on the approved drawings. The applicant has submitted general details as to how he intends to landscape the site but has provided no detailed submission. However, should planning permission be granted, a condition will be required on the submission and implementation of a landscaping scheme, which the applicant will need to implement within a reasonable time period within the curtilage defined in the application drawings; this was a requirement of the previous permission. This will also need to secure the provision of the boundary wall proposed along the highway verge.

Highway Matters

- 7.20 The Local Highway Authority advised that they have no concerns with regard to the application subject to conditions being attached which were required on the previous planning permission, and where these were still relevant. However, there was concern that the dwellinghouse, as built, and the proposed boundary wall, encroach/would encroach into

highway land. This was assessed further at a site meeting with officers of the Local Highway Authority and revised plans were submitted by the applicant detailing a realignment of the proposed boundary wall. On this basis, the Local Highway Authority is satisfied that the development is, and can be, provided without encroachment onto highway land. Officers are satisfied that whilst the boundary wall does not present itself fully across the side elevation, that the revised design where the wall abuts to the dwelling, is acceptable.

Impact on Residential Amenity

- 7.21 With regard to amenity, the replacement dwellinghouse is of sufficient distance from the neighbouring dwellinghouses to not result in a loss of privacy, outlook or light to those properties that could be deemed harmful.

Ecology

- 7.22 In granting the original planning permission, mitigation measures with respect to wildlife were requested. To this end, the same condition can be attached to any grant of planning permission.

Climate Change

- 7.23 Policy PD7 advises that, in addressing the move to a low carbon future, the District Council will promote a development strategy that seeks to mitigate global warming, adapts to climate change and respects environmental limits. As such, new development should be designed to achieving national targets to reduce greenhouse gas emissions. The development, when initially granted planning permission, was not subject to such policy consideration as this Policy emerged with the Adopted Local Plan (2017).

- 7.24 Therefore, it is considered difficult to retrospectively design in such features that may reduce carbon emissions into the development which is nearing completion. Nevertheless, the stone facing materials are locally sourced gritstone which goes some way to reducing the carbon footprint of the development. The main part of the dwelling is south facing and there is a potential in the future of the applicant providing solar panels on the roofscape, subject to planning permission. On this basis, it is not considered reasonable to refuse planning permission in the context of Policy PD7.

Conclusion

- 7.25 The principle of the replacement dwelling was accepted with the previous grant of planning permission. The matters for consideration are therefore whether the building that has been erected is a reasonable reflection on the approved scheme or do the discrepancies between the as built development and the approved drawings create significant harm. If the latter was concluded it would only be reasonable to enforce back to the original scheme. Whilst it is recognised that some elements of the development as built are not how it was expected, particularly the alteration to the single storey projection at the front and the detailing of the swimming pool building, these alterations are not so harmful in their context that a recommendation of refusal is justified in this case.
- 7.26 As such, it is recommended that planning permission be granted subject to the boundary wall to the verge being in accordance with the drawing, details of the landscaping and boundary treatments are submitted to the Local Planning Authority and implemented within a reasonable timescale and that permitted development rights are removed to control extensions to the dwellinghouse given its already large size as required with the original grant of planning permission.

8 RECOMMENDATION

8.1 That planning permission be granted subject to the following conditions:

1. The boundary wall to the public highway shall be provided within 12 months of the date of this permission in accordance with the submitted details.

Reason:

To define the permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and with Policies NP9 and NP19 of the Darley Dale Neighbourhood Plan (2019-2033).

2. Within three months of the date of this permission, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- details of all soft landscaping;
- details of hard surfacing areas and materials; and
- details of all other boundary treatments other than as detailed in condition 1 above.

The hardsurfacing and boundary treatments shall be provided in accordance with the approved details within 12 months of the date of this permission. All soft landscaping comprised in the approved details shall be carried out by no later than the 2021/2022 planting and seeding season. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and with Policies NP9 and NP19 of the Darley Dale Neighbourhood Plan (2019-2033).

3. Within six months of the date of this permission, a swallow compensation and enhancement strategy shall be produced and agreed in writing by the Local Planning Authority. Once agreed, the mitigation strategy shall be implemented in full within 12 months of the date of this planning permission.

Reason:

To safeguard protected species to comply with government guidance contained in the National Planning Policy Framework and Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

4. Condition PD4 Permitted Development: Gates, Walls, Fences and Curtilage Buildings

Reason:

To safeguard the character and appearance of the development to comply with Policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and with Policies NP9 and NP19 of the Darley Dale Neighbourhood Plan (2019-2033).

NOTES TO APPLICANT:

1. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
2. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
3. This decision notice relates to the following documents:
Design and Access Statement received on 28th May 2021
Drawings Nos. Pages 1, 2, 3, 4, 5, 6, 7 and 8 and RY.S20.01B, 01C and 01D received on 28th May 2021.

Planning Committee 10th August 2021

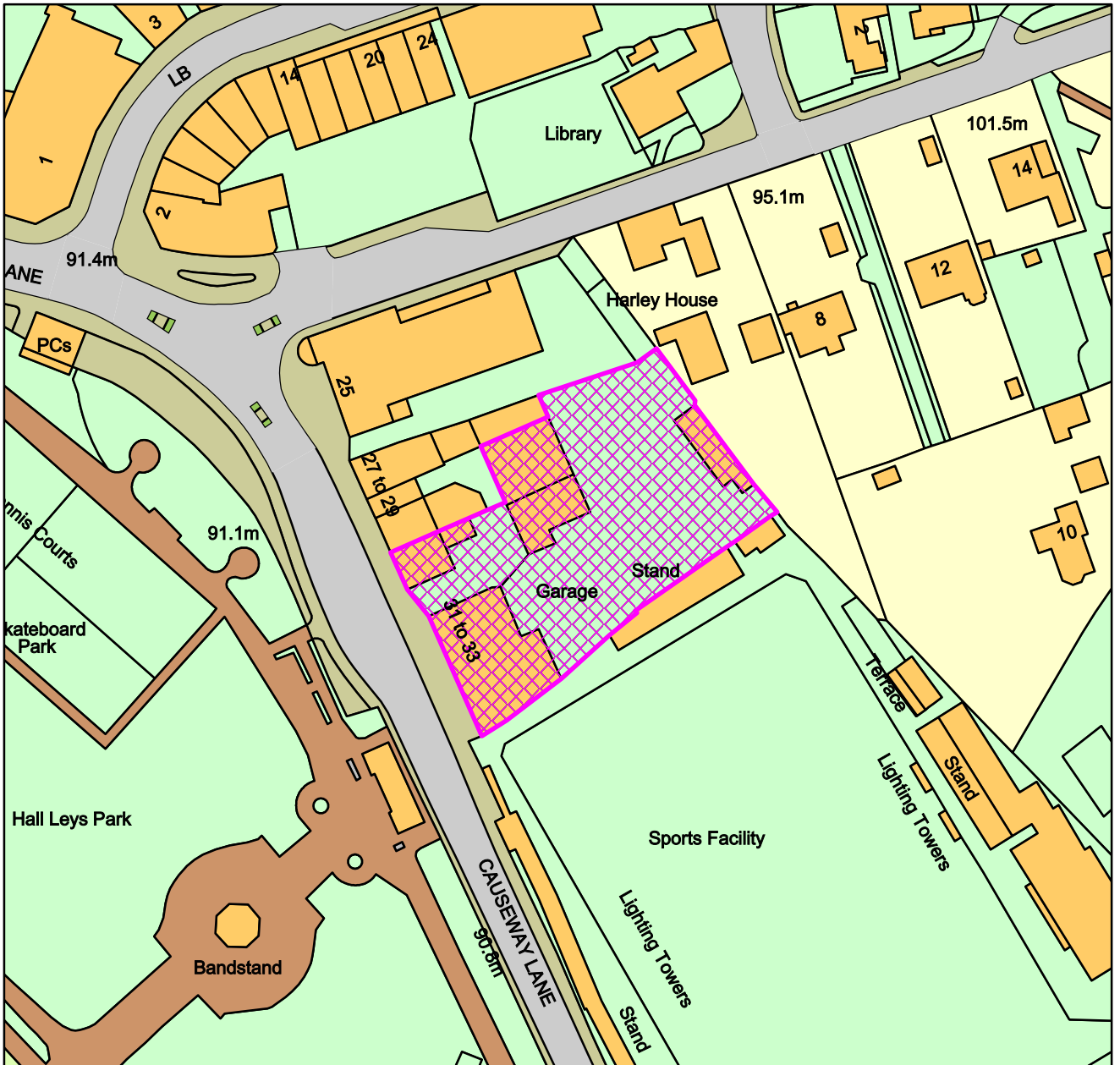
APPLICATION NUMBER		20/01306/FUL	
SITE ADDRESS:		Riber View, (Former Matlock Ford Site), Causeway Lane, Matlock	
DESCRIPTION OF DEVELOPMENT		Partial demolition of existing buildings and erection of a building comprising of 47 no. apartments (C3 Use) and a ground floor retail unit (Use Class E) and associated works and change of use of ground floor of retained 30 Causeway Lane to retail (Class E) and creation of additional apartment in upper floors	
CASE OFFICER	Mr. C. Whitmore	APPLICANT	Clowes Developments (North West) Ltd
PARISH/TOWN	Matlock Town	AGENT	Caroline McIntyre
WARD MEMBER(S)	Cllr. Flitter Cllr. Hughes Cllr. Cruise	DETERMINATION TARGET	23 rd March 2021 (Agreed Extension of Time – 31 st August 2021)
REASON FOR DETERMINATION BY COMMITTEE	Major application and ward member request	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the impact of the development on the local environment, including neighbouring land uses and dwellings, the character and identity of this part of the settlement and the setting of Matlock Bridge Conservation Area

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • The acceptability of a housing led mixed use development on the site and the proposed housing mix • Loss of employment and impact on the vitality and viability of the town centre • The appropriateness of the layout, scale and design of the building and the impact on the setting of Matlock Bridge Conservation Area • Highway issues • Impact on neighbouring land uses, including the residential amenity of the occupants of nearby dwellings • Flooding and drainage • Measures to mitigate the effects of and adapt to climate change • Ecology, and • The viability of the development and impact local infrastructure provision and developer contributions

RECOMMENDATION
<p>That authority be delegated to the Development Manager / Principal Planning Officer to approve the development subject to the holding objection from the Environment Agency being withdrawn, appropriate conditions including those set out in the recommendations section of this report (and any additional conditions recommended by the Environment Agency) and the applicant entering into a s106 agreement to secure £65,000 towards affordable housing and any additional developer contributions (up to policy requirements) following a review the sales figures / gross development value and construction costs post development.</p>

20/01306/FUL

Riber View (Former Matlock Ford Site), Causeway Lane, Matlock



Derbyshire Dales DC

1:1,250

Date: 29/07/2021

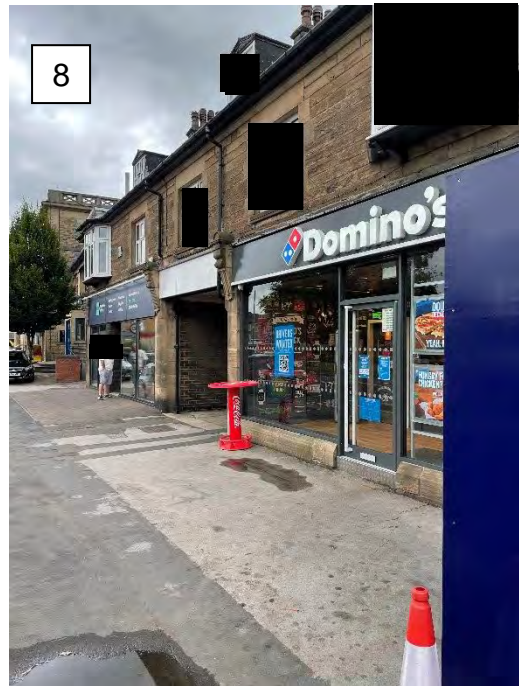
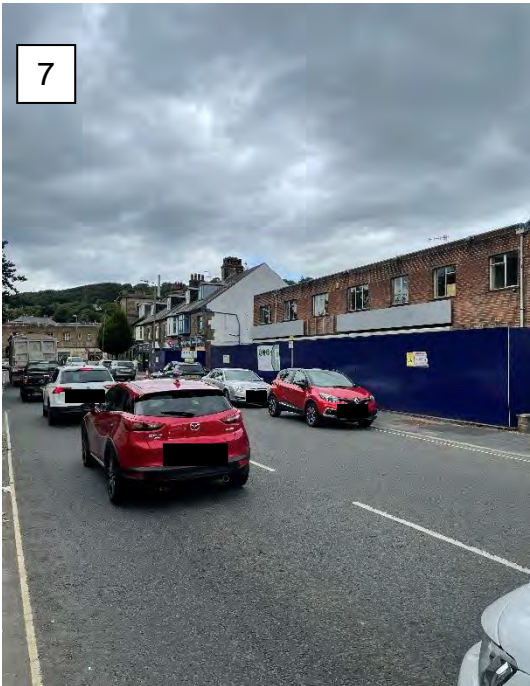
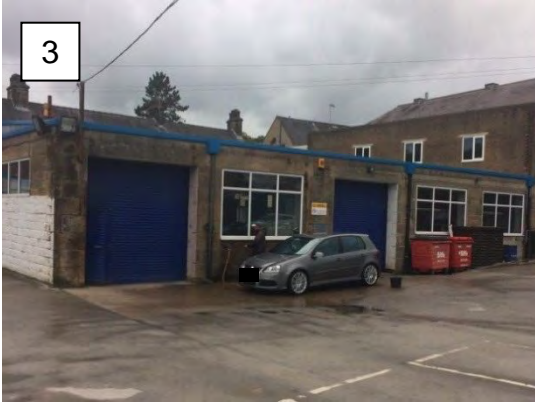
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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
website :www.derbyshiredales.gov.uk

1. THE SITE AND SURROUNDINGS

- 1.1. The site extends to 0.29ha and includes a mixture of traditional and modern stone and red brick built buildings associated with the former car showroom, offices, reception, parts and service buildings at Matlock Ford located off Causeway Lane, Matlock (see photographs 1 – 4 taken prior to recent demolition and site security works taking place). The buildings are now vacant that the site is surrounded by perimeter fencing as shown in photograph 7.
- 1.2. The central part of the site is hard surfaced and was used to store / display vehicles. The buildings fronting Causeway Lane (seen in photographs 1 and 2) are visually prominent and sit opposite Hall Leys Park and Matlock Bridge Conservation Area (which can be seen in photograph 5). The former reception building (with 2 no. residential apartments above) forms part of a terrace of traditional stone buildings constructed in the 1920s, containing shop fronts at ground floor level (see photograph 6). Access to the central part of the site is between the former showroom / office and reception buildings. The site includes a narrow strip of land to the north west which provides access / extends up to Steep Turnpike. The former parts building at the rear of the site has been recently demolished, as can be seen in photograph 9.
- 1.3. To the south of the site is Matlock Town Football Club. To the north, physically attached to the former reception building is no. 29 Causeway Lane which is used as a hot food takeaway at ground floor level (see photograph 8). Planning permission was granted in 2013 to extend part of the premises (along with the adjoining property (no. 27)) to form 6 no. residential flats at first floor level and within a two storey outshot which projects in an easterly direction at the rear of the building.
- 1.4. To the east of the site is Harley House, a large detached dwelling. This property sits at a higher level. Its associated curtilage / garden area extends in an easterly direction beyond a detached swimming pool building. Conifer trees define the majority of the boundary.
- 1.5. The site is relatively flat. It is situated primarily within Flood Risk Zone 3 with some of the north eastern part of the site within Flood Risk Zone 2.







2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the partial demolition of existing buildings (excluding the end terraced property fronting Causeway Lane and for the erection of a building comprising of 47 no. apartments (C3 Use) and a ground floor retail unit (Use Class E) and associated works and change of use of ground floor of retained 30 Causeway Lane to retail (Class E) and creation of additional apartment in upper floors.
- 2.2 The new building will comprise two separate albeit linked blocks, running parallel with the Causeway Lane and the eastern boundary with Matlock Town Football Club. In explaining this approach to layout the applicant advises that this maximises the scale and openness of the central landscaped courtyard, sites buildings away from the neighbouring residential and commercial properties to reduce overlooking issues, creates an active commercial frontage along Causeway Lane, maximises views towards Riber Castle and Hall Leys Park and takes advantage of the south facing aspect.
- 2.3 During consideration of the application, the scheme has been amended to address the holding objections issued by the Environment Agency and comments made by the Council's Conservation and Design Officer and other consultees, including Matlock Town Council.
- 2.4 The results of the flood modelling undertaken by the applicant (using data provided by the Environment Agency) identified that the depth of the potential flood water in the worst case scenario, which includes the potential for a breach of the flood defences was greater than anticipated. This resulted in the need to remove four residential units from the ground floor of the scheme. This enabled the landscaping within the courtyard area to be enhanced and car parking within the undercroft area to be increased to 47 no. spaces (including 3 disabled bays). The residential refuse storage has been moved from the commercial unit a new reception area created, to provide a larger secure area for post. The Environment Agency also advised that the finished floor level of the commercial floorspace could be lowered slightly, as this is a less vulnerable land use. This has meant that the extent of an access ramp and steps at the front of the Causeway Lane building can be reduced.
- 2.5 The application in its revised form seeks planning permission for a 4 storey building fronting onto Causeway Lane. This will comprise ground floor retail accommodation plus 14 upper floor

apartments (8 x 1 bed and 6 x 2 bed). 2,960 sq. ft of commercial floorspace will be provided at ground floor, to maintain an active frontage of commercial premises to Causeway Lane.

- 2.6 To the rear and running broadly perpendicular to the Causeway Lane fronting building will be a further 3 and 4 storey new build structure, with an undercroft area for parking at ground level, comprising 33 apartments (22 x 1 bed and 11 x 2 bed). Both buildings will be linked by a stair core and link block, which would be constructed in a lighter material and slightly recessed to provide a visual break between the two main blocks.
- 2.7 The building blocks are to be contemporary in their architectural design concept and detailing. The applicant advises that the façades have taken their reference from the nearby development 'Olde Englishe' across Hall Leys Park in terms of the simplicity of form and regular grid pattern of windows.
- 2.8 The fourth storey of both buildings is to be set back significantly and faced in vertical standing-seam metal sheets to read as being part of the roofscape. The frontage block is to be stone clad and the rear block is to be buff brick clad. The roofs are all to be flat. All windows & doors are to be powder-coated metal.
- 2.9 Access to the site is to be via the existing Causeway Lane access, with the existing access onto Steep Turnpike being closed to vehicular traffic. The initial concept for vehicular access was to have a one way route through the site with access off Steep Turnpike and egress onto Causeway Lane, however, the access off of Steep Turnpike was deemed inadequate to serve the development.
- 2.10 In terms of measures to adapt to and mitigate the effects of climate change, the applicant advises that the site is a previously developed (brownfield) site and its re-development to provide a housing led mixed use scheme in the town centre constitutes a sustainable form of development. In addition, each apartment will have mechanical ventilation heat recovery (MVHR) System, low energy light fittings and a low flush WC. In addition the applicant is proposing a roof mounted array of Photo Voltaic (PV) Panels which will provide power to all the communal external and internal areas and car charging points within the parking areas.
- 2.11 The application is accompanied by a geo-environmental assessment, transport statement, flood risk and drainage strategy, bat report and viability appraisal. All of these documents form part of the public file and have been examined and commented on by consultees and an independent viability expert. They are referred to, where necessary, and pertinent in the 'Officer Appraisal' section of this report.

1. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S2	Settlement Hierarchy
S3	Development within Defined Settlement Boundaries
S7	Matlock / Wirksworth / Darley Dale Development Area
S10	Local Infrastructure Provision and Developer Contributions
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD5	Landscape Character
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC1	Location of Housing Development
HC4	Affordable Housing

HC11	Housing Mix and Type
HC14	Open Space, Sports and Recreation Facilities
HC19	Accessibility and Transport
HC20	Managing Travel Demand
HC21	Car Parking Standards
EC3	Existing Employment Land and Premises
EC6	Town and Local Centres

3.2 Other Material Considerations:

National Planning Policy Framework (2021)
 National Planning Practice Guidance
 Matlock Bridge Conservation Area Appraisal (2003)
 Climate Change Supplementary Planning Document (2021)
 Shopfronts and Commercial Premises Supplementary Planning Document (2019)
 Developer Contributions Supplementary Planning Document (2020)

2. **RELEVANT PLANNING HISTORY:**

18/00922/FUL - Demolition of existing buildings and erection of 48 retirement living apartments with associated access, communal facilities, car parking and landscaping – Refused (Appeal Withdrawn)

3. **CONSULTATION RESPONSES**

5.1 Matlock Town Council:

In objecting to the development the Town Council make the following comments:

We welcome the revisions to the application for the former Ford garage site on Causeway Lane. We have noted the reduction in the total number of apartments and the increase in the number of parking spaces made to take account of the flood risk to the ground floor apartments and concerns raised about the number of parking spaces. We have also noted the attempts to break up the view of the elevation over the football and cricket grounds, and the changes to the entrances to the cycle store which give improved and safer access.

Nevertheless, some of our concerns remain. These are detailed below.

Affordable housing.

The application makes no provision for affordable housing despite proposing fifty-one apartments, sufficient to require a contribution under Policy HC4 of the Local Plan. Parking availability. While the number of parking spaces equals the number of apartments, two issues remain. First, there is no parking for shop workers. Secondly, three spaces are allocated for disabled parking from those allocated to apartments. Thus, the number of "free" spaces for apartments is three less than the number of apartments. We would be interested to know, therefore, how parking spaces will be allocated to apartments and how they might be re-allocated as necessary to accommodate individuals with a right to a disabled bay.

Ease of moving through and around the development (Policy PD1).

Safety of the parking layout. While parking is clearly improved, some parking spaces will still be difficult to enter and leave creating hazards for pedestrians in the car park and other car users.

Safety of vehicular and pedestrian access from Causeway Lane. Our concern about the entrance onto Causeway Lane remains. The entrance into the site from Causeway lane

needs to be sufficiently wide for a walkway to the entrance to the apartments as well as two-way vehicular movements. This does not appear to be the case from the plans provided. In our previous response we suggested that larger vehicles would need to occupy both lanes of the proposed internal roadway to complete some in/out movements at Causeway Lane and this would bring them close to the pedestrian footway kerb line. We also suggested that the footpath itself appears narrow and unable to accommodate two-way pedestrian traffic. That suggests that the entrance is too narrow for vehicular and pedestrian use and may be considered dangerous to pedestrians going to and from the apartment entrances.

Safety of the entrance to the apartments. In our previous response we said that we were disappointed by the main pedestrian entrances to the apartments. We believe that, while improved, the same concerns about personal safety remain, and that the entrances do not celebrate their purpose. While that is an aesthetic point, we suggest that it will detract from their commercial attractiveness. We are still of the opinion that an entrance at the front of the building is preferable.

Design and place making.

Our concerns about the building's fit with neighbouring early 20th Century buildings and its mass when viewed from the park opposite remain. We are also concerned that as a "gateway" to the centre of Matlock, the corner of the development on Causeway Lane needs further detailing. We have suggested that it might more closely echo the restaurant building at the junction of Causeway Lane and Steep Turnpike. This might be achieved, for example, by echoing the stone balustrade, the pillars and/or the porch.

Resilience to flooding and pollution control (Policy PD8 and PD9).

The Council notes the recommendations made in the Flood Risk Assessment and Drainage Strategy report prepared for the applicants by Delta-Simons and issued by them in March 2021. We ask that DDDC requires that the recommendations in that report are fully implemented. Nevertheless, we are aware that there have been several major discharges of untreated combined sewage and run off into the Derwent in recent years. We are concerned that this and other developments, while they themselves operate within their design constraints, may contribute to this problem. The infrastructure in Matlock is unable to accommodate annual peak flows let alone 30 year or 50 year peak flows. We believe, therefore, that it needs to be improved before further development takes place in the Matlock area. We request that DDDC through the LPA ensures that the local network is rigorously assessed and improvements are made to ensure that the load from the planned increase in housing as specified in the Local Plan can be accommodated. While this is a general point, it is applicable to each and every development within the Bentley Brook and Derwent valleys and is one that needs to be addressed urgently to maintain water quality in the Derwent and the quality of life of residents and visitors. Therefore, the issue should be addressed by planning officers in the assessment of this development, and we expect to see such an assessment in the officers' report that goes to the planning committee.

Sustainability and climate change (Policy PD7). We reiterate the points that we made about sustainability.

1. It is not clear as to the extent of energy efficiency features proposed. Design requirements are changing, and we expect current applications to meet the requirements that will come into force during the period for which any permission is current. We would like to see a full statement from the applicant regarding the measures that have been taken in this respect.

2. We would like to see a statement of estimated carbon dioxide equivalent emissions for the development.

3. The car parking spaces need EV charging points.

5.2 Local Highway Authority:

Original Comments:

The proposals have been the subject of a recent pre-application enquiry with this authority and after discussion, the applicant provided a layout that secured a reasonable level of parking, sufficient on site turning provision and closed the vehicular access onto Steep Turnpike.

The issue of exit visibility from the access (and the adjacent vehicular access) was raised in relation to an initial layout and subsequent proposals have set the retail unit into the site. Whilst appreciating that it is third party land, the setting back of the building and the positioning of the access ramp and open railings will also lend visibility to the adjacent access.

As demonstrated, exit visibility is achievable and whilst the location of the on-street parking bays means that parked vehicles may temporarily impact on it, my Traffic colleagues would not wish to see any loss of on-street parking at this location. Additionally, this is the same layout that has worked satisfactorily for the Motor Dealership.

The proposals have increased the level of parking over the previous application, albeit for an open market scheme. At 40 spaces the level of parking is less than 100% however with 34 of the units being single bedroomed, the town centre location, good public transport, on-street parking restraint, the provision of 20 secure cycle parking spaces and the analysis provided in the Transport Statement, it is not considered that a highway objection on this basis would be sustainable.

There is space within the site to accommodate turning for home delivery type vehicles – as a private layout it is unlikely that refuse collection would take place within the site and a bin collection area has been provided adjacent to the highway for temporary storage on collection days.

As a private development and to safeguard both the available on-street parking provision and priority for pedestrians on the highway, the access should remain as a standard splayed dropped crossing and a revised drawing should be requested.

Conditions are recommended should the Local Planning Authority be minded to approve the application.

Comments on the amended scheme:

The scale of the proposals has reduced to 49 apartments and the number of parking spaces has increased to 47. Accordingly I would not wish to raise any additional comments to my original response.

Please include the previously recommended conditions - with condition 5 being amended to reflect the increased parking provision.

5.3 Derbyshire County Council (Strategic Infrastructure):

Original Comments:

Primary School Places

The proposed development falls within and directly relates to the normal areas of St Giles Church of England Primary School and Castle View Primary School. The proposed development of 52 (discounting 34 x 1bed) dwellings would generate the need to provide for an additional 4 pupils.

St Giles Church of England Primary School has a net capacity for 140 pupils, with 85 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 103.

Castle View Primary School has a net capacity for 151 pupils, with 118 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 133.

An evaluation of recently approved major residential developments within the normal areas of St Giles Church of England Primary School and Castle View Primary School shows no new development, amounting to no additional primary pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 4 primary pupils arising from the proposed development.

Secondary School Places

The proposed development falls within and directly relates to the normal area of Highfields School. The proposed development of 52 (discounting 34 x 1bed) dwellings would generate the need to provide for an additional 5 secondary pupils.

Highfields School has a net capacity for 1,392 pupils with 1,194 pupils currently on roll. The number of pupils on roll is projected to decrease to 1,236 during the next five years.

An evaluation of recently approved major residential developments within the normal area of Highfield School shows new development totalling 822 dwellings, amounting to an additional 230 secondary pupils.

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

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

- £132,534.55 towards the provision of 5 secondary places at Highfields School + additional education facilities

The strategic policy team at the County Council also recommend a footnote to request that the developer works with broadband providers to ensure NGA broadband services are incorporated as part of the design of the development.

The following views expressed by Local County Councillor Sue Burfoot are also provided:

“These are my preliminary views only. At the District Council planning committee I will consider the matter afresh taking account of all evidence available at that time.

This is an important site in Matlock town centre in a sustainable location near to shops, doctor's surgeries, the railway station and bus routes. I am in favour, in principle, of development on this site for much needed town centre accommodation to include one and two bedroom flats.

However, there appears to be no provision for affordable housing which should be conditional on any approval.

The scheme as presented is an improvement on the previous refused scheme in terms of proposed materials.

I have concerns regarding the flat roofs proposed and the scale of the building in its context and hope these concerns can be addressed”.

Comments on the amended scheme:

We consider that there has not been a significant change to the application and that our previous comments still stand.

5.4 Environment Agency:

Original comments:

In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused for the following reason:

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- consider how people will be kept safe from the identified flood hazards
- consider how a range of flooding events (including extreme events) will affect people and property
- consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event
- take the impacts of climate change into account
- consider the potential flood risk from a breach of defences in line with the site

To overcome the above objection the Environment Agency advised the following:

The site is in the floodplain of the River Derwent. Although the site is defended from flooding by Environment Agency flood defences, there is a risk that the defences could be overtopped in a severe flood, or the defences could breach.

The Environment Agency have a hydraulic model for the River Derwent in this location; the Matlock & Belper 2011 model.

The site is modelled to flood in a 1 in 100 year flood to a height of 92.96mAOD. Unfortunately the Matlock & Belper 2011 model does not include the latest climate change allowances which are required to be considered at this site, in line with the climate change guidance for

the Humber region.

The applicant should therefore estimate the 1 in 100 year 30% and 1 in 100 year 50% climate change flood heights for this location. The applicant must also take into account the impact of a breach of defences flood for a 1 in 100 year 30% climate change flood event, in the scenario that there was a breach of defences in line with the site. The applicant must provide their calculations to us so we can check the methodology. We understand that a breach analysis was undertaken for this site previously as part of application 18/00922/FUL, however we do not have these files and we haven't seen that the model was ever finalised and accepted by the Environment Agency.

The applicant should set floor levels for the 'more vulnerable' developments above the flood heights plus freeboard. The FRA should also describe the flood mitigation measures for all parts of the development, as well as the arrangements for access and egress during periods of flooding.

5.5 Lead Local Flood Authority (LLFA) (Derbyshire County Council):

Original comments:

The LLFA need to see further information or amendments regarding this application and the applicant's submitted Flood Risk Assessment:

1. The proposed application is sited within Flood Zone 2 and 3. The Environment Agency modelled data for the River Derwent is from at best 2011 for this development site. The LLFA need to see that residential apartments, classed as more vulnerable accommodation, should not be on the ground floor in Flood Zone 3 areas or where this may be at risk of becoming in the future a Flood Zone 3 area.
2. The LLFA in our role as the Flood Risk Management Team has investigated more than one flood event in Matlock in recent years. Although the site is in a defended area from the River Derwent, other drainage infrastructure regarding springs, sewer and highways drainage networks can become compromised in flood events resulting in significant depths of ponding in low lying areas of Matlock, as they sometimes become unable to safely drain into the River Derwent, depending on the nature, scale or type of the flood event. Please account for any mitigation needed for potential combined risk of flooding to site from all these sources in the Flood Risk Assessment.
3. Please demonstrate how the site would safely drain during a range of rainfall events when these are combined with a range of River Derwent fluvial flood events.
4. The LLFA has noted the flood evacuation plan is for egress through the only access point which is also the lowest part of the proposed site and in Flood Zone 3. This proposes walking along pavements also in Flood Zone 3. Are there any other plausible routes, additional effective advanced warnings or plans for evacuation that would reduce the likelihood of residents becoming stranded in a flood event?

Comments on the amended scheme:

No objection, subject to conditions and advisory notes.

5.6 Ministry of Defence (Safeguarding Department):

The Ministry of Defence has no safeguarding objections to this proposal.

5.7 Trees and Landscape Officer (DDDC):

Do not wish to comment as no trees will be affected and it will not impact the landscape, as it is redevelopment of an already built up town centre location.

5.8 Historic England:

Do not wish to comment. Recommends that the District Council seeks the advice of its own specialist conservation and archaeological advisers, as relevant.

5.9 Conservation and Design Officer (DDDC):

The following comments are made on the proposed development –

- The southern part of the frontage block has a higher parapet and projects slightly from the remaining front elevation. The proposed raised parapet gives this end of the frontage block an increased architectural presence, however, the extent of projection is slight and it is considered that in the presence of this frontage elevation that the projection should be more enhanced (i.e. a greater depth of projection). Ideally, there should also be a vertical break in the return elevation to the Football Club in order to emphasise the ‘corner’ of this part of the development.
- Whilst the top of the ‘tower’ to the former cinema matches the height of the parapet to the frontage building it must be remembered that the perception of this building, and the adjacent row, is the eaves line to the pitched roofs. Such a height, notwithstanding the pitched roof heights, gives a lower street presence to these buildings. The proposed new development has an elevational height up to the top of its parapet level which is significantly in excess of the adjacent, existing development. The impact of this will be a perception of scale and an abrupt transition. It is considered that this could, possibly, be mitigated to some degree by the architectural treatment of the retail unit to the ground floor whereby a stone plinth is introduced (to align with the base of the windows) and stone fascia’s and a horizontal string-course introduced over the retail unit windows. The retail unit window heads could also be segmental to add an architectural accent to the ground floor. The effect of this would be an architectural plinth & shop frontage giving precedence to the active ground floor frontage (with accommodation over).
- The use of ashlar stonework to the frontage building will need careful design and architectural consideration. A standard smooth faced ashlar would not be deemed appropriate in this location & context. The ashlar blocks are likely to require tooling (of an appropriate type, form and detail) and it may be that the block bed heights (& stone lengths) are also considered in relation to the ‘unit size’ perception that they will convey. The proposed use of a complimentary buff brick for the rear range is considered appropriate subject to a suitable brick type, colour & texture being identified for this specific context and aspect.
- The rear range is exceptionally long, however, this is broken up, to some degree, by the pierced parapet and part of it projecting forward. However, it is considered that the forward projection, as proposed, is very slight and in its slightness will not break up the linearity of the rear block to a sufficient degree to provide distinct architectural expression and shadowing. It is considered that the projecting section should break forward further to achieve its reason for inclusion. It is possible, also, that the parapet over this projection could also be raised slightly to announce its presence on the south-east elevation.
- It will be assumed that the structural window/door openings will be deeply recessed and suitably detailed. Such deep recessing will give depth to the facades and assist in a breaking-up of the elevational planes. The lintels or heads to these openings will need careful consideration in their proposed architectural expression and presence as part of the elevational facades.

Subject to the consideration of the above, and exemplary building materials and constructional details etc., it is considered that a 'contemporary' architectural development on this particular site and context would be acceptable.

Whilst the proposed development is not within the Matlock Conservation Area, the park opposite is within the Conservation Area. The 1990 Act places a general duty on local planning authorities that when exercising their planning function *in* Conservation Areas special attention should be paid to the desirability of preserving or enhancing the character and appearance of that Area. Whilst these desirabilities relate specifically to development *within* a Conservation Area the local planning authority also has a duty to consider the potential impact(s) of development that may harm the setting of a Conservation Area. It is considered that in the many and varied views and vistas of this existing area of development within the town, from within Hall Leys Park (being within the Conservation Area), that an exemplary piece of contemporary architecture would not be deemed harmful to its setting. This would be assisted by the sense of separation from the park (by the wide highway and footways etc.) and the established planting to the edges of the park and areas of Causeway Lane and on the basis of the comments made above.

5.10 Urban Design Resource/Officer (DCC):

I do think architecturally this is a much improved scheme than the previous application, although I think in terms of overall scale and massing it still reads the same, if not more prominent than the previous scheme, due to the flat roof and overall height appearing closer to the Causeway frontage and Southern boundary.

I agree with keeping No 30 Causeway and the driveway in the same location and see the benefit of undercroft parking up against the boundary with the football pitch. The landscaped internal courtyard will really be dominated by cars and be quite shady so I do not particularly see this as a good amenity space for residents. The location of the cycle bays could perhaps be relocated to the now redundant driveway and access to Steep Turnpike, and perhaps part of this driveway could be used for planting boxes, otherwise it may become a dumping ground.

The active shopping frontage is welcome and I agree with pulling the majority of the façade back in line with the rest of the shopping parade. The external ramp and steps would be better designed to work with the architecture as I think they will look like an add on to the frontage. Perhaps more work needs to be done to see how they can be integrated. An internal integrated undercover seating area would also be welcome without changing the building line. The private space in front of the building would benefit from paving with stone paving flags to distinguish it from the pedestrian footway.

I am not sure about the bin collection point being on the street and maybe would be better relocated inside the driveway, where it will not be visible in the street.

The modular and grid like style of the building looks repetitious. This works well on smaller buildings and where there is more variety in window styles with small but interesting variations, but on this size of building there is a danger of the building becoming more blocky and monotonous so that it looks more commercial than residential. The gaps for the stairwell and recesses are not wide enough to give the articulation required.

Reference is made to the apartment block adjacent to the Olde Englishe Building on the opposite side of the park, however, this building works well because it is more contextual relating well in scale and proportion to the adjacent building and set lower down the street, which prevents the 4 storeys from being over dominant. It also has an integrated covered sitting area on steps at the front, discrete cantilevered balconies within an inverted corner

and oriel windows in the side street that are a nod to the traditional building opposite. This level of refinement and attention to context works well for this building.

Whilst I am not against this current application, I think more could be done to articulate the building to break down the massing. It still looks to me to be very long and dominant on the southern boundary and overall the mass will appear large.

Materials are fine, but the brick part will be very long and may need to be broken with another section of stone cladding. London stock bricks can look yellow so you may need to look carefully at the sample up against the Birchover stone, before approving.

It would have been good for Matlock to have had a new style of architecture as a contemporary response to this part of the town centre to uplift and change the character of the area rather than draw on other recent buildings.

5.11 Head of Housing (DDDC):

I note that the application does not provide for any affordable housing on site. The scheme has a viability appraisal which suggests that developer profit is only viable at 20%.

Some of the valuations for the flats look quite low when considering the value of new build private flats. I would suggest that some affordable homes could be delivered on this site and that whilst a 30% contribution may not be possible, an independent viability appraisal should be undertaken to assess the potential for a lower contribution that still yields a reasonable developer profit.

5.12 Clinical Commissioning Group (Derby and Derbyshire):

Seek a financial contribution of £24,576 be invested in enhancing capacity/infrastructure with existing local practices at Lime Grove Medical Centre and Imperial Road Surgery.

5.13 Development Control Archaeologist (Derbyshire County Council):

No comments on this application, however, advised the following in respect of application code ref. 18/00922/FUL:

The site is not in a zone of early settlement, and has no associated entries on Derbyshire HER that would suggest enhanced archaeological potential. They conclude site is fully developed with buildings and hardstandings and although there would be potential for truncated survival where only hardstanding is present they do not feel that archaeological investigation of this type is justified under the policies at NPPF chapter 16, given the low potential generally.

5.14 Sports / Community Development Manager (DDDC):

The tennis courts in Hall Leys Park are in desperate need of resurfacing and a contribution from this development towards these costs would make a big difference. The development is directly across from Hall Leys Park and residents would benefit from the use of the tennis courts, improving their physical and mental wellbeing.

The tennis courts are available for all to use from small children and families through to older people, resurfacing this area would increase the number of people who are physically active in Matlock.

5.15 Derbyshire Wildlife Trust:

Original comments:

We have reviewed the Bat Report produced by RammSanderson October 2020. We consider that the report has been undertaken to an acceptable standard and provides the LPA with a reasonable level of confidence that bats will not be impacted by the proposed development. No further surveys are considered necessary at this time.

We recommend that the development is implemented in accordance with the mitigation recommendations set out in section 6.1 of the Bat Report with respect to a precautionary approach being adopted and the timing of works.

Biodiversity enhancements should be provided in line with the recommendations within section 7 of the Bat Report.

Lighting should follow the guidance provided in the Bat Report in section 6.1.4.

Comments on the amended scheme:

We have no further comments and refer you to our earlier response.

5.16 Force Designing Out Crime Officer:

Whilst there are no objections in principle to residential development of this site, community safety, crime and disorder issues are not considered within the application, therefore approval of the scheme as proposed will require a number of matters to be further considered and resolved if it is to be seen as acceptable from our perspective.

All of these matters I expect could be addressed by way of additional detail or condition, and none should constrain the development.

Should there be amendments to the layout and access elements of the application we would wish to be re-consulted.

There would be no reason to re-consult over cosmetic changes provided that the matters below are completed.

Access and the control of semi-private space

The majority of apartments are accessed from two communal entrances, which presents challenges over the securing of internal non-public space. Within this space are mail boxes, cycle storage, under-croft parking and all secondary communal doors leading to extensive shared corridors. Consequently the apartment block complex will need to be provided with a door entry and access control system to serve practical entrance for occupants of the 46 apartments affected, allow entrance for mail delivery to the communal mail boxes, and to allow vetting and subsequent access for visitors.

Communal entrances are without exception the most challenging security aspect of apartment development, so I would commend the advice contained within the relevant section of the current NPCC Secured by Design scheme (2019) on the appropriate specification for high occupancy communal entrances to the applicants. I expect that this aspect of the scheme could be addressed by way of condition. For clarity this would include the two main access points, pedestrian and vehicular gated access to the under-croft area, the single gated access point adjacent to Matlock Town Football Ground and secondary internal entrance doors for compartmentalisation.

Enclosure.

Current enclosure of the site is more suited to commercial occupation, but it's apparent that much of the boundary walls are to be retained for the proposed scheme, presumably with anti-climb toppings removed and a more suitable finish provided. There would be two internal walls which currently form enclosure for the courtyard of 27-29 Causeway Lane removed by demolition of the MOT building, next to proposed parking spaces 1-6. There will need to be a secure boundary maintained for this area. There are no plans I can see showing the exact detail for retained/new structures for external development boundaries. I expect that this could be resolved by amended plans or condition.

Cycle parking

The cycle parking area would be contained within a secured area for residents only, provided that the advice within access control is followed. This area has no form of supervision, so if not secured would not be seen as suitable for communal cycle storage. The racks themselves should be a Sheffield type full length hoop to allow the securing of both frame and wheel, with anti-tamper fixings into a solid core surface of no less than 300mm in depth.

Under-croft parking.

As this area is not within view, and no formal supervision proposed, it would only be seen as acceptable from a community safety perspective if the recommendations regarding the control of access are followed.

External lighting.

It's noted that all external lighting for the development is proposed to be powered from roof PV panels. The finished lighting scheme should be set out on approved plans, or required by way of condition, to include type, position and levels.

Mail delivery.

The suggested position of mail boxes would only be seen as acceptable if recommendations for the control of access are followed. We do not encourage trade release provision, so access for bulk mail providers will require resolution by the appointed management company. To allow for the secure retention of mail up to A4 size we would advise that, for this scale of development, letter boxes certified to the Door and Hardware Federation technical specification TS009 are used.

5.17 Environmental Health (DDDC):

Environmental Health do not have any objections in principle.

The applicant has submitted a comprehensive Geo-Environmental Assessment, by Delta-Simons Environmental Consultants Limited, which highlights current contaminated land issues and suggests that other contamination is potentially on site.

The report contains satisfactory suggestions and recommendations for remediating the current contamination detected on site and advises on further actions to be taken should further contamination be found during further site investigations.

I would recommend that the applicant follow the recommendations stated in the Conclusions and Recommendations, found in Part 10.2 of the Report, to ensure all areas of contaminated land is fully remediated and thus safe for human health and habitation.

5.18 Cllr Flitter:

Initial Comments:

Although I accept the site is ready for redevelopment I consider that the design and scale are out of keeping with a Victorian Town shopping area.

This style of development will have a detrimental effect on the award winning Hall Leys park and the Matlock Bridge conservation area.

I feel it will also detract from the Victorian small market town atmosphere and any development should follow the examples of the M & S building and compliment an extension of what Matlock has to offer residents, local business and visitors alike.

I request, that if officers are minded to approve, members are given the chance to discuss at committee.

Comments on the Amended Scheme:

I am happy that the developers have taken into their considerations on flooding issues but extremely disappointed that although noting the reference to Matlock Town Council they have not taken our main objections on board.

We are a Victorian Town that is rapidly losing its heritage by outside influences preferring what in my opinion is nothing short of concrete Lego type buildings, to depict that this design reflects the Ritz building is unbelievable.

I am not against the development but do think that a rethink of the frontage design is not unreasonable.

5.19 Cllr Hughes:

Initial Comments:

Overall, I feel that this is a good scheme that I support. I get the impression that the developer has worked with the DDDC Planning team to develop a plan that works well and is in keeping with its central Matlock location.

For me, the positive points are:

1. The overall use of a very constrained site.
2. The revised frontage, which I believe is a positive contribution to Causeway Lane, picking up as it does on the design concept of another (award winning) modern building in Matlock and providing a massing that balances the Maazi restaurant building at the other end of the terrace. I do not believe that a pitched roof would improve the massing.
3. The environmental design features including waste heat recovery, use of solar panels to provide some of the electricity used on site, and EV charge points.
4. A covered bicycle store. I understand from discussions with individuals who may form the target market for such apartments, a convenient bicycle store is an important buying criterion for some.

My concerns are the following:

1. Whether there are sufficient parking spaces.
2. Whether there is a market for additional retail space. In this respect, I suggest that the space could be used as office space instead.

Others have commented on flood risk and sustainability, and I expect that requirements in these areas will be specified should the application succeed.

Comments on the amended scheme:

While I indicated that I personally was reasonably happy with the proposed development, I am disappointed that Matlock Town Council's comments have not been fully taken into account by the developer. May I ask that you ask the applicant to consider those comments and respond to them in a further revision to the design? Matlock Town Council is representative of the people of Matlock and its views should therefore be considered to be of importance. I believe that the town council's view of the frontage is consistent with that of the Conservation Officer and also of Matlock Civic Association.

4. REPRESENTATIONS RECEIVED:

- 6.1 Representations have been received from 2 local residents, one in support and one objecting to the proposed development.

In objecting to the proposed development the following comments are made:

As the owners of 8 Steep Turnpike we feel that there is insufficient parking planned and believe there should be at least one space per apartment. Parking is already difficult in this part of town. Our second concern is the height of the development. We think that the structure will be too imposing and would prefer it to be one floor lower. Finally we would like to request the retention of the trees bordering number 6 Steep Turnpike.

In support of the application the occupants of Harley House to the north of the site comment as follows:

My wife and myself reside at Harley House to the rear of the site and together with my son own the Ritz complex and the former C Farmer Ltd stores, now Derbyshire Mobility & Domino's on Causeway Lane.

I am encouraged that the developer is to retain the former Service Reception at 31 Causeway Lane (in contrast to the plans of Churchills!) thus maintaining the integrity of the building frontage of 27, 29 & 31 Causeway Lane.

The retention of the former showroom frontage with the former offices used as apartments is also a good proposal.

With regards to the apartments the outlook towards Riber provide the occupants with a pleasant view without overlooking any neighbours.

The demolition of the former workshop and ugly brick spares department originally constructed as a single brick Electric Transformer shed allows adequate parking and turnround area together with scope for a green area. I would ask that the applicant provide a mature tree screening to mitigate the view from Harley House at the left hand side of the site.

The developer has chosen to use facing which will blend in with the surroundings and provide an excellent and welcome development of this redundant site.

As such I offer the development my full support as proposed.

The following comments have also been received from Matlock Civic Association and Matlock Town Football Club:

Matlock Civic Association:

Original Comments:

We welcome being consulted by the applicants on the redevelopment of this important site on one of the main approaches to Matlock Town Centre. However now the application has been formally submitted we have to make a formal response to DDDC. As the consultation period has only just started there is an opportunity for the promised discussion offered by Caroline McIntyre (acting for the applicant). This might generate amendments to the scheme and we may need to modify our representations. Meanwhile our comments on the proposals as set out in the Design and Access Statement are below.

1. There is a far more acceptable palette of materials than in the previous (refused) scheme.
2. We also appreciate the retention of the full run of 4 shops on the Causeway Lane frontage - also in line with our comments on the previous scheme.
3. We have major concerns in respect of the architectural style and scale of development along the Causeway Lane frontage. This is one of the main points we hope the applicants can be persuaded to amend. The frontage block onto Causeway Lane would be much better as a pitched roof. The Artists Impression shows existing Causeway Lane buildings all have pitched roofs, with the exception of the relatively slim square corner tower at the "Maazi" Building. The 4-storey development proposed along a substantial section of road frontage is a full 2 floors higher than the eaves level of the adjacent retained building with the 4 shops. Consequently, even though the proposed building is set back behind the building line, the proposed flat-roofed mass of development will be very obtrusive and out of character in the street scene. The impression at 3.5(02) of the Design and Access Statement shows this even though the new element is at the far end of the view.
4. The proposed South East corner with a flat roofed cube sticking out into Causeway Lane and lower than the two main arms of the proposed development is very unsatisfactory. It should be a statement building like other prominent corners in Matlock (Ritz, Costa Coffee, Monk Bar etc) with a more interesting top section/roof. Our suggestion on the previous application is not really acted on, and the verified view at 3.5 (03) shows that the opportunity to create a statement at the south east corner in line with this distinctive element in the character of Matlock Town Centre is being missed.
5. We suggest a reduction in overall volume, so as to create two floors below eaves level at the Causeway Lane frontage with rooms in the roof space and more traditional dormers. This would make the scale compatible with the rest of Causeway Lane. The opportunity would then arise to create the statement building at the SE corner in the form of a slim 3 storey tower, which would better reflect the Maazi building further along Causeway Lane - maybe with rooms in a pyramid roof.
6. We do not necessarily seek a faithful copy of all the elements of local traditional building styles. There is still scope for a modern, but sympathetic blend of stone detailing at window surrounds and quoins for example. However the extensive use of flat roofs and zinc sheeting as proposed is much too far from local building styles. If our suggested approach is applied to the Causeway Lane frontage, the whole scheme would also be better unified if the same style applied to the long terrace facing the football ground and there would also be scope to create a range of eaves and ridge heights down this very long frontage to the Football pitch.
7. We note that the design proposed is similar to the Olde Englishe apartments and has some similarity to the new Cawdor apartment blocks too. We are concerned that such a form of development should not become the future norm for development in Matlock on every major site - since it is at odds with the styles which have given Matlock its attractive form and character. Neither of these recent schemes are comparable with the

Causeway Lane site. The Olde Englishe scheme is set well back from the main road and is of a similar height and scale to the adjacent Olde Englishe Hotel building. The Cawdor development is some distance from any existing development and can be seen as a free-standing scheme.

8. The prominence of this development in the views from Hall Leys Park (which is an integral part of the Matlock Bridge Conservation Area) reinforces our view that the proposals are too large and of an inappropriate design - and therefore do not comply with Conservation Area policy.
9. It is considered that the overdevelopment proposed, leading to only 75% parking provision, is not acceptable, even for the retired and elderly (for reasons explained in our comments on the previous application). Amending the scheme as we suggest should lead to fewer apartments and close to 100% parking provision. We doubt the scheme needs as many as 20 dedicated cycling spaces and the covered cycling store proposed could be repurposed as ground floor storage - which could accommodate bikes but could be used for other purposes too.

Comments on the amended scheme:

We are very disappointed that most of our points have not been adopted in the revised proposals. Therefore our objections remain and they are so serious that we conclude that the application should be refused. The size and details of the scheme are still inappropriate to the site.

We note that parking provision has been improved and retail floorspace replaces flats on the Causeway Lane but these do not significantly solve the major issues we identified earlier. To summarise:

1. **Out of Scale in its setting.** The 4-storey development proposed along a substantial section of the Causeway Lane road frontage is still proposed to be two full floors higher than the eaves level of the adjacent retained building with the four shops. A tall, cuboid, flat-roofed style will be obtrusive when viewed in conjunction with the adjoining pitched roof development along the frontage along Causeway Lane. It is simply out of character. We confirm our view that the overall scale should be reduced with the height of the development lowered to 3 floors. The Causeway Lane building line should be continuous with the retained pitched roof buildings.
2. **Inappropriate Style.** We maintain our serious concerns in respect of the architectural style of development along the Causeway Lane frontage. The cuboid, flat-roofed style is totally at odds with the predominantly pitched roof development which is a major contributor to Matlock's very important sense of place. Pitched roofs should be used.
3. **Inappropriate Materials.** The predominance of welsh slate pitched roofs (page 10 of the Matlock Bridge Conservation Appraisal) emphasises the importance of not allowing such a large and incongruous proposal at such an important location facing onto Hall Leys Park. The zinc cladding proposed is inappropriate. We have previously emphasised the importance of local gritstone on the main facades and toning beige brick on the less significant frontages. We think this has been accepted but the materials palette on the revised drawings shows 12 as a material but the key does not explain what material 12 is – this should be checked.
4. **Non-compliance with Local Plan Policy.** The proposal is clearly contrary to Local Plan policy PD1, since the proposal fails to respond positively to the character, history and identity of the town in respect of scale, height, appearance, materials and relationship to existing buildings. The application should be refused for this reason alone.

5. **Inappropriate Comparison and Worrying Precedent.** The flat roofed addition to the former Olde Englishe Hotel is not a sound precedent for this development. It is smaller, it is subsidiary to the main former hotel building and the flat-roofed elements are far less prominent than will be the case with this proposal. If this proposal is allowed it will make it very difficult for the Council to resist similarly designed flat roofed untraditional building in the future and the distinctive character of the town will gradually be eroded.

Conclusion. The government's proposed changes to the NPPF emphasise design issues and compliance with local character - with refusals justified when proposals are inappropriate to their setting. This clearly applies in this case. A refusal is clearly justifiable and would be easily defended if there was an appeal.

Matlock Town Football Club:

We are pleased to say that last week a meeting was held at Causeway Lane with Marc Freeman (Director - Clowes Developments) and Dave Roe (Project Manager) with a set of the plans being made available. With the proposed development being quite different to the previous one the main issues which we raised were as follows:

1. The proposed levels of the development may have the potential to direct surface water towards the football ground and pitch and it is essential that an adequate sustainable drainage system to prevent this is installed.
2. To comply with the current Football Ground Grading requirements the common boundary wall has to be of sound construction such as concrete blocks or brick with a minimum height measured from outside the ground of 1.83 metres. To reduce the number of footballs going into the developed area a strong mesh netting of 2 – 3 metres height would also be required on the boundary walls.
3. The Council are aware of Matlock Town Football Club's long-standing wish to develop a 'four-sided' ground in order fit with League expectations for a club at Matlock's level. We are continuing to explore how and where this might be possible along with improving existing facilities at Causeway Lane. We hope to install a such as; 3G pitch to provide training facilities for our 1st, Ladies, Under 21's, 22 Junior teams and many other local teams in the Derbyshire Dales area and this would ensure that our ground would be able to operate up to 7 days a week with floodlights required to be used in the evenings.
4. Our Community room on the ground provides a service to many organisations with Derbyshire Dales including the Bridge Club, USA, Singing in the Rain, DCC, DDDC, Trade Unions, Blood Donors, Charities and many others.
5. The Community room also has many social functions particularly at weekend for children and adult parties, wedding receptions, music groups, presentation nights as well as Christmas and New Year celebrations along with Christmas lunch for pensioners
6. Items 3, 4 and 5 indicate some of the activities which take place on Causeway Lane and of which potential residents coming into the town should be made aware of by the developer.

We are pleased to say that Clowes Developments were fully understanding and supportive of the above matters and will include the relevant items into the Tenant Acknowledgement documentation.

Matlock Town FC fully support the proposed new development which we believe will be a very good asset to the town.

OFFICER APPRAISAL

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of this section of the Act comprises the Adopted Derbyshire Dales Local Plan (2017).
- 7.2 Having regard to the relevant policies of the development plan, national planning guidance, consultation responses received and comments from the public, Matlock Town Football Club and Matlock Civic Association, the main issues to assess are:
- The acceptability of a housing led mixed use development on the site and the proposed housing mix
 - Loss of employment and impact on the vitality and viability of the town centre
 - The appropriateness of the layout, scale and design of the building and the impact on the setting of Matlock Bridge Conservation Area
 - Highway issues
 - Impact on neighbouring land uses, including the residential amenity of the occupants of nearby dwellings
 - Flooding and drainage
 - Measures to mitigate the effects of and adapt to climate change
 - Ecology, and
 - The viability of the development and impact local infrastructure provision and developer contributions

This application follows the refusal of an application for the demolition of the existing buildings at the site and the erection of 48 retirement living apartments with associated access, communal facilities, car parking and landscaping at the site for a number of fundamental planning and technical reasons. This earlier application is referred to in the consultation comments received and the representations made by the public and will be referred to where pertinent to the assessment of this application.

The acceptability of a housing led mixed use development on the site and the proposed housing mix

- 7.3 The most recent Annual Monitoring Report for the period 1st April 2019 to 31st March 2020 advises that whilst it is anticipated that the Objectively Assessed Housing Need identified in the adopted Derbyshire Dales Local Plan of 5680 dwellings will be met by 2033, in the shorter term, as at 1st April 2020, the District Council does not have five years supply worth of housing, providing only 4.61 years' worth of supply of land for housing. There is a requirement under Paragraph 11 d) in the National Planning Policy Framework (2021) to approve development proposals that accord with an up-to-date development plan without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the Framework that protect areas or the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.4 Whilst there is a presumption in favour of the development as directed by national guidance, the application site lies within the defined settlement framework boundary for Matlock, a main market town in the development plan which is the main focus for new housing and employment development. The policies in the development plan, insofar as they relate to the main issues for assessment and site constraints therefore remain the primary basis for assessment of the scheme where they align with national guidance.

- 7.5 Matlock is a market town defined in Policy S2 in the Adopted Derbyshire Dales Local Plan (2017). These are the most sustainable locations across the local plan area and are seen as the primary focus for growth and development. The market towns are envisaged as providing significant levels of housing and employment opportunities, together with supporting community facilities and infrastructure. The site is situated within the defined settlement development boundary for Matlock where Policy S3 indicates that planning permission will be granted for new development subject to satisfying criteria relating to scale, design, amenity, access, parking and environmental impact. Policy S7 sets out a development strategy for Matlock, Wirksworth and Darley Dale which seeks to promote the sustainable growth of Matlock, whilst at the same time promoting and maintaining its distinct identity. This includes providing for the housing needs of the community by planning for sustainable housing and mixed use developments, maintaining, and where possible, enhancing the vitality and viability of the town centre and providing an increasing range of employment opportunities in addition to safeguarding existing employment sites for industrial and business use, unless specifically allocated for an alternative use. Policy HC1 sets out that developments will be supported that effectively reuse land including redevelopments. The proposed housing led mixed use development of this brownfield site, located within the settlement framework boundary of Matlock, which maintains an active shopping frontage to Causeway Lane would meet the above objectives and is considered to be an acceptable form of development in principle.
- 7.6 Policy HC1 sets out that developments will be supported that effectively reuse land including redevelopments. Policy HC11 seeks to meet local needs for housing in terms of housing mix, size and tenure. This policy also seeks to ensure that new residential development meets the needs of the future population of Derbyshire Dales by seeking to deliver essentially smaller sized dwellings. The scheme comprises 64% 1 bed apartments and 36% 2 bed apartments. However the development proposes that all of the apartments are to be provided on the open market.
- 7.7 Although the development would not meet the housing mix prescribed in Policy HC11, the development would help offset the delivery of housing across the plan area which has been skewed towards larger residential units. The site will provide opportunities for the young and elderly to access accommodation in a town centre location, close to existing services and facilities. The lack of affordable housing is, however, a disbenefit of the development. The applicant has presented a viability argument to demonstrate that with the level of affordable housing required to satisfy Policy HC4 of the Adopted Derbyshire Dales Local Plan, the scheme would not be viable. This argument is considered under the 'viability of the development and impact local infrastructure provision and developer contributions' heading of this report.
- 7.8 Notwithstanding the previous uses of the site, the applicant has submitted a comprehensive Geo-Environmental Assessment by Delta-Simons which highlights current contaminated land issues and suggests that other contamination is potentially on site. The suggestions and recommendations for remediating the current contamination detected on site and advice on further actions has been assessed by the District Council's Environmental Health Team and deemed to be acceptable. The recommendations will need to be controlled by condition to ensure that any contamination is appropriately dealt with to satisfy the requirements of Policy PD9.

Loss of employment and impact on the vitality and viability of the town centre

- 7.9 Policy EC3 deals with existing employment land and premises and advises that proposals involving the redevelopment or change of use of existing business or industrial land or premises (falling within use classes B1, B2 or B8) to non-employment use will only be permitted where the continuation of the land or premises in industrial or business use is constrained to the extent that it is no longer suitable or commercially viable for industrial or

business use as demonstrated by marketing evidence commensurate with the size and scale of the development and the proposed use is compatible with neighbouring uses. Although the previous use of the site contained A1, B1 and B2 components (the A1 and B1 use classes now consumed in the E 'Commercial' use class following the amendments to the Use Classes Order in September 2020), the Local Planning Authority has previously accepted that site, as whole, falls within a unique, sui generis use. Notwithstanding that the site has been vacant and in a dilapidated state for some time, the provisions of Policy EC3 are not therefore considered to apply in relation to the employment opportunities the site provides.

7.10 Notwithstanding the above, to ensure the sustainable growth of Matlock policy S7 seeks, through development, to increase the range of employment opportunities in addition to safeguarding existing employment sites and maintaining, and where possible, enhancing the vitality and viability of town centres. Policy S7 seeks to promote the sustainable growth of Matlock whilst at the same time promoting and maintaining its distinct identity. This includes supporting the vitality and viability of the town centre, and providing for the range of housing needs and mixed use developments required in the town. Policy EC6 deals specifically with town and local centres. The policy advises that the maintenance, and where possible enhancement of the vitality and viability of the town centres will be achieved by enhancing consumer choice in town centres, permitting appropriate retail, leisure and other commercial development of a scale and type appropriate to the role and function, providing a good range of shopping, food and drink uses, services, offices, entertainment, leisure and cultural facilities and requiring active ground floor frontages are maintained and created within town centres amongst other criteria. These provisions align with guidance contained within chapter 7 of the National Planning Policy Framework (2021) 'ensuring the vitality of town centres'. Whereas application code ref. 18/00922/FUL sought to demolish all existing buildings on site, including the end terrace of a row a historic commercial properties and replace them with a flatted development of retirement apartments, this application seeks to retain the end terrace property and to introduce 345 sq. m of E 'commercial' class floorspace across the Causeway Lane frontage at ground floor level to continue the active frontage across the site. Although no. 30 Causeway Lane is included in the application site area, it is the only building to be retained. It will be refurbished to provide retail (again falling within the E 'commercial' use class) accommodation on the ground floor and residential accommodation over will be maintained. Although the overall amount of employment floorspace will reduce, the retention and provision of new commercial floorspace will provide new employment opportunities and will maintain the vitality and viability of the town centre by introducing compatible and complementary town centre uses up to the edge of the town centre and main shopping area. The proposed development will therefore broadly satisfy the provisions of Policy EC6.

The appropriateness of the layout, scale and design of the building and the impact on the setting of Matlock Bridge Conservation Area

7.11 An important consideration in respect of this application is the appropriateness of the layout, scale and design of the new buildings, given the prominent position of the site at the entry to the town. In refusing planning application code ref. 18/00922/FUL the Local members considered that the building proposed was, by reason of its height, mass, design and materials wholly out of scale and disrespectful to the character and identity of this prominent and important part of the town centre and would be detrimental to the local sense of place and harmful to the setting of Matlock Bridge Conservation Area.

7.12 Policy PD1 of the Adopted Derbyshire Local Plan 2017 deals with design and place making and requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and contribute positively to an area's character, history and identity in terms of scale, height, density, appearance and materials. This requirement is echoed in policy S3 at criteria a) which requires new development to be

of an appropriate 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. Criteria d) of policy S3 also permits development that retains any existing buildings that make a positive contribution to the character and appearance of the settlement.

- 7.13 The recent amendments to the National Planning Policy Framework have placed a greater emphasis on 'beauty' in development.
- 7.14 As can be seen from the consultation responses, a number of comments have been made in relation to the appropriateness of the design and scale of the proposed building blocks. The proposed development has sought to maximise the outlook over Hall Leys Park to the west and Riber Castle to the south, retain 30 Causeway Lane, reinforce the active frontage along Causeway Lane by proposing a commercial frontage at ground floor level, step the building away from Harley House to reduce overlooking issues, raise the building to reduce flood risk and facilitate an integrated Sustainable Urban Drainage System, retain the vehicular access off Causeway lane but set the building back to improve visibility splays, position the buildings on the perimeter of the site to maximise the central landscape area and to take reference from the streetscape along Causeway Lane and the adjacency of the site to the Matlock Bridge Conservation Area.
- 7.15 This application proposes to retain no. 30 Causeway Lane. The remaining buildings on site, including the 1960 car showroom building are of little architectural and historic merit / interest. Redevelopment of the site offers up the opportunity to enhance the appearance of this part of the town. The proposed development is 'contemporary' in its architectural design concept and detailing. As stated by the Councils Design and Conservation Area, this area of development between Steep Turnpike and the Football Club is marked by the former cinema at the north-west corner where it was designed to have a 'tower' as a focal point to the corner and to this particular building. There is then an access gap and then the scale changes to the row of three shop units (with accommodation above). Another access gap separates the row from the 1960s showroom/office building to be demolished. The proposed frontage building to the new development, whilst being larger in scale, form & mass to the former cinema will, in its scale present an 'end stop' building in this built location, mirroring something of the former cinema, before the flat and relatively open aspect and presence of the Football Club. The building in its scale and siting would appear as a 'gateway' / focal building in views from the approach to Matlock town centre from the east.
- 7.16 The applicant has prepared a series of 3D images of the proposed development and streetscape drawings, which show the scale of the building relative to adjacent development. The height of the Causeway Lane building block up to the top of the second floor parapet will line through with the ridge height of the adjacent terrace of commercial properties and will sit slightly above the eaves level of the building beyond. A slightly higher element which will sit proud of the main principal elevation, which runs flush with the adjacent terrace to provide a focal corner element to the building and an end stop to existing built development. Whilst the building will be of a height and scale that will be more visible in views, it is not considered that it will appear out of scale with its surroundings, having regard to the wider streetscape. The fourth storey will be deeply recessed and clad in vertical standing seam metal sheets. This helps to reduce the perceived height of the building and allow the fourth storey to be absorbed within the roofscape. The amended scheme has introduced openings in the side elevation of the Causeway Lane building block, adjacent the vehicular access into the main body of the site and across the rear block, facing towards Matlock Town Football Club a section of the building has been further accentuated and the parapet modified to help break up the mass of the building.

- 7.17 Concerns have been raised by local ward members, Matlock Town Council and Matlock Civic Association relating to the architectural style adopted and the scale and massing of the building fronting Causeway Lane. It is considered that the building should be reduced in height, a traditional roof pitch and dormer windows introduced and consideration given to a slim 3 storey tower at the south eastern corner, which would better reflect the Maazi building further along. The proposed development is of a contemporary design. This is considered to be an appropriate architectural ethos for this site. The adoption of traditional design detailing and forms would, it is considered, confuse this contemporary design concept and result in the dilution of the architecture. Similarities have been drawn between this development the award winning Parkside apartments development, adjacent to the Olde Englishe Hotel. Although the facade concept is based upon a simple rectilinear grid, the layout, scale, design detailing and materials differ. The Parkside development is constructed in gritstone, with deeply recessed windows, some of which have a vertical emphasis and blind panels (not as deeply recessed). The penthouse level and projecting corner windows are externally clad in copper and a large open section is created at the principal corner, at ground floor level to provide access and walkway through to the commercial floorspace. The building form is also slightly kinked and the active frontage is narrow and tall. The building also incorporates recessed and projecting balconies. The building blocks proposed as part of this application, have a more regular, modular pattern to window openings and randomness to the blind panels, in terms of their location. It is also a much larger building in footprint terms and will differ in terms of the palette of building materials used. The use of flat roofs is a contemporary detailing that is common across many of the more recently constructed buildings across the town. The changes in the design detailing, comprises a variation on this theme and contemporary building form. This is not too dissimilar to Victorian architecture which repeated building forms and utilised a wide spectrum of detailing in building design and a variety of overlapping styles. The architecture of the building blocks is considered to be of its time and consistent with / a variation of other contemporary buildings in the town.
- 7.18 Subject to conditions to secure exemplary building materials and constructional details, it is considered that the 'contemporary' architectural development proposed on this particular site would be acceptable and would respond positively to the character, identity and history of this part of the town and would not appear out of scale having regard to town centre location of the site and the wider streetscape. The measures to design out crime suggested by the Force Designing Out Crime Officer can be incorporated into the scheme. Such measures, where achievable, can be controlled by planning condition.
- 7.19 The site is situated opposite the Matlock Bridge Conservation Area. As such Policy PD2 applies. This policy seeks to ensure new development does not have an adverse impact on the conservation area or its setting. The 1990 Act places a general duty on local planning authorities that when exercising their planning function in Conservation Areas special attention should be paid to the desirability of preserving or enhancing the character and appearance of that Area. Whilst these desirabilities relate specifically to development *within* a Conservation Area the local planning authority also has a duty to consider the potential impact(s) of development that may harm the setting of a Conservation Area. In this regard the District Councils Design and Conservation Officer has advised that in the many and varied views and vistas of this existing area of development within the town, from within Hall Leys Park (being within the Conservation Area), that the scale of the building and the contemporary architecture adopted, subject to the use of exemplary materials and careful consideration of the design details would not be deemed harmful to its setting. This is assisted by the separation from the park (by the wide highway and footways) and the established planting to the edges of the park and areas of Causeway Lane.

Highway issues

- 7.20 Criteria f) of Policy S3 of the Adopted Derbyshire Dales Local Plan 2017 requires development within defined settlement boundaries to have a layout, access and parking provision appropriate to the proposed use, site and its surroundings. Policy HC19 advises that the District Council will seek to ensure that development can be safely accessed in a sustainable manner by requiring that all new development is located where the highway network can satisfactorily accommodate traffic generated by the development, approving developments unless the residual cumulative impacts on the transport network are severe and ensuring development does not lead to an increase in on-street parking to the detriment of the safe and efficient operation of the highway network amongst other considerations. Policy HC21 advises that parking for new development should be provided having regard to adopted standards, as set out in Appendix 2, or where the developer can adequately justify their own parking provision with evidence accompanying any planning application.
- 7.21 The public have highlighted the additional demand the development will place on parking in the area. The level of parking to be provided will amount to one space per each new residential apartment. This level of provision is considered to be acceptable based on the town centre location, good public transport availability and on-street parking restraint.
- 7.22 Sufficient space within the site to accommodate turning for home delivery type vehicles has been demonstrated. A bin collection area has been provided adjacent to the highway for temporary storage on collection days.
- 7.23 The access onto Steep Turnpike is to be closed and the main access onto Causeway Lane utilised to serve the development, which is considered to be acceptable from a highway safety perspective. By setting the building back, emerging visibility is improved. Conditions to secure closure of the Steep Turnpike access, the provision of parking spaces and maintenance of appropriate visibility splays onto Causeway Lane are recommended by the Local Highway Authority. With such conditions the development would accommodate a layout, access and parking provision appropriate to the proposed use and development of the site to satisfy the requirements of Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on neighbouring land uses, including the residential amenity of the occupants of existing dwellings

- 7.24 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.25 The siting of the retirement living apartments, the subject of application code ref. 18/00922/FUL in close proximity to Harley House to the north, the position of windows and the height and mass of this building was considered to result in significant overlooking and overbearing effects when appreciated from this property to the detriment of the residential amenity of its occupants. To prevent any overlooking into the garden and terrace to Harley House (No.9 Steep Turnpike) the building has been set back and reduced in scale adjacent to the boundary and the internal apartment layouts have been designed to avoid the placement of any windows within the end gable closest to the site boundary. The siting of the rear building block that is now being proposed, its height and the position of windows relative to Harley House is such that it would not result in any unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effects. The developer has reached agreement with the owners of this property regarding an acceptable boundary treatment and the occupants of this property have made representations in support of the application.

- 7.26 There is an extant permission to convert the two storey outshot to the rear of 27-29 Causeway Lane under application code ref. 13/00762/FUL. Windows which will serve these apartments will face a significant number of windows in the west facing elevation of the rear building block. Whilst this raises concerns with regard to loss of privacy between future occupants of the apartments, it is not considered that the impacts would be so significant in residential amenity terms so as to warrant refusal of the application on such grounds based on the distances involved.
- 7.27 The rear building block sits close to the eastern boundary with Matlock Football Club. The Football Club are supportive of the development on the basis that the applicant will include clauses in the Tenant Acknowledgement documentation that they will not object / prejudice the operation and development of the football club and mitigate any tenants/owners complaining about noise and floodlighting. The football club has also emphasised the need for a 2-3m high meshing required on a robust boundary wall. Such provision (or suitable alternative provision should be in place prior to first occupation of the apartments. This will need to be a condition of any permission.

Flooding and drainage

- 7.28 The site is located within Flood Zones 2 and 3 and is therefore more vulnerable to a flooding event. Policy PD8 of the Adopted Derbyshire Dales Local Plan states that the District Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere, where this is viable and compatible with other policies aimed at achieving a sustainable pattern of development. It advises that the management of flood risk will be achieved by only permitting development within areas at risk from flooding as defined by the Environment Agency if a sequential test as set out in the 'National Planning Practice Guidance' to the NPPF and in accordance with the updated 'Derbyshire Dales Strategic Flood Risk Assessment' demonstrates that this is the only site where the development can be located. Being located on a brownfield site and in a main market town / tier 1 settlement, where housing development is envisaged to meet the Councils objectively assessed housing needs it is considered that redevelopment of the would pass the sequential test in which case an exception test is required to demonstrate that the proposed development can be accommodated with an acceptable degree of safety.
- 7.29 The application is accompanied by a Flood Risk Assessment and Drainage Strategy by Deltasimons which indicates that the site would be protected from flooding and would not worsen flooding on the site or elsewhere. The strategy advises that the main potential source of flooding to the site is fluvial flooding derived from the River Derwent and that the identified flood risk will be mitigated by ensuring residential units are located on the first floor and above. Commercial units will incorporate flood resistance measures up to 0.6m above ground level, and resilience measures alongside a water entry strategy for flood events above 0.6 m above ground level. It is also recommended that commercial finished floor levels be set 150 mm above ground levels Based on overall building coverage it is advised that the development will not remove flood storage space from the floodplain. As such, the development will not increase flood risk elsewhere.
- 7.30 Notwithstanding the above the Environment Agency have issued a holding objection on the basis that the breach model used is lacking information. The applicant has since engaged with the Environment Agency through its 'pre-application' advice service and presented them with updated modelling information to address their concerns. The applicant has advised that the results of the updated modelling work, which includes the results from a specialist boat based survey along the river, is positive and the change in flood levels is only circa 4mm. The residential floorspace is significantly above this so the principles agreed with the Environment Agency in respect of the scheme should be met. It is anticipated that the Environment Agency will confirm withdrawal of their holding objection and recommend conditions ahead of the planning committee meeting. Should this confirmation not be received it is recommended that, should members be minded to approve the application,

authority is delegated to the Development Manager to approve the application on the basis that Environmental Agency's holding objection is withdrawn and any suggested conditions are imposed.

7.31 Policy PD8 also requires that new developments shall incorporate appropriate Sustainable Drainage Measures (SuDs) in accordance with National Standards for Sustainable Drainage Systems. It goes on to state that new development in areas with known ground and surface water flooding issues should seek to provide betterment in flood storage and to remove obstructions to flood flow routes where appropriate. The Flood Risk Assessment and Drainage Strategy by Deltasimons advises with regard to drainage that an attenuation storage will be required on site in order to restrict surface water discharge to 5 l/s. The strategy advises that attenuation can be provided within a below ground attenuation tank and within the sub-grade material of the external permeable surfaced car park. The LLFA have raised no objections to this in principle, and recommend conditions to ensure the delivery and verification of an acceptable surface water drainage scheme to serve the development.

Measures to mitigate the effects of and adapt to climate change

7.32 Policy PD7 of the Adopted Derbyshire Dales Local Plan deals with climate changes and advises that 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. It is advised that this will be achieved by various measures. The development proposes a SUDs scheme to attenuate surface water (the final design to be agreed by condition) arising from the site and which allows for climate change allowances to prevent flooding. The development has also been designed to be resilient to a flooding event.

7.33 Policy PD7 also advises that the design and layout of the proposals should seek to minimise impacts upon climate change. PD7 seeks to address the move to a low carbon future, by requiring new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions, by using layout, building orientation, tree planting, massing and landscaping to reduce likely energy consumption. The District Council has recently published and adopted a Climate Change Supplementary Planning Document, which seeks to provide guidance to developers on how to mitigate for Climate Change. In this instance it encourages new residential developments to achieve as a minimum the equivalent of Code for Sustainable Homes level 4 – a 19% improvement on the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the Building Regulations.

7.34 The application proposes to redevelop a brownfield site in a sustainable location in terms of access to services and facilities and job opportunities, thereby reducing the reliance on a private motor vehicle. In addition, each apartment will have mechanical ventilation heat recovery (MVHR) System, low energy light fittings and a low flush WC. The applicant is also proposing a roof mounted array of Photo Voltaic (PV) Panels which will provide power to all the communal external and internal areas and car charging points within the parking areas. It is considered that with such measures the development would make a satisfactory contribution towards meeting the requirements of the Climate Change SPD and Policy PD7. A condition is recommended to secure the measures set out in the design and access statement (specified above) and any other measures, should members be minded to approve the application.

Ecology

7.35 Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) deals with biodiversity and the natural environment. It states that the District Council will seek to protect, manage, and

where possible enhance the biodiversity and geological resources of the Plan Area and its surroundings by ensuring that development proposals will not result in harm to biodiversity or geodiversity interests and by taking full account of the following hierarchy of protected sites.

- 7.36 The site is currently developed and there is no soft landscaping / vegetation of benefit to wildlife and biodiversity. The application is accompanied by a bat report by RammSanderson (October 2020), which includes a bat building assessment. This concludes that the four buildings on site have limited potential to accommodate bats. Of the buildings that did provide some opportunity for bats, no bats were observed emerging from either of the buildings, with extremely limited bat activity recorded throughout the two surveys carried out. Solitary bat activity was observed, consistent with the site being used as a commuting and foraging resource only.
- 7.37 No evidence of nesting birds utilising the buildings were observed during the survey work undertaken.
- 7.38 A series of recommendations relating to the development to mitigate the effects of the development on and to enhance the potential of the site to accommodate bats are recommended. Derbyshire Wildlife Trust has raised no objections and advised that the development is carried out in accordance with the mitigation and enhancement recommendations.
- 7.39 The application proposes to introduce soft landscaped areas within a central courtyard area. The introduction of planting and wildlife enhancement measures will lead to biodiversity enhancement, thereby satisfying the requirements of Policy PD3.

The viability of the development and impact local infrastructure provision and developer contributions

- 7.40 Policy S10 deals with Local Infrastructure Provision and states that the District Council will work with partners to ensure that infrastructure will be in place at the right time to meet the needs of the District and to support the development strategy. Policy HC4 requires that 30% of the dwellings created on site comprise affordable dwellings. In exceptional circumstances, this can be offset with a financial contribution to off-site provision. In addition to a financial contribution towards affordable housing modest contributions towards sports facilities and health care provision would also be required to make the development acceptable in planning terms.
- 7.41 The Developer Contributions SPD sets out that where a development would produce extra demand on local health care provision beyond the capacity of existing provision, developer contributions may be sought to meet the needs arising. Further advice should be sought from the NHS Derby & Derbyshire Clinical Commissioning Group with regard to S106 contributions required to facilitate improvements to health provision within the Matlock area.
- 7.42 The Developer Contributions SPD also sets out that full fibre broadband connectivity with speeds up to 1000mbps should be sought within new housing development sites, also known as Fibre to the Premises (FTTP). The SPD sets out that as a minimum the District Council requires all new development to provide the necessary ducting within a site to facilitate FTTP. This would need to be secured by condition.
- 7.43 Where the proposed provision of affordable housing and developer contributions is below the requirements set out above, the District Council require applicants to provide evidence by way of a financial appraisal to justify a reduced provision. The application is accompanied by a viability appraisal by Savills, which indicates that the scheme is unable to provide any affordable housing or S106 contributions, contrary to the Council's policy requirements. The applicant has, however, made an offer of £65,000 towards planning obligations following

independent assessment of the appraisal by a viability expert appointed by the District Council.

7.44 The offer of £65,000 is based on construction costs, abnormal costs totalling £420,911 (which are considered to be legitimate / reasonable), gross development values for a development of the scale and nature proposed and an agreed level of developer profit. The Council's independent viability expert advises in their assessment that they consider there to be a general lack of new build apartment stock available within the town and therefore it is conceivable that there would be good levels of demand for the subject scheme (even allowing for the current market uncertainty). In light of this, and given the RICS's mandatory requirement for sensitivity testing, they have run the following scenarios to reflect the fact that a lack of direct competition in the town may push values up.

- Scenario 1 accepts the Savills sales values (plus £70,000 for the additional parking)
- Scenario 2: sales value 2.5% higher than the Scenario 1 figures.

7.45 Scenario 1 identifies a developer pot of £55,000 would be achievable. Scenario 2, demonstrates that a contribution of £195,111 is achievable. Whilst the level of developer contributions that can be viably made is not policy compliant and weighs against the development, the offer of £65,000 is considered to constitute acceptable provision based on the amount of development proposed. It would be prudent to have a clause in any legal agreement to review the development values achieved post construction and sale of the apartments / retail units to recover any additional monies available (up to the levels required by policy) above developer profits towards the infrastructure needs identified, namely £24,576 towards health care and £132,535 towards secondary school places and an off-site affordable housing contribution based on the formula contained in the Developer Contributions SPD up to 30% of the total number of apartments to be provided.

7.46 Given the priority of the District Council to deliver affordable housing, it is considered appropriate to earmark the developer pot identified in scenario 1 for affordable housing and for any additional monies secured to be spent on affordable housing up to the level required by policy HC4 and the Developer Contributions SPD and then contributions towards education and health.

Summary

7.47 Whilst the District Council is unable to demonstrate a five year supply of housing land and the presumption in favour of the development is engaged, the site is sustainably located within the centre of Matlock, a main market town in the Adopted Derbyshire Dales Local Plan (2017) where the principle of housing led mixed use development is supported. The development would maintain an active frontage along Causeway Lane, retain some employment, deliver 1 and 2 bedroomed apartments in a sustainable location, make use of a previously developed / brownfield site and proposes a contemporary development, that subject to careful consideration of materials and design detailing would respect the existing scale of development in the locality and have a positive impact on its surroundings. The development would be compatible with neighbouring land uses, lead to biodiversity enhancement, be flood resilient (subject to confirmation from the Environment Agency, following review of the corrected flood model) and incorporate measures within the apartments and communal areas to mitigate the effects of and adapt to climate change. The above and compliance with development plan policies which cover these matters weigh heavily in favour of the development. The access arrangements and parking provision are considered to be acceptable, having regard to the amount of development and uses proposed. Although the applicant has demonstrated that the amount of affordable housing and other developer contributions required by policy cannot be viably made, a developer pot of £65,000 towards affordable housing would be secured, with the potential for this to increase (up to policy requirement) following a review the sales figures / gross development value and construction costs post development. On the basis that the development would

make full and effective use of the site, the under provision of affordable housing and developer contributions is not considered to significantly and demonstrably outweigh the benefits identified above in this case, having regard to the justification provided by the applicant and verification by an independent viability expert on what is achievable. A recommendation of approval is put forward on this basis.

8.0 RECOMMENDATION

That authority be delegated to the Development Manager / Principal Planning Officer to approve the development subject to the holding objection from the Environment Agency being withdrawn and the applicant entering into a s106 agreement to secure £65,000 towards affordable housing and any additional developer contributions (up to policy requirements) following a review the sales figures / gross development value and construction costs post development, any conditions recommended by the Environment Agency and 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 approved plans and documents:

- MAT-PA-PL-S-001-Site Location Plan – REV A
- MAT-PA-PL-S-002-Exitsing Site Plan – REV A
- MAT-PA-PL-30-003-Exitsing 30 Causeway Lane Floor Plan – REV A
- MAT-PA-PL-30-004-Exitsing 30 Causeway Lane Elevations – REV A
- MAT-PA-PL-S-007-Proposed Site Plan – REV H
- MAT-PA-PL-30-008-Proposed 30 Causeway Lane Floor Plan – REV A
- MAT-PA-PL-30-009-Proposed 30 Causeway Lane Elevations – REV A
- MAT-PA-PL-AB-010-Proposed Ground Floor Plan – REV D
- MAT-PA-PL-AB-011-Proposed First Floor Plan – REV C
- MAT-PA-PL-AB-012-Proposed Second Floor Plan – REV C
- MAT-PA-PL-AB-013-Proposed Third Floor Plan – REV C
- MAT-PA-PL-AB-014-Proposed Roof Plan – REV C
- MAT-PA-PL-AB-015-Proposed Elevations – Sheet 01 – REV C
- MAT-PA-PL-AB-016-Proposed Elevations – Sheet 02 – REV C
- MAT-PA-PL-AB-017-Proposed Elevations – Sheet 03 – REV C
- MAT-PA-PL-S-018-Proposed Site Elevations – REV D
- MAT-PA-PL-AB-019-Proposed GA Sections – Sheet 01 – REV B
- MAT-PA-PL-AB-019b-Proposed GA Sections – Sheet 02 – REV B
- MAT-PA-PL-S-020-Proposed Site Sections – REV B
- MAT-PA-PL-AB-021-Material Precedents – Sheet 01 – REV A
- MAT-PA-PL-AB-022-Material Precedents – Sheet 02 – REV A
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- DAS – Peak Architects
- DAS Addendum – Peak Architects
- Transport Statement - SLR
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- Planning Statement – Spring Planning
- Flood Modelling Report – Waterco (2021)
- Flood Risk Assessment – Waterco (superseded by the Delta Simons FRA report)
- Flood Risk Assessment – Revised July 2021 – Delta Simons
- Drainage strategy – CDS (included in FRA July 2021)

received by the Local Planning Authority on the 17th and 22nd December 2020, 17th February, 22nd and 25th March 2021 and 23rd July 2021.

Reason:

To define the permission and for the avoidance of doubt.

3. 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 goods 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 interests of highway safety in accordance with the aims of Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

4. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason:

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

5. Notwithstanding the submitted details, access to the site shall take the form of a standard splayed dropped crossing (as existing) and before first occupation, the existing access to Causeway Lane shall be modified in accordance with revised application drawings, laid out, constructed and provided with 2.4m x 43m visibility splays in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason:

To ensure the provision of and maintenance of appropriate visibility splays in the interests of highway safety in accordance with the aims of Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

6. Before any other operations are commenced the existing vehicular and pedestrian access to Steep Turnpike shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway with full height kerbs in a manner to be agreed in writing with the Local Planning Authority.

Reason:

To ensure the closure of a substandard access prior to any development taking place in the interests of highway safety in accordance with the aims of Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

7. The residential apartments, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of 47 residents and visitors vehicles, the manoeuvring of service and delivery vehicles and 20 secure cycle parking spaces, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason:

To ensure an appropriate level of parking to serve the development in accordance with the aims of Policy HC21 of the Adopted Derbyshire Dales Local Plan (2017).

8. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

Reason:

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

9. No part of the development shall be occupied until the bin storage area for the temporary placing of bins on collection day has been provided in accordance with the application drawings and retained for the designated purposes at all times thereafter.

Reason:

To ensure appropriate provision for refuse collection in the interests of highway safety in accordance with the aims of Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

10. Before any works commence on the superstructure of the new apartment and commercial buildings hereby approved, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- The stonework cladding to the Causeway Lane fronting building, including the stone source/origin, surface tooling and drawings depicting the proposed laying pattern (in terms of potential varying bed heights and stone lengths)
- Details of the standing seam metal sheets / roof cladding material
- Details of the buff brick – brick type / manufacturer and name and bond
- Full dimensional details of windows and doors including reveals, which should show as deep a reveal as possible and any heads and cills
- Details of the blank panels, in terms of depth of reveal and laying pattern of stone / bricks to be used
- Details of any plinths to the buildings and coping stones to parapets, and
- Details of all vents, grilles, pipes, flues and rainwater goods on the external elevations of the building.

The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development in accordance with the aims of Policies S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To ensure a satisfactory external appearance of the development in accordance with the aims of Policies S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

12. Concurrently with the submission of a sample of the walling materials, a 2 square metre sample panel of those materials and type of pointing (mortar mix and method of application) to be used shall be erected on site for inspection 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 assist in the selection of appropriate materials in the interests of preserving visual amenity in accordance with the aims of Policies S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

13. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order revoking or re-enacting the above Orders with or without modifications, the ground floor of the building fronting Causeway Lane and no. 30 Causeway Lane shall be used for commercial (Use Class E) purposes only.

Reason:

To ensure the retention of employment use and maintenance of an active shopping frontage in accordance with the aims of Policies S3, S7 and EC6 of the Adopted Derbyshire Dales Local Plan (2017).

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

- a. Flood Risk Assessment and Drainage Strategy by Delta-Simons Environmental Consultants Limited, April 2021 Project Number 20-0062.06 Issue 2 and "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team"

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

The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage

systems are provided to the Local Planning Authority, in advance of full planning consent being granted in accordance with the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

15. No development, excluding site demolition and remediation shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.

Reason:

To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- I into the ground (infiltration);
- II to a surface water body;
- III to a surface water sewer, highway drain, or another drainage system;
- IV to a combined sewer.

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

Reason:

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

17. The proposed surface water attenuation should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and to agreed specifications, and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed attenuation does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future in accordance with the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

18. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management

company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason:

To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753 in accordance with the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

19. Before any works commence on the superstructure of the new apartment and commercial buildings hereby approved a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- a) indications of all existing trees, hedgerows and other vegetation on the land;
- b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- c) measures for the protection of retained vegetation during the course of development;
- d) soil preparation, cultivation and improvement;
- e) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- f) grass seed mixes and sowing rates;
- g) finished site levels and contours;
- h) means of enclosure;
- i) car park layouts;
- j) other vehicle and pedestrian access and circulation areas;
- k) hard surfacing materials;
- l) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- m) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- n) retained historic landscape features and proposed restoration, where relevant.

Reason:

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

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

Reason:

To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with Policies S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

21. Prior to first occupation of the apartments or use of the commercial floorspace hereby approved the legal and funding mechanism for the management and maintenance of all communal areas and landscaping / public open space (including biodiversity enhancement measures and the approved surface water attenuation feature(s)) shall be submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be managed and maintained out in accordance with the approved details.

Reason:

To ensure the appropriate management and maintenance of all landscaped / public areas, biodiversity enhancement measures and surface water attenuation features in accordance with Policies S3, PD1, PD5 and PD8 of the Adopted Derbyshire Dales Local Plan (2017).

22. Before any works commence on the superstructure of the new apartment and commercial buildings hereby approved details of the measures to mitigate the effects of and adapt to climate change, to include the measures set out in the Design and Access Statement and a timetable for delivery shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be delivered in accordance with the approved timetable.

Reason:

To deliver measures to mitigate the effects of and adapt to climate change in accordance with the aims of Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the Climate Change Supplementary Planning Document (2021).

23. The development shall be carried out in strict accordance with the mitigation recommendations set out in section 6.1 of the Bat Report by RammSanderson dated October 2020 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard wildlife and/or to secure biodiversity enhancement in accordance with the aims of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

24. An external lighting strategy, which follows the guidance provided in the Bat Report in section 6.1.4. by RammSanderson dated October 2020 shall be submitted to and approved in writing by the Local Planning Authority prior to any external lighting being installed. The external lighting shall thereafter be carried out in accordance with the approved details and maintained in perpetuity in accordance with the approved details unless written consent is given to any variation by the Local Planning Authority.

Reason:

To safeguard wildlife and/or to secure biodiversity enhancement in accordance with the aims of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

25. Before any works commence on the superstructure of the new apartment and commercial buildings hereby approved a timetable for the delivery of the biodiversity enhancements set out in section 7 of the Bat Report by RammSanderson dated October 2020 shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be carried out in accordance with the approved timetable.

Reason:

To safeguard wildlife and/or to secure biodiversity enhancement in accordance with the aims of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

26. The development shall be carried out in strict accordance with the conclusions and recommendations of the Geo-Environmental Assessment by Delta-Simons Environmental Consultants Limited set out at Part 10.2 unless otherwise agreed in writing by the Local Planning Authority. No work shall begin on the superstructure of the new apartment and commercial buildings until confirmation has been received from the applicant that these recommendations have been complied with in full.

Reason:

To ensure all contaminated land is fully remediated and thus safe for human health and habitation in accordance with the aims of Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

27. Full fibre broadband connectivity with speeds up to 1000mbps should be provided to the apartments hereby approved (to include the necessary ducting within a site to facilitate 'Fibre to the Premises' as a minimum), unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To comply with the requirements of the Developer Contributions Supplementary Planning Document (2020).

28. Before any works commence on the superstructure of the new apartment and commercial buildings hereby approved details of the boundary treatment of the site with Matlock Town Football Club (having regard to the representations received and the suggestion of a 1.83m high wall of sound construction and strong mesh netting 2-3m in height) shall be submitted to and approved in writing by the Local Planning Authority. The boundary shall thereafter be provided in accordance with the approved details prior to occupation of the apartments.

Reason:

To ensure no adverse effects on neighbouring land uses and the amenity of the occupants of the apartments in accordance with the aims of Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

29. Before any works commence on the superstructure of the new apartment and commercial buildings details of the measures to design out crime having regard to the consultation comments received from the Force Designing Out Crime Officer shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To prevent the opportunities for crime in accordance with the aims of Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

30. Notwithstanding the provisions of the Control of Advertisement Regulations or the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no external alterations to the new apartments and commercial buildings hereby approved or signage shall be displayed without the prior written consent of the Local Planning Authority on an application submitted to it.

Reason:

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

NOTES TO APPLICANT:

1. The Local Planning Authority prior to the submission 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 detailing, silhouette and siting of the building blocks.
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 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 any modification to the existing access within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website <https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx>, E-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
4. Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority via email – highways.hub@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.
5. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
6. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
7. Construction works are likely to require temporary Traffic Management and advice regarding procedures should be sought from Mr J Adams, Traffic Management, 01629 538628. All road closure and temporary traffic signal applications will have to be submitted

via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp

8. The Lead Local Flood Authority advise the following in relation to the discharge of conditions 14 – 18:

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

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

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

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

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

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

G. The applicant should provide a flood evacuation plan which outlines:

- The flood warning procedure
- A safe point of extraction
- How users can safely evacuate the site upon receipt of a flood warning
- The areas of responsibility for those participating in the plan
- The procedures for implementing the plan
- How users will be made aware of flood risk
- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan

H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

I. Surface water drainage plans should include the following:

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

J. On Site Surface Water Management: ₆₃

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

Peak Flow Control

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

Volume Control

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

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

Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.

Guidance on flood pathways can be found in BS EN 752.

The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

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

- Ground percolation tests to BRE 365.

- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.
- Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

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

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

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

10. This Decision Notice relates to the following documents:

- MAT-PA-PL-S-001-Site Location Plan – REV A
- MAT-PA-PL-S-002-Exitsing Site Plan – REV A
- MAT-PA-PL-30-003-Exitsing 30 Causeway Lane Floor Plan – REV A
- MAT-PA-PL-30-004-Exitsing 30 Causeway Lane Elevations – REV A
- MAT-PA-PL-S-007-Proposed Site Plan – REV H
- MAT-PA-PL-30-008-Proposed 30 Causeway Lane Floor Plan – REV A
- MAT-PA-PL-30-009-Proposed 30 Causeway Lane Elevations – REV A
- MAT-PA-PL-AB-010-Proposed Ground Floor Plan – REV D
- MAT-PA-PL-AB-011-Proposed First Floor Plan – REV C
- MAT-PA-PL-AB-012-Proposed Second Floor Plan – REV C
- MAT-PA-PL-AB-013-Proposed Third Floor Plan – REV C
- MAT-PA-PL-AB-014-Proposed Roof Plan – REV C
- MAT-PA-PL-AB-015-Proposed Elevations – Sheet 01 – REV C
- MAT-PA-PL-AB-016-Proposed Elevations – Sheet 02 – REV C
- MAT-PA-PL-AB-017-Proposed Elevations – Sheet 03 – REV C
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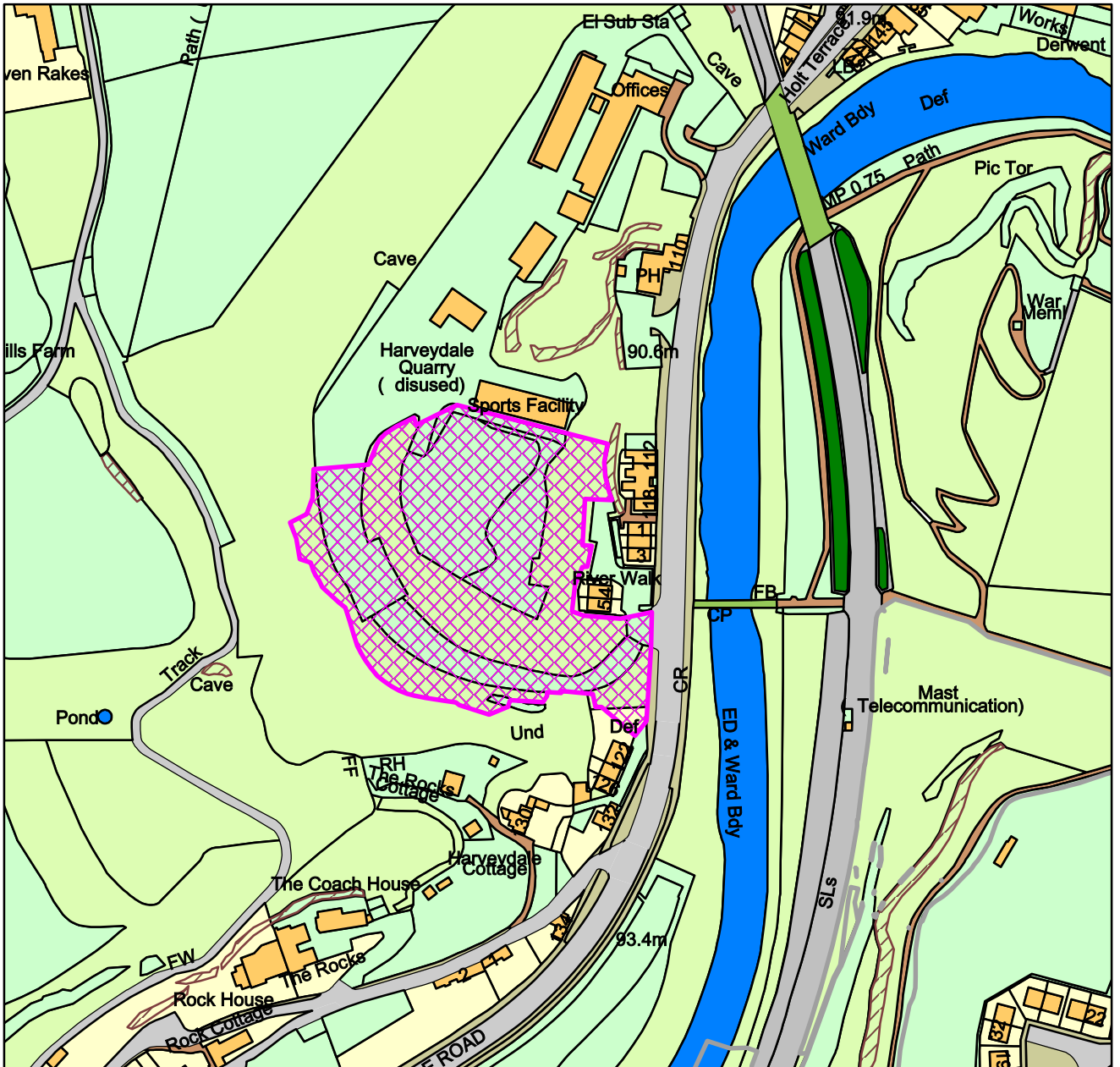
APPLICATION NUMBER		20/01129/REM	
SITE ADDRESS:		Former Harveydale Quarry, Dale Road, Matlock	
DESCRIPTION OF DEVELOPMENT		Reserved matters application for approval of the appearance, landscaping, layout and scale of a residential development of 17no. dwelling houses (outline planning consent reference 17/00934/OUT)	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Ernest V Waddington Ltd
TOWN	Matlock	AGENT	JVH Town Planning Consultants Ltd
WARD MEMBERS	Cllr. S Burfoot Cllr. M Burfoot Cllr. S. Wain	DETERMINATION TARGET	12 th August 2021
REASON FOR DETERMINATION BY COMMITTEE	Major Application	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the proposed development in its context

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Introduction - Background • Layout • Scale • Appearance • Housing Mix • Landscaping • Amenity • Highway matters • Play space

RECOMMENDATION
Approval

20/01129/REM

Former Harveydale Quarry, Dale Road, Matlock



Derbyshire Dales DC

1:2,500

Date: 29/07/2021

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 a former quarry on the southern side of Matlock on the western side of Dale Road with access directly off the A6. Views into the quarry are effectively screened by the landform and existing trees in views from the west and by existing development and trees in views from all other directions.
- 1.2 Part of the quarry is already developed with offices leased to Derbyshire County Council and a new residential development fronting the A6. The area proposed for development is the southern part of the quarry immediately to the west and above the new housing development described above and measures some 1.1ha in area.
- 1.3 The quarry is included on the Historic Environment Record for the limestone quarry and a lime kiln. It is designated as a Regionally Important Geological/ Geomorphological Site as a quarry exposure of Cawdor limestone and the presence of brachiopods and crinoids. There is a Site of Special Scientific Interest designated at Masson Hill a little way to the south west.
- 1.4 The eastern margins of the site are included in the Matlock Dale Conservation Area and the site is within the Settlement Boundary of Matlock.







2. DETAILS OF THE APPLICATION

2.1 Approval is sought for the following reserved matters further to the granting of outline planning permission 17/00934/OUT:

- Layout
- Scale
- Appearance
- Landscaping

Means of access was approved with the outline planning permission, albeit the access road layout and parking require further consideration with the detailed layout.

2.2 The applicant has submitted a scheme for development which has been amended during the consideration of the application further to discussions with Officers. The proposals include the following:

- eleven, 4 bedroomed dwellinghouses – Plots 1, 2, 3, 4, 5, 6, 7, 14, 15, 16 and 17
- four, 3 Bedroomed dwellinghouses – Plots 8, 9, 12 and 12a
- two, 2 bedroomed dwellinghouses – Plots 10 and 11.

It is proposed that the elevations of each building will largely consist of coursed natural stone on the frontages, with some of the side elevations, and that render facings will be largely used on the rear elevations, and some of the sides, in the case of Plots 1-4, just stonework. The roofs are proposed to be tiled.

- 2.3 It is proposed to provide a children’s play area on the site. This is proposed to consist of the following pieces of equipment:
- shelter and seating;
 - balance bars;
 - over and under frame;
 - monkey bars;
 - floating steps;
 - crawling tubes;
 - three spring toys;
 - balance swing; and
 - spring balance.

It is proposed that the play area would be enclosed with walls and arch topped fencing for safety reasons.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1 Sustainable Development Principles
 - S2 Settlement Hierarchy
 - S3 Development within Defined Settlement Boundaries
 - S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
 - S10 Local Infrastructure Provision and Developer Contributions
 - PD1 Design and Place Making
 - PD2 Protecting the Historic Environment
 - PD5 Landscape Character
 - PD6 Trees, Hedgerows and Woodlands
 - PD7 Climate Change
 - HC1 Location of Housing Development
 - HC4 Affordable Housing Provision
 - HC11 Housing Mix and Type
 - HC14 Open Space, Sports and Recreation Facilities
 - HC19 Accessibility and Transport
 - HC20 Managing Travel Demand
 - HC21 Car Parking Standards
- 3.2 Matlock Dale Conservation Area Appraisal
 Old Matlock Conservation Area Appraisal
 Matlock Bridge Conservation Area Appraisal
- 3.3 Derbyshire Dales District Council Climate Change Supplementary Planning Document (January 2021)
- 3.4 National Planning Policy Framework
- 3.5 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- 17/00934/OUT Residential development of up to 17 dwellings with access (outline) - Granted
- 15/00305/OUT Residential Development of up to 20 Dwellings (outline) – Granted.
- 14/00148/OUT 14 dwellings and associated access (outline) – Refused for reasons of the development being too low in density, with no provision of affordable housing, and lack of details regarding the securing of the quarry face and to protect its RIGS designation.

5. CONSULTATION RESPONSES

Town Council

- 5.1 - no comments

Environment Agency

- 5.2 - no objection to the application for the approval of reserved matters
- have reviewed the submitted documents and there is no impact on previously requested conditions in relation groundwater and contaminated land.

Local Highway Authority (Derbyshire County Council)

- 5.3 - awaiting comments.

Derby and Derbyshire CCG

- 5.4 - no comment as current policy is to make a case for funds in relation to developments of 30 dwellings or more.

Director of Housing (Derbyshire Dales District Council)

- 5.5 - note there is no affordable housing contribution and so no comments to make.

Environmental Health (Derbyshire Dales District Council)

- 5.6 - no objections
- in terms of landscaping it would be appropriate to ensure that any Japanese knotweed found during development is appropriately eradicated.

Historic England

- 5.7 - on the basis of the information available to date, do not wish to offer any comments
- suggest that seek the views of specialist conservation and archaeological advisers, as relevant.

Design and Conservation Officer (Derbyshire Dales District Council)

- 5.8 - the layout – relating to the primary issue of plots 4,5,6 & 7 – is much better and follows a more logical and assimilated building form/layout
- in looking at the proposed elevations (fronts), a little concerned about the projecting rendered sections looking too architecturally independent (almost as ‘stick-on’ elements)
- consider there needs to be an architectural ‘link’ from the walling of the front elevations to the rendered sections
- it could be that the upper part of the front elevations are all rendered (above a projecting string-course), or, perhaps that a projecting string-course is placed on the front elevation

(above ground floor window/door height), that runs horizontally across the front walling and across the projecting rendered section

- the boundary treatment to the eastern end of Plot 1 needs especial consideration as the entry point to the site - a dry stone wall (varying in height but in places could be 2m) would be the best solution to form a strong and permanent edge to the important part of the development.

Arboriculture and Landscape Officer (Derbyshire Dales District Council)

- 5.9
- suggest incorporation of 4x Ginkgo biloba trees be reconsidered - while they would make for an interesting and unusual planting scheme I feel they may not be appropriate as the fruits, nuts and seed of this tree have a strong, unpleasant smell and are toxic
 - Ginkgo trees also have a preference for acidic soil which would be unlikely to be present in this former limestone quarry location -recommend these trees are replaced with the same number of mixed, large growing, appropriate native tree species - suggest 2x Scots pine, an apple and a pear might be interesting, attractive and appropriate in this location
 - to provide visual diversity of boundary treatment, suggest that the play area be enclosed with a 1m tall dry stone wall constructed from limestone rubble rather than fence or hedge
 - proposed fences alongside parts of the gardens of plot 1 and plot 5 which will be prominent upon entering the development might also be better as limestone rubble dry stone walls
 - seasonal interest could be enhanced through mixed bulb planting in the verge alongside the access road
 - a number of birch trees could be planted in this verge to soften the appearance of the quarry wall and gabion baskets
 - the attenuation feature could be a more organic form, rather than its proposed rectangular shape, and an alder tree could be planted atop its bank furthest from the road
 - suggest a yew tree be included in the planting scheme.

Derbyshire Wildlife Trust

- 5.10
- have reviewed the landscape plan and have no further comments on the application at this stage.

6 REPRESENTATIONS RECEIVED

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

- doesn't make clear the affordable housing contribution
- have been well-established areas of Japanese Knotweed in the quarry, rooted into rough quarry waste that may have not been dealt with and fear will prove very difficult to eradicate given the nature of the site
- exit for vehicles onto the A6 has a limited view to the South - suspect that hedge trimming will only help a little here
- currently the exit is used by the vehicles belonging to 9 houses - the addition of vehicles of a further 17 houses, together with associated deliveries, will considerably increase the risk of an accident at this point
- reduction of the speed limit to 30 might help here
- no provision to assist safe pedestrian road-crossing, especially worrying where children are concerned

- can the area immediately below the cliff-face be permanently guaranteed to be 100% child and adolescent secure?
- does the plan include protection for the belt of trees behind 112 – 118 Dale Road and 1 – 5 River Walk? - this belt of trees is situated on rocky ground which will be difficult to develop, and its preservation would enhance the privacy of any development and preserve the rural aspect of the area as seen from the A6 and also provides a useful wildlife habitat
- although appreciate that housing is much needed, because of the permanent dangers of this site it would probably be much more suited to small business development if the access issues can be solved
- quarry has been re developed where old quarry houses were made habitable and new houses within the front of the quarry were built - the aggravation that brought myself and the other residents was unimaginable
- had noise levels that were beyond distracting, vehicles belonging to the contractors blocking our entrance and exits, again and again
- the dirt that we had to tolerate was just disgusting.
- the amount of housing developments that have appeared over the last few years is making Matlock into a town that does not represent what Matlock stands for - it is over commercialised, the country feel that once was there is slowly being scrapped away due to councillors allowing this level of development.
- concern for these 17 new dwellings is the extra traffic it will bring
- the buildings are being built within the quarry - how will the quarry be made safe?
- will the actual quarry walls have to be drilled - can you imagine the noise and the damage from the vibration to the surrounding buildings
- do not need any more houses, especially not on Dale Road
- understand that we need to move forward with the times but this is yet again another money making effort from a builder that does not care about the area
- the upset it will cause, and the damage to the surrounding area and homes that are directly backing onto the quarry, will be unimaginable
- the company that wishes to develop the area are from out of the area, so clearly just money making, no care for residents or the area
- noise pollution, complaints, police notifications about illegal parking, pollution, dirt - this is what we all have to look forward to
- this development is not required and not needed.

6.2 Matlock Civic Association

- consider the general approach to the development of this site to be acceptable
- believe that there is a good blend between the contemporary design and the predominant use of natural stone which can relate well to the immediate and wider surroundings
- the consistent theme of front projections including prominent glazing, together with more modest use of white plain render adds interest to the scheme
- consider that relatively minor, but important, changes can be made to enhance the scheme further without prejudicing the overall contemporary style. It is appreciated that the following may include points which you are already taking up with the applicants' agent:
 - the positions of mullions and transoms on many windows on the majority of front elevations create a relatively discordant appearance - this could be resolved by placing them between midpoints of the window surround so that they cross in the centre of the window (this comment does not apply to where windows light the rooms behind front projecting gables but applies to the windows in the front elevations of 6 and 7, for example, except the upper windows lighting the rooms in the second floor roofspace, the design for which is both exciting and well-balanced)
 - the free standing flat roof garage for plot 4 is in a prominent location and would benefit from a pyramid roof

- have less concern about the more hidden garage for plots 9 and 10
- noted that there are no details for quoins and window surrounds, for example, on the drawings, or in the Planning Statement - assume that this will be dealt with by conditions and further reserved matters approval
- there is an annotation at the foot of the quarry face relating to “catch, trench and fence” - hope this will also be controlled to avoid a long length of prominent fencing which might spoil an otherwise good scheme
- the contents of the proposed materials in the gabion wall needs to be controlled
- some form of safeguarding around the Local Area of Play (LAP) is essential and should be stone walls or black painted metal railings in such a prominent location
- manufacturers safety areas shown as dotted lines around each piece of proposed play equipment are overlapping, and we request that this is also considered before the final design is adopted by the Council
- hope the rectangular plan form for the proposed surface water attenuation feature near the access off Dale Road is diagrammatic, and that the engineering works and landscaping reflect the close proximity to public views from Dale Road and the proposed access road
- the proposed scheme has the makings of a valuable brownfield housing scheme which will enhance the overall appearance of the area but it could be improved significantly without undue additional time and expenditure
- would be grateful if Officers could support the points above and take them up with the applicants’ agent.

7 OFFICER APPRAISAL

Introduction - Background

7.1 Outline planning permission (17/00934/FUL) has been granted for the development of up to 17 dwellings on the site. As part of that application, the applicant submitted a viability appraisal which outlined the constraints associated with development of the site. This was been appraised by the District Valuer’s Office (DVO) which confirmed that the viability of the proposals could not support a 30% on-site affordable provision. Based on the reasonable provision of a 20% profit margin in the development of the site, it was advised by the DVO that one affordable dwellinghouse could be provided on-site, or a financial contribution towards off-site provision amounting to £57,000. It was considered reasonable to take a financial contribution in this instance as a Housing Association would be unlikely to wish to take a single property on the site under its management. As such, the financial contribution was included in the Section 106 Agreement.

7.2 Matters of site access, flood risk, drainage, site contamination, land stability, ecology and archaeology have been addressed with the outline planning permission and are subject to conditions, as appropriate, and do not need revisiting with this reserved matters application.

Layout

7.3 The proposed layout of the site has been determined by the point of access into the site, the land levels within the site, the proximity to the cliff face and the interrelationship with neighbouring residential and commercial properties.

7.4 The development has to be set away from the cliff face to address the potential danger from falling rocks, to this end, the site layout plan details a catchment trench and a gabion basket wall being formed on the outer curve of the access road. A fence is also proposed, albeit no details have been submitted as to what this will entail and this will need to be subject to a condition as to ensure its effectiveness but also its appropriate design in the context of the site area for such.

7.5 In places, such as with Plots 1-3, the levels are used to provide for split level development with three storeys on the front and a single storey on the rear. The other plots are either two or three storey dwellings, which largely respond to the land levels on which they are proposed, albeit there is some excavation proposed. The layout proposes that most dwellings front onto the access road. The children's play space has been provided in a central location to the properties, providing both natural surveillance and a focus for the layout.

Scale

7.6 In terms of house type, these are a mix of two and three storey. These reflect on the scale and mass of those that front the A6 and are not considered out of place contextually.

Appearance

7.7 The dwellings are proposed to have a 'cotemporary' appearance but having regard to the types of dwellinghouse that may be found in the area (largely detached and semi-detached). Whilst being a mix of two and three storey dwellings, there is general homogeneity in design features and the use of coursed natural stone and render facings for the elevations and tiles for the roofs. The window frames, doors and their frames and the garage doors are all proposed to be of anthracite grey colour which will add to that homogeneity. To this end, it is considered that the development will appear bespoke and considered in this contained quarry setting and will preserve the setting of the Matlock Bridge, Matlock Dale and Old Matlock Conservation Areas.

Housing Mix

7.8 In terms of the housing mix normally sought in accordance with policy HC11, this was not a requirement of the outline planning permission given that there was an extant outline planning (ref: 15/00305/OUT) in place when considering that application; such a requirement did not exist in the previous Adopted Local Plan (2005). There are only six two or three bedroomed dwellings proposed, with eleven being four bedroomed. Nevertheless, the size of the dwellings adds to the sense of place created within the quarry and the dwellinghouses will combine to create an acceptable form of development having regard to the character and appearance of the locality and site constraints.

Landscaping

7.9 The site has a number of largely self-set trees on it and several will need to be removed to facilitate the development. The applicant was advised that some replacement tree planting should be undertaken either side of the entrance to the site (avoiding the underground water attenuation tank) and within gardens such as Plots 4, 14 and 17 in particular, where there are areas of front garden that could readily accommodate such. It was also requested that some tree planting be provided within the play area fringe/grassed area. It is considered that this will serve to soften the streetscene with strategic planting that should have little impact on residents' garden space and will accentuate the public areas at the entrance to the site and around the play area. The applicant has submitted an amended landscaping plan detailing this.

7.10 Nevertheless, a detailed landscaping scheme is still required to detail the extent of tree removal, particularly trees that align the boundary with the residential development to the east which are on sloping land. A landscaping condition will be required to also include specific details of all walls, fencing and safety fencing that will be required on the site. This will include the provision of a wall along the side of Plot 1 to act as a more appropriate treatment to the boundary than a timber boarded fence; the applicant has misinterpreted this request by officers and detailed a wall along the access road which is considered unnecessary. Details of the hardstanding to car parking spaces and around the buildings will also need to be provided.

Amenity

- 7.11 The dwellings are positioned such that there is a minimum distance of 24m from the windows of the proposed dwellinghouses to those of the dwellinghouses to the east of the site. It will be required as a condition that existing landscaping be retained and improved, as may be necessary, to retain the buffer between the existing dwellings and the proposed development. It is considered that the proposed dwellings will not harm the light or outlook of the existing dwellinghouses given the relative distance and size of gardens.

Highway Matters

- 7.12 The Local Highway Authority raised no objection to the outline planning application subject to a number of conditions. The site access road detailed in the reserved matters reflects upon that detailed in the outline planning application. The Local Highway Authority has been consulted on the reserved matters and their comments are awaited.

Play Space

- 7.13 The applicant has detailed a Locally Equipped Area of Play (LEAP) to serve the properties which, as they are largely family dwellinghouses, is considered appropriate as on-site provision. Whilst Hall Leys Park is not too far away by foot, access to it is some distance for children and across the busy A6. In this respect, it was considered that on-site provision should be secured and that the details submitted are generally considered acceptable to address this provision, subject to assessing the design and appearance of the equipment and the landscaping of the area as a further condition on any grant of reserved matters approval and taking into account the above guidance.

Conclusion

- 7.14 It is considered that the contemporary design and appearance of the dwellinghouses, several reflecting on the traditional forms and scale of dwellings to be found in relatively close proximity, are appropriate in this challenging setting within a quarry. The layout reflects the constraints of the site but nevertheless comprises a development that presents itself well to the access road and is only hinted at in views from the A6 and the Matlock Dale Conservation Area. Whilst the site would be overlooked from the Old Matlock Conservation Area, on the path to High Tor, it is considered that the dwellings will sit comfortably in the background of the traditional dwellings and more recent residential development set to the site's foreground and the quarry face beyond.
- 7.15 It is considered that whilst some landscaping details are provided, that this need to be addressed further with details of what landscaping will be retained and this needs to be a condition of any approval. Given the above, it is recommended that the reserved matters are approved.

8 RECOMMENDATION

That the reserved matters be approved subject to the following conditions:

1. The reserved matters hereby approved shall be in accordance with the original submitted documentation except as amended by Drawing Nos. 20/088-P101B, P102B, P103A, P105B, P120B, P202A, P203, and P206B received on 19th July 2021, Drawing No. 3709/1 received on 22nd July 2021 and Drawing Nos. 20/088-102C, P106C, P108B, P110B, P114B and P204B received on 28th July 2021, except as may otherwise be required by other conditions to which this reserved matters approval is subject.

Reason:

To define the approval for the avoidance of doubt.

2. Notwithstanding the submitted details, prior to the erection of any dwellinghouse, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- details/samples of the stone (to include the stone source, bed heights, face finish and random lengths);
- details/sample of the render colour;
- details/sample of the roofing material;
- cross section drawings (vertical and horizontal) at a scale of 1:1 or 1:2 of the window frames and doors, to include details of the depth of recess in their openings and the colour treatment (RAL colour) of the frames;
- details of the rooflights;
- a sample/details/colours of the fascia boards, rainwater goods and pipework; and
- details of any externally sited meter boxes, to include their proposed positioning and colour finish.

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

Reason:

To ensure the satisfactory appearance of the development and to preserve the character, appearance and setting of the Matlock Dale Conservation Area to comply with policies S1, S3, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

3. Notwithstanding the details contained on the approved drawings and specifications, 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) details of all trees to be retained;
- b) measures for the protection of retained trees during the construction works on the site;
- c) replacement trees, to include their location, species and their means of protection;
- d) details of any hedge planting;
- e) details of planting in public areas;
- f) means of enclosure/boundary treatments; and
- g) hard surfacing materials.

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the 12th dwellinghouse, unless a period for compliance is otherwise agreed in writing by the Local planning Authority. All trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees and hedges 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 be carried out in accordance with the approved details prior to the occupation of each dwelling part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:

To ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1, PD2, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

4. Before the first dwellinghouse is occupied, details of the play equipment and landscaping for the Locally Equipped Area of Play (LEAP) shall be submitted to and approved in writing by the Local Planning Authority. The LEAP shall be completed prior to the occupation of the 12th dwellinghouse and the landscaping within the first planting season after the occupation of the 12th dwellinghouse.

Reason:

To ensure the satisfactory provision of a children's play area, and its satisfactory appearance, to comply with policies S1, S3, PD1, PD2, PD5, PD6, HC1 and HC14 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
2. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to the layout, design and appearance of the development.
3. This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 24th November 2020

Planning Statement received on 24th November 2020

Amended Drawing Nos. 20/088-P101B, P102B, P103A, P105B, P120B, P202A, P203, and P206B received on 19th July 2021

Drawing No. 3709/1 received on 22nd July 2021

Amended Drawing Nos. 20/088-102C, P106C, P108B, P110B, P114B and P204B received on 28th July 2021.

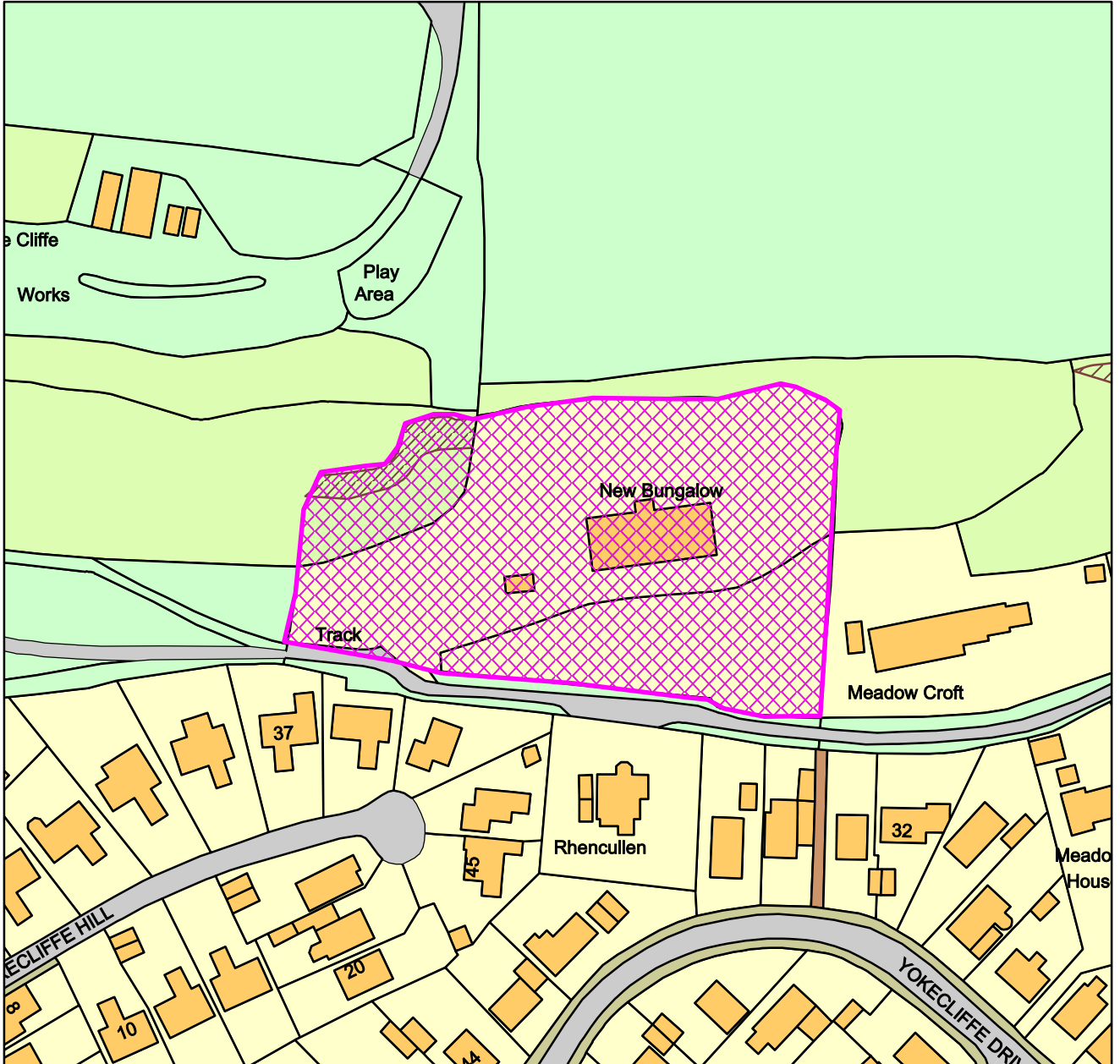
APPLICATION NUMBER		21/00622/FUL	
SITE ADDRESS:		Kiln Bank, Yokecliffe Lane, Wirksworth	
DESCRIPTION OF DEVELOPMENT		Erection of replacement dwellinghouse and associated garage and studio buildings	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr E Pugh
PARISH/TOWN	Wirksworth	AGENT	Evans Vettori Architects Ltd
WARD MEMBER(S)	Cllr P Slack Cllr M Ratcliffe	DETERMINATION TARGET	17 th July 2021
REASON FOR DETERMINATION BY COMMITTEE	5 or more unresolved objections received	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the development in its context.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of development - Appearance and character - Residential amenity - Highways issues

RECOMMENDATION
Approval

21/00622/FUL

Kiln Bank, Yokecliffe Lane, Wirksworth



Derbyshire Dales DC

1:1,250

Date: 29/07/2021

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

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site lies to the west of the centre of Wirksworth with access off Yokecliffe Lane which is an unadopted road and both Wirksworth footpath 111 and footpath 55 follow the line of the lane (changing from No. 111 to No. 55 when it meets FP No. 62). The southern side of the lane is characterised by dense housing development of bungalows and detached houses stepping down in heights to the east whilst the northern side has bungalows and houses set within large plots at a higher land level above the lane. The name 'Kiln Bank' is derived from the site's former use assumed to be a limestone quarry and burning site for slaked lime. The relics of the kiln are accessible from Yokecliffe Lane.
- 1.2 The existing bungalow sits on a plateau set back 28m from the boundary with the lane and approximately 7.6 m above the level of the lane with sloped banks with vegetation and small trees in between. The Kiln is located 6.5m from the lane at the lower land level and has a gated access. The vehicle access to the property is at the end of the lane in the south eastern part of the site and the access road has a significant gradient in order to reach the level of the bungalow. The bungalow is a long narrow shape, clad in stone with a brown tiled roof that has solar panels with an area of decking to the front. The existing property is 15m from the cliff face to the north with trees enclosing the western and eastern rear garden area.

2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for a replacement dwelling set further back into the site than the existing bungalow approximately 31m from the boundary with the lane to the south and 13 m from the cliff face to the north. A long narrow building is proposed on two floors with five bedrooms on the second floor. The overall height would be 6.8 m with a flat green sedum roof. The main dwelling would be separated from the garage and games room by a large 9.8m wide opening to allow vehicle access to the garage with the roof extending over to link the two structures as the entrance hall is opposite. The ground floor of the front elevation would be largely glazed with a feature local spilt faced stone section with two storey glazing on the south western corner where the living room is proposed. The majority of the first floor would be clad in brown zinc and windows would be powder coated aluminium. The first floor would overhang part of the ground floor in the eastern part of the building to accommodate part of the master bedroom, en-suite and rear car canopy. A frameless grey balustrade is proposed to surround the front and side of the games room and the master bedroom balcony.
- 2.2 A separate studio building is proposed to the south east of the dwelling set onto a lower plateau approximately 5m lower than the floor level of the dwelling. The building would measure 5m x 6m and would accommodate a studio with a toilet and would have a glazed balcony area to the front, clad in zinc with an overhanging roof to the front and complimenting the design of the main dwelling. The proposed studio would be for private use by the applicant as an art studio and allotment shed and not for any business.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan 2017:
 - S4 Development in the Countryside
 - S9 Rural Parishes Development Strategy
 - PD1 Design and Place Making
 - PD5 Landscape Character
 - HC7 Replacement dwellings
 - HC19 Accessibility and Transport

2. Wirksworth Neighbourhood Plan 2015
NP6 Quality of residential development
NP7 Energy-saving standards for new dwellings
NP19 Provision for pedestrians and cyclists
3. National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

5.0 CONSULTATION RESPONSES

Wirksworth Parish Council

- 5.1 There is no objection but have the following comments. They understand that in the past, planning applications have restricted the scale of development on this site and ask the following issues to be addressed. The proposed development would significantly increase the size of this dwelling, which would create issues with overlooking and privacy for adjacent properties. Removal of trees would also reduce the current screening, exacerbated by the height of the development. It is understood from local residents that the adjacent cliff face serves to reflect sound and therefore the development may result in unintended noise nuisance to neighbouring properties (the presence of an elevated games room with raised outside space may also contribute to this issue). Access to the site is via a former farm track, and we note that the development provides for substantial car parking. The area below the site already experiences issue with runoff/ drainage concerns, the potential tarmacking of the access road (and/or future widening) combined with the increased footprint of this development will lead to greater issues with water drainage. It is noted that the current access is not adequate for standard size refuse collection vehicles. The plan provides for a separate studio with connected services, no specific reference is made to this within the D&A Statement and there is concern that this may be used for business purposes resulting in increased traffic.

They consider the following issues must be addressed before any application is granted.

Yokecliffe Lane will have to be widened and substantial drainage installed as at present, the run off of water from both West End and the farmland at the end of Yokecliffe Lane in times of heavy rain is damaging the lane and causing flooding problems to residents whose properties back onto Yokecliffe Lane and only last week, properties were in danger of being flooded on Yokecliffe Crescent which do not back onto the lane, because the run off water was so torrential, it poured onto Yokecliffe Crescent down the steps of the public footpath between property numbers 45 and 47.

Without widening the lane and installing drainage, nothing should be done to increase the flow of water. This would include no expanse of concrete, no removal of trees and retaining porous land so water can be drained away naturally.

It must also be made clear that Yokecliffe is a residential area and any extra traffic and noise pollution would not be acceptable, so a full disclosure of the planned use is essential.

There is a concern about the public footpath that runs from Yokecliffe Crescent onto Yokecliffe Lane and up to the farmland at the end of the lane. Construction traffic,

increased traffic and the eroding of the lane must surely be to the detriment of walkers. "Respect, Protect and Enjoy".

Derbyshire County Council (Highways)

- 5.2 No objections on the basis that the proposed dwelling is replacing an existing dwelling, the use of which has not been abandoned. Replacement parking to be provided prior to first occupation. It should be noted that the application site is accessed via a track that carries a Public Right of Way (Footpath number 111 Wirksworth 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.

Peak and Northern Footpaths Society

- 5.3 They agree with the DCC Highways comments made above.

The Ramblers

- 5.4 Ramblers Derbyshire Dales Group has no objection providing that:
- i) Wirksworth FP 55 which runs along the track adjacent to the site and also provides access to the site remains unaffected at all times, both during and after development
 - ii) Wirksworth FP 111, which links to FP 55, and would most be likely be used for access, both for construction and future residential access, remains unaffected at all times, both during and after development
 - iii) The change from FP 111 to FP 55 on the Definitive Map is between the FP 62 ginnel and the adopted highway ginnel leading to Yokecliffe Drive. Both these ginnels should remain unaffected, and appropriate measures put in place to ensure the safety of walkers and pedestrians at the exit points onto FPs 55 and 111
 - iv) Appropriate measures should be put in place to ensure the safety of walkers and pedestrians using FPs 55 and 111 along the track.

Derbyshire County Council (Archaeology)

- 5.5 It is not considered that it would have any archaeological implications and would not wish to comment further on the scheme.

Tree and Landscape Officer

- 5.6 The potential additional visual impact in the landscape of the proposals over and above that of the existing land use is limited by the proposed building being located on the footprint of existing building. However, the surface finishes and building design is different and the height of the building is increased from bungalow to 2 storey. Whilst the early/semi mature and mature trees on the site are not currently subject to statutory protection, they are important in the local landscape and should all be retained unless their removal is strictly necessary to facilitate the proposals or for safety /sound arboricultural management reasons. Given that the site is already developed and that only 3 low quality trees are reported (Arboricultural Report, dated April 2021) to need to be removed to facilitate the proposals there are no concerns regarding the visual impact of the proposals in the landscape. However, it is recommended that a condition should be attached to require that each removed tree is replaced by at least 1 new native tree planted at appropriate locations within the site. This would contribute to the biodiversity and visual amenity of the site.

The Arboricultural Report also states that no encroachment into the root protection areas of retained trees, or into their canopy extents would be necessary to facilitate the development. As such, the potential impact of the development on existing trees would be limited. It is recommended that a site specific Arboricultural Method Statement, to include a Tree Removals and Retentions Plan and a Tree Protection

Plan, prepared to the guidelines of BS5837:2012 be submitted for approval which should be based on the proposed site layout plan. The footprint of the proposed building does not appear to be excessively shaded by existing trees.

Derbyshire Wildlife Trust

- 5.7 The Trust have reviewed the updated ecology report which includes the results of two nocturnal bat surveys (Elton Ecology Ltd., Issued June 2021). The focus of these surveys was the onsite bungalow. No roosting bats were recorded during either survey and no further survey or mitigation is required in relation to this building. A Bat survey has not been recommended for the rockface or kiln, as these features are to be retained. Both features may provide valuable bat roosting habitat however and it should be confirmed at this stage whether or not these features can be protected from light spill or if any direct works at all are proposed. If there is any doubt, it would be advisable to carry out nocturnal surveys visits for these features. Additional hibernation surveys are also likely to be required during the winter months if impacts cannot be avoided.

In relation to the habitats present, the highest value are the woodland in the north-west and calcareous grassland in the south-west. These appear able to be retained in the scheme design and this should be confirmed by the applicant and secured as part of the planning process. Future management should be low intervention, with scrub removal from the grassland as necessary. Whilst no biodiversity metric has been provided, based on the habitats present and the details of the proposed scheme, we consider that no net loss and potentially a net gain could be achieved. This should include retention of the woodland and highest quality calcareous grassland, along with creation of a green roof (as per the Design and Access Statement) and appropriate tree and shrub planting. Whilst features such as bat and bird boxes are not strictly considered within net gain calculations, they still provide a valuable contribution to onsite biodiversity. Conditions are recommended in respect of submission of a Construction Environmental Management Plan (CEMP), lighting plan and Biodiversity Enhancement Plan.

Cllr Ratcliffe

- 5.8 Yokecliffe Lane runs at the back of my property though this proposal does not overlook, however it may be that I have some interest in what is being proposed being a long time resident and affected by any development on the upper parts of this lane.

This is an unadopted, unmade former farm track coming off West End, a primary entrance to the town and joined by two other footpath links. It ends in a cul-de-sac and is a well used and somewhat narrow pedestrian footpath frequented by residents and walkers. Some years ago, and probably in the files, a proposal to develop a portion of land adjacent to the property known as Undercliff on the Lane was refused. But importantly this decision was upheld at Appeal. A primary reason was the inadequacy of the lane to take further vehicle movement both domestic and service delivery / utility. It was also argued that despite some properties already having been built there, the prospect of opening up ribbon development should be opposed. In addition, heavy rain draining off the fields above produces drainage concerns at low points along the lane and particularly down the path that border my house at 47 Yokecliffe Crescent.

I appreciate the quality of design in this instance and the architectural input but feel generally apprehensive about further construction here. I am not placing an objection but would wish any potential impacts to be considered. Though this a redevelopment of an existing property concerns for increased impact on drainage and vehicle movement should be acknowledged.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 7 representations with one in support have been received. A summary of the representations is outlined below:

- There is a historical right of way across the plot and presently in front of the bungalow and there is no detail of the overall construction of the path, its surface and any change in level or obstructions would be restricted.
- Yokecliffe Lane is an adopted public right of way Wirksworth FP 111 and 55, is single track with no passing places and stone retaining walls to the south side.
- There are concerns regarding the increased volume of traffic along Yokecliffe Lane during construction due to access being required by residents and any damage associated with HGV vehicles use.
- The access to the site is a tight corner and steep with delivery vehicles already having difficulty with access and the collection of waste from this property has required adjustments as the bin lorry cannot access the site.
- The public footpath is well used and there would be a conflict with users and construction traffic.
- Construction work would cause disturbance as any activity at the property reverberates from the rock face right across the development.
- Noise from the property is already a concern as it echoes off the rocks and any loud music, voices and gatherings would be amplified.
- There are local flooding issues on the lane and any further loss of vegetation would exacerbate this.
- The access to Yokecliffe Lane is limited and dangerous and HGV's would destroy the already poor surface.
- The separate games room and balcony is a concern with regard for the potential for late night noise and gatherings.
- Overlooking and loss of privacy of the rear bedroom windows and gardens of 43 and 45 Yokecliffe Lane due to the proposal being two storey.
- The use of the studio is a concern as a business would increase traffic.
- Dust along the Lane is a concern during construction.
- The Yokecliffe rocks are a prominent landmark in Wirksworth and a two storey dwelling would obscure them with the resultant loss of visual amenity.
- A bungalow was refused on the road in the 1960s due to the poor access and since this time two further properties (Meadow Croft and Kiln Bank) have been built on the lane.
- The proposed design is not in keeping with the area and its prominent position would make it visible across the town.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Appearance and character
- Residential amenity
- Highways issues

Principle of development

7.1 The application site is located outside the settlement boundary which runs parallel with Yokecliffe Lane to the south of the site. Policy S4 deals with development in the countryside and supports new residential development if it comprises the replacement of a single dwellinghouse, in accordance with Local Plan Policy HC7. This policy also requires that development does not lead to excessive encroachment or expansion of development away from the original buildings and safe access can be achieved.

- 7.2 Policy HC7 advises the replacement of dwellinghouses outside defined settlements, such as this, will only be permitted where all of the following criteria are met:
- a) the residential use has not been abandoned;
 - b) the existing use as a dwelling is lawful;
 - c) the number of dwelling units on the site is not increased;
 - d) the existing dwelling does not make a positive contribution to landscape character or distinctiveness such that it should be retained;
 - e) the scale, form, design and massing of the replacement dwelling does not detract from the character or appearance of its setting or surroundings;
 - f) the existing dwelling is not a caravan or mobile home;
 - g) the existing dwelling is demolished.
- 7.3 The residential use has not been abandoned and is lawful and only one dwelling is proposed. The existing bungalow is neglected and offers little in terms of a positive contribution to the area. Criteria f and g do not apply. Therefore as a single replacement dwelling is acceptable in principle; the main consideration in this case is how the new dwelling sits in context with its surroundings and its design.

Appearance and character

- 7.4 Criteria e) requires an assessment of whether the replacement dwelling is of an appropriate scale, form, design and massing which does not detract from the character or appearance of its setting or surroundings.
- 7.5 In combination with this assessment, there is a requirement to comply with:- Policy PD1 for development to contribute positivity 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 and Policy PD5 which 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 character of the immediate area is single storey properties in elevated positions above the northern side of the lane set within generous plots. The application property sits within the largest plot with its rear boundary adjacent to a limestone cliff face. To the south of the lane is characterised by dense development of modern housing of varying styles with gable roofs at a lower land level than the lane and stepping down following the contours of the land. The proposal would sit on an elevated platform above the lane and as such would be viewed from the surrounding area and footpath routes to the south west.
- 7.7 Wirksworth neighbourhood Plan Appendix 1 - Characterisation Appraisal and Development Considerations in area 32 which the application site sits as land below limestone cliff face; wooded and open fields; limestone field walls. Outside the settlement framework but part of the setting of Area 21. The Development considerations section states that "*If development is necessary here, consider organic development merging with landscape and minimising the visual impacts of reflective windows and pale materials*".
- 7.8 The scale and footprint of the proposed dwelling is considered acceptable as it would be in context with the surrounding landscape and would assimilate into the area with limited impact on long distant views as depicted in Plate 12 of the Design and Access Statement. The proposed dwelling would be viewed in context with the dwellings on the lower land together with the backdrop of the cliff face with some intervening screening on the bank adjacent to the lane. The ridge height of the existing dwelling is 5.54m and the proposed ridge height of the replacement dwelling would be 6.7m (an increase of 1.16m). The front elevation of the dwelling would be 41.4m in width as opposed to the 25.5m of the original bungalow, however, this mass is broken up considerably by the 9.8m wide gap to

accommodate the vehicle access. The flat roof contributes to reducing the scale and the roof overhang coupled with the cantilevered sections also serve to reduce the mass.

- 7.9 The design of the proposed dwelling is high quality contemporary architecture with a flat overhanging roof. The materials proposed on the front elevation are local split faced stone on the two storey feature, glazing on the ground floor with brown finished zinc cladding on the first floor. Therefore, subject to a condition requiring the glazing to be non-reflective, the proposal is considered to blend within its context and landscape setting without a significant adverse impact on the visual amenity of the area. Due to the scale, design and materials the proposal would not be unduly prominent in this elevated position and is considered to accord with Policies HC7, PD1 and PD5.

Residential Amenity

- 7.10 Policy PD1 relates to design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.11 The proposed dwelling would be set 6m further to the north than the existing dwelling with distances between 40 – 52 metres away from properties to the south on the opposite side of the lane with intervening tree screening. Whilst the proposed dwelling would be higher than these properties the distance between them compensates for the difference in levels to create an acceptable relationship. Meadow Croft is a linear bungalow to the east with a lower land level than the existing bungalow on the application site and there is a 1m stone wall on the boundary which follows the drop in levels to the south. The studio building is proposed 1.5m from this boundary, however, to the angle from the nearest studio window and the lower land level of Meadow Croft only overlooking of the blank gable and roof of the property would be possible. The balcony proposed to the front would extend 4 m beyond the front elevation of the building and due to the height would extend in part above the existing boundary wall. Whilst, this is an ancillary building, there is potential for overlooking and in order to mitigate this a condition requiring the eastern part of the balcony to be solid rather than glazed is considered necessary. In term of the use of the studio the agent has confirmed that it is for the applicant's use as an art studio and garden shed, however, a condition to ensure the building remains ancillary to the property and restricts business use would mitigate any potential impact on the amenity of this neighbour and avoid any increase in traffic on the lane.
- 7.12 The issue of noise from the existing property being amplified is noted, however, the proposal is for a replacement dwelling whereby the principle of a dwelling exists and the existing bungalow can be occupied without the need for planning permission. As the proposal is a direct replacement the noise generated is considered unlikely to be over and above the existing property. A requirement for noise mitigation in this case would not meet the tests for conditions of necessary, relevant and reasonable. The potential for noise generation is based on an assumption that the new residents would behave in the same way as previous residents which may not be the case, however, any noise nuisance can be tackled through Environmental Health legislation if it were to occur.
- 7.13 On this basis, the proposed dwelling and studio building would not have a significant adverse impact on the residential amenity of neighbouring properties accordance with Policy PD1.

Highways Issues

7.14 The Local Highway Authority raises no objection as the proposal is a replacement dwelling that would not result in an increase in traffic along the lane and consider the access, turning and parking provision to be acceptable. There is a requirement that the route of footpaths Wirksworth FP No's 55 and 111 remain unobstructed and the public using it must not be prejudiced either during or after development works take place. On this basis, the proposal is considered to accord with Policy HC19.

Other matters

7.15 The western boundary of the site is adjacent to a Local Wildlife Site and there are trees within the site. The Tree Officer has no objection as the majority of trees are to be retained with only the removal of the 3 low category trees proposed. Conditions to ensure retained trees are protected and removed trees replaced are recommended. Derbyshire Wildlife Trust have no objection subject to conditions, however, they requested clarification in relation to works to cliff face and existing kiln together with retention of woodland and grassland. The agent has confirmed that there are no plans to do any work to either feature and that no external lighting is planned to the rear garden area, near the rock face. Bedroom windows are proposed on the first floor rear elevation, however, these are 11-12m from the cliff face. Confirmation that the highest value area of woodland in the north-west and calcareous grassland in the south-west part of the site would be retained has been supplied by the agent. As confirmation has been provided that existing features are to be retained no further survey works is required. Conditions to protect these features and to secure biodiversity enhancements are recommended and as such the proposal accords with Policies PD3 and PD6.

7.16 Policy PD7 supports the generation of energy from renewable or low-carbon sources provided that the installation would not have significant adverse impact (either alone or cumulatively) and promoting energy and water efficiency and the use of renewable / low carbon energy through retro-fitting or refurbishment of existing buildings. It goes on to state that proposals should demonstrate the impact of the scheme on visual amenity, the historic environmental and heritage. The proposed dwelling would have a flat sedum roof to attenuate storm water reducing surface water run-off. The proposed dwelling has been designed to maximise solar gain in winter and the roof overhand reduces solar gains in the summer reducing energy load. The dwelling would be insulated to passive house levels of insulation and high levels of airtightness. The remaining small heating requirement would be from an air source heat pump and much of the electricity demand would be from the PV solar array on the rear part of the roof (set at low angle to reduce visibility). The proposed dwellings incorporates a high proportion of renewable energy and minimises energy usage and surface water run-off in accordance with Policy PD7 and NP7 of the Wirksworth Neighbourhood Plan.

7.17 Objectors have raised concerns with regard the surface water drainage and that any loss of vegetation would exacerbate the existing run-off from the site. Retention of existing vegetation and trees are controlled by conditions and the proposal incorporates a sedum roof for the purposes of water attenuation. Therefore, it is not considered that the replacement dwelling would significantly increase surface water run-off onto the lane having regard to the retention of vegetation secured by condition and the water attenuation measure proposed within the design.

Conclusion

7.18 A replacement dwelling in the countryside is acceptable in principle and the proposed dwelling is considered a high quality contemporary design that would sympathetically

assimilate in its context without significant adverse impact on the visual amenity of the area or landscape character. Existing woodland and cliff face habitat would be retained together with biodiversity enhancements. The dwelling would incorporate high levels of renewable energy and would be built to the highest standards of insulation with its design taking account of solar gain and shade.

8.0 RECOMMENDATION

That planning permission be granted with 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. 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 prior to installation. This shall include details of the stone origin, type and proposed surface finish (tooling). The development shall be constructed in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development and use of appropriate materials to comply with Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

3. This consent relates solely to the application plans numbered P01, P02, P05, P06, P07, P08, P09 and P10 received by the Local Planning Authority on the 11th May 2021 and P04 Rev A and P11 received by the Local Planning Authority on the 22nd May 2021.

Reason:

For the avoidance of doubt.

4. Details of all new external window and door joinery (including rooflights) and/or metal framed glazing and specification of the reflective nature of the glazing 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 with elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The development shall be carried out in accordance with the approved details.

Reason:

To protect the external appearance of the dwelling and studio building and preserve the character of the area in accordance with policies HC7 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

5. Details of all new external chimneys, flues, extract ducts, vents, grilles and meter housing 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

In the interests of preserving the character and appearance of the building and the surrounding area in accordance with policies HC7 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

6. The dwelling hereby approved shall not be occupied until its designated parking and manoeuvring areas has been laid out, hard surfaced, sealed and drained. The areas provided shall be maintained thereafter free from any impediment to its designated use.

Reason:

In the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

7. Prior to any site clearance, groundworks, excavations, demolition or construction works and before any materials or plant are brought onto the site for the purpose of the development a site specific Arboricultural Method Statement, to include a Tree Removals and Retentions Plan and a Tree Protection Plan shall be prepared to the guidelines of BS5837:2012 and submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.

Reason:

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

8. 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) means of enclosure;
 - d) car parking and turning area;
 - e) hard surfacing materials;

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with policy HC7 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones". These shall include the adjacent Yokecliffe Wood and Mine Local Wildlife Site, the rockface, kiln, retained woodland and calcareous grassland.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

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

Reason:

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

10. Prior to the installation of any lighting on site, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This shall specifically consider the adjacent Yokecliffe Wood and Mine Local Wildlife Site, the rockface and the kiln and ensure that these sites/features are protected from light spill. The strategy shall provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Reason:

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

11. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures shall be implemented in full and maintained thereafter, with photographs of the measures in situ submitted to the Local Planning Authority to fully discharge the condition. The plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
- bat boxes, bird boxes and insect bricks
 - fencing gaps 130 mm x 130 mm (where relevant) to maintain connectivity for hedgehogs
 - summary of ecologically beneficial landscaping, retained habitats and replacement tree planting (full details to be provided in Landscape Plans)

12. The section of glazed balustrade adjacent to the eastern boundary that encloses the front balcony of the studio building hereby permitted shall be glazed in obscure glass or enclosed in a solid material with details first submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the studio building and thereafter retained in perpetuity.

Reason:

To preserve the amenity of nearby residential properties in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

13. The studio building hereby permitted shall be used only for a purpose incidental to the domestic enjoyment of the occupants of the dwelling house and shall not be used for any trade or business purposes.

Reason:

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

14. Construction work shall only be carried out between the hours of 8am and 6pm on Mondays to Fridays; and 8am and 1pm on Saturdays and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason:

To protect the amenity of the occupants of nearby dwellings.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

Reason:

In the interests of the character of the building and surrounding area in accordance with Policies HC7 and PD1 of the Adopted Derbyshire Dales Local Plan 2017.

INFORMATIVES:

9.0 NOTES TO APPLICANT:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.

2. 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.

3. This decision notice relates to the following documents:

Drawing No's P01, P02, P03, P05, P06, P07, P08, P09 and P10 received by the Local Planning Authority on the 11th May 2021 and P04 Rev A and P11 received by the Local Planning Authority on the 22nd May 2021.

Design and Access Statement

Ecological Appraisal Report by Elton Ecology dated 17th April 2021 received on the 14th June 2021

Aboricultural Report by Thompson Tree Services dated April 2021.

4. Should any works be required to the rockface or the kiln in the future, regard should be given to relevant wildlife legislation, including the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017 (as amended). It is likely that a thorough assessment of these features will be required prior to any future works/changes to safeguard roosting bats.

5. The application site is affected by a public right of way (Wirksworth footpath nos. 55 and 111 on the Derbyshire Definitive Map). These routes must remain unobstructed on their lawful alignment and the safety of the public must not be prejudiced either

during or after the works take place. Details regarding the temporary or permanent diversion of any such routes should be obtained by contacting the County Council's Footpaths Section at County Hall, Matlock on 01629 533262. Application for the permanent diversion of the public right of way shall be submitted to the District Council on the enclosed application form.



Planning Committee 10th August 2021

APPLICATION NUMBER		21/00341/FUL	
SITE ADDRESS:		33 Intakes Lane, Cromford, Derbyshire, DE4 3RH	
DESCRIPTION OF DEVELOPMENT		Conversion of garage with two storey extension, single storey extension and loft conversion.	
CASE OFFICER	Sarah Arbon	APPLICANT	Mrs Dunraven
PARISH/TOWN	Cromford	AGENT	Mr D Lancaster
WARD MEMBER(S)	Cllr G Purdy	DETERMINATION TARGET	10/05/2021
REASON FOR DETERMINATION BY COMMITTEE	Due to local objection	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the impacts on the amenity of neighbouring occupants caused by the proposed development

MATERIAL PLANNING ISSUES

- Impact on streetscene and character
- Impact on the amenity of neighbouring occupants.

RECOMMENDATION

- Granted with conditions

21/00341/FUL

33 Intake Lane, Cromford



Derbyshire Dales DC

1:1,250

Date: 30/06/2021

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

1.0 THE SITE AND SURROUNDINGS

1.1 The site is located on Intakes Lane to the east of the centre of Cromford. The application property is split level presenting a gable roof bungalow to the front and two storey to the rear. It is dark brown brick with brown roof tiles. Properties along the street are identical in design and are attached by garages and porches on both sides. The front elevations have a lower land level than the road and some properties further to the south east have large flat roof dormers painted white on the front roof slopes. The land levels drop steeply to the rear with properties on Castle View Drive and Ridgewood Drive at lower land levels.



2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for a single storey extension and two storey side extensions either side to replace the existing garage and porch and a dormer to the front roof slope. The extensions would provide two additional bedrooms with en-suites, a home office within part of the loft space, an extension to the kitchen and an outdoor store.

2.2 The bungalows were originally built with garages and porches adjacent to the sides of neighbouring properties with a difference in levels as the properties step up to the east as the land levels rise. The extensions proposed have flat roofs as has the dormer window and are proposed in brick to match the existing dwelling together with grey fascia / cladding boarding proposed for the store, dormer and ground floor rear elevation. The roof tiles would be replaced with black / dark grey coloured tiles. An angled canopied entrance to the property is proposed on the front elevation and angled windows on the ground floor windows on the rear elevation.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
S3: Development Within Defined Settlement Boundaries
PD1: Design and Place Making

2. National Planning Policy Framework (2019)
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

5.0 CONSULTATION RESPONSES

5.1 Cromford Parish has no objections.

5.2 Cllr G Purdy stated that provided there are no significant objection nor any objections from the Conservation Forum then there are no objections.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 8 representations have been received in objection to the proposed development as originally submitted.

- a) The rear dormer would overlook the gardens on Castle View Drive due to the higher land level.
- b) Existing dormers on Intakes Lane face away from their gardens
- c) The front elevation would largely be black which does not blend with the very rural location.
- d) Properties nearby have dormers that blend and rear dormers have previously been refused due to privacy issues.
- e) The dormers due to their position nearer to the boundary with No 35 would compromise the privacy at the property.
- f) The wall of No.35 garage is on the boundary and should not be compromised by the outside store.
- g) The kitchen extension would be adjoined to No.35 and would overshadow the side bedroom window.
- h) The rear kitchen window would significantly provide more view into No.35.
- i) The rear dormer would overlook the garden area of No.35
- j) The extensive proposal is intrusive and highly inappropriate in design and materials, out of keeping with the existing dwelling and surrounding properties.

6.2 Following re-consultation based on the submission of amended plans, one further representations have been received which states whilst the revisions go some way to being an aesthetic improvement, their original objections still stand. Very intrusive on neighbouring properties and totally out of keeping with the area.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Impact on streetscene and character
- Impact on the amenity of neighbouring occupants.

Impact on streetscene and character

7.1 Local Plan Policy PD1 requires all development to be of high quality design that respects the identity and context of townscapes and landscapes. Developments on the edge of settlements should enhance and/or restore landscape character and contribute positively to an area's character in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings. Policy HC10 supports extensions to residential

properties provided that the plot size is large enough to accommodate the extension, the height, scale, form and design of the extension is in keeping with the scale and character of the original dwelling (taking into account any cumulative additions), and the site's wider setting and location. Together with provision of sufficient space for parking that would not detract from the character of the area.

- 7.2 The original submission included coloured elevations with large sections of grey and timber cladding on the front and rear elevations together with a rear dormer. Amended plans have been submitted that indicate the extension to be in brick to match the existing dwelling with smaller areas of grey cladding and removal of the rear dormer. The flat roof extension to the side retains the character of the street which has flat roof garages set forward of the properties. The curved canopy and outside store are modern alterations, however, their scale and design is considered sympathetic and in character with the existing area and streetscene. The ground floor of the front elevation is lower than the road and there is a 6m front enclosed garden both of which limit the visibility of the extensions. The rear elevation is visible in context with the other properties when viewed from Castle View and due to the higher level the ground floor part would be obscured by the existing fencing enclosing the garden. The flat roofs of the side extensions aid in making them appear subordinate and reduces their scale.
- 7.3 The front flat roof dormer whilst large would be consistent with the scale and design of similar dormers in the street and its impact would be significantly reduced as it would blend with the grey of the proposed roof tiles. On the basis that there are already dormers of this scale in the street and the proposed dormer would be less visually prominent in comparison, the dormer is considered acceptable and in keeping with the character of the property and streetscene.

Impact on the amenity of neighbouring occupants

- 7.3 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development proposals to "achieve a satisfactory relationship to adjacent development which does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character or amenity.
- 7.4 The extensions proposed are to the sides of the existing property adjacent to the gable ends of adjoining properties at two land levels. No.35 to the south has a garage on the boundary and windows in the gable facing where the kitchen extension is proposed. The kitchen extension would extend 1.9m beyond the rear of the neighbour's garage and would have a flat roof. Due to the orientation of the rear of the properties facing north east the gable windows of this property have limited light. The proposed extension would have minimal additional impact on the light of the windows of No.35 as it would be located to the north west. The window proposed in the rear elevation of this extension is positioned towards the existing property, however, due to its height and position it is considered that it would afford views of the rear garden of No.35 and as such a condition requiring this window to be obscure glazed is considered necessary to avoid any overlooking.
- 7.5 The two storey extension adjacent to the north western elevation would not extend beyond the rear of the existing rear elevation of the property. The adjacent property has an obscure glazed porch area at the higher land level and a blank gable. Due to the orientation of the properties each property already overshadows this area in between properties, therefore, there would be limited impact in terms of overshadowing in relation to the proposed extension. The angled windows on the ground floor would be screened to some extent by the boundary fencing, however, as they are full height windows in order to protect privacy the sections of glazing adjacent to the north western boundary shall be required to be

obscure glazed by condition. In place of the rear dormer, high level rooflights near the ridge area are proposed on the rear roof slope which would not cause significant overlooking of the rear gardens of properties.

- 7.6 One representation refers to the attachment of the extension to their property and resultant impacts on their property, however, this would be a legal matter which cannot form part of the consideration of this application. Planning permission does not override legal issues.

Conclusion

- 7.7 The amended scheme of proposed extensions, whilst extensive, are at the level where they appear subordinate and their scale and design are considered to be in keeping with the character of the property and streetscene. The orientation of the existing properties means that overshadowing of the side extensions and gables of neighbouring properties already exists with the extensions having limited additional impact. Any overlooking is considered to be adequately mitigated by the requirement of obscure glazing. On this basis the proposal is considered to accord with Policies PD1 and HC10.
- 7.8 Taking the above into consideration the application satisfies the relevant provision of the Adopted Derbyshire Dales Local Plan (2017). Accordingly the application is recommended for approval.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

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

Reason:

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

2. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority on the 29/06/2021 numbered 0004_P_04 Rev D, P-05 Rev E, P-06 Rev C and P-07 Rev A and 004-P-01 Rev B received on the 15th March 2021.

Reason:

For the avoidance of doubt.

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

Reason:

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

4. The window in the rear elevation of the kitchen extension and the sections of glazing on the angled ground floor windows adjacent to the north western boundary

hereby permitted shall be glazed in obscure glass prior to the first occupation of the extensions and thereafter retained in perpetuity.

Reason:

To preserve the amenity of nearby residential properties in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017)

9.0 NOTES TO APPLICANT:

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

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:

Plans numbered 0004_P_04 Rev D, P-05 Rev E, P-06 Rev C and P-07 Rev A received on the 29/06/2021

Plan numbered 004-P-01 Rev B received on the 15th March 2021.

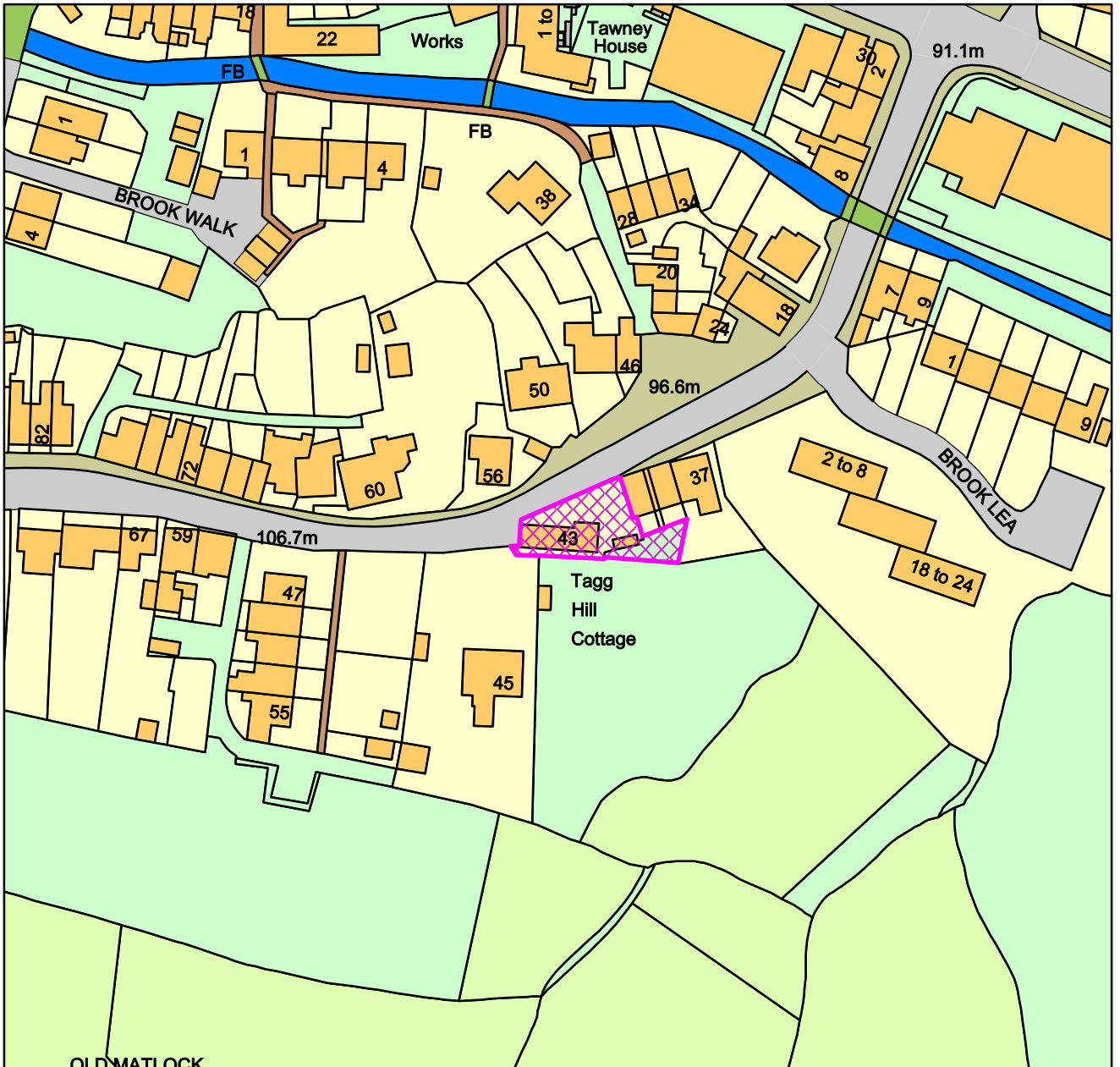
APPLICATION NUMBER		21/00722/FUL	
SITE ADDRESS:		Tagg Hill Cottage, 43 Church Street, Matlock, Derbyshire, DE4 3BY	
DESCRIPTION OF DEVELOPMENT		Creation of vehicular access and parking area with turntable.	
CASE OFFICER	Mr. Ecclestone	APPLICANT	Dr. Anne Phillips
PARISH/TOWN	Matlock	AGENT	None.
WARD MEMBER(S)	Cllr. Flitter Cllr. Cruise Cllr. Hughes	DETERMINATION TARGET	29 th July 2021
REASON FOR DETERMINATION BY COMMITTEE	Request by Ward Member.	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the impact of the proposal on the surrounding area.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • The contribution of the proposal to tackling climate change; • Impact on character and appearance of this part of the Conservation Area; and • Impact on highway safety.

RECOMMENDATION
Planning permission be refused.

21/00722/FUL

Tagg Hill Cottage, 43 Church Street, Matlock



Derbyshire Dales DC

1:1,250

Date: 29/07/2021

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 application property is an old, detached, stone-built house, situated in a residential area on the south-eastern side of Matlock. Part of the house and its boundary / retaining wall front immediately on to the road. It also lies within the Old Matlock Conservation Area.



2. DETAILS OF THE APPLICATION

- 2.1 The proposal is for the formation of a vehicular access, which will require the removal of part of the current roadside boundary / retaining wall.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
S3 Development Within Defined Settlement Boundaries
PD1 Design and Place Making
PD2 Protecting The Historic Environment
PD7 Climate Change
- 3.2 Other:
National Planning Policy Framework (2021)
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- 4.1 None.

5. CONSULTATION RESPONSES

5.1 Town Council

No comment.

5.2 Derbyshire County Council (Local Highway Authority)

Object. Church Street in this location is a classified road subject to a 30 mph speed limit therefore any new access would require visibility sightlines of 2.4m x 43m in both directions to the nearside carriageway edge. These sightlines are not achievable in this location due to the limited frontage, the position of the property and the limited highway

margin fronting the site.

It is proposed that vehicles will only enter and exit the site from/to the north, Matlock direction, this is not acceptable and cannot be controlled.

The proposed access is also proposed at an acute angle to the carriageway, which is likely to result in onerous manoeuvres when trying to enter and exit the site, which again is not acceptable and to the detriment of highway safety.

Given the classified nature of Church Street manoeuvring space would be required within the site curtilage for vehicles to enter and exit the site in a forward gear, given the constraints of the site turning cannot be provided and therefore the applicant is proposing to use a turntable. A turntable raises its own concerns over its maintenance and enforcing its use.

In view of the above the Highway Authority recommend refusal of the application for the follow reasons.

The proposed development, if permitted, involving the creation of a new vehicular access to Church Street at an acute angle to the Church Street carriageway, would introduce onerous traffic movements to and from the public highway at a point where visibility is severely restricted due to limited highway margin, limited controlled frontage and the position of the property, thereby leading to danger and inconvenience to other highway users.

No adequate provision is included in the application proposals for the manoeuvring of vehicles clear of the public highway, which would be likely to result in vehicles reversing onto or off of the public highway, which is against the best interests of highway safety at a point where visibility is restricted to the detriment of highway safety.

5.3 Conservation Officer

The proposal would not cause adverse harm to the property or to this part of the Conservation Area.

5.4 Ward Member (Cllr. Hughes)

I would be grateful if this application can go to the Planning Committee if you are minded to refuse as the applicant would like to make a statement about it to the Committee.

Also, I think that the wording of the Design and Access Statement submitted by the applicant was not clear about the direction from which vehicles would enter and leave the site. The applicant said "access will be to and from the uphill direction to ensure both safe exit and entry". DCC interpreted this to mean access would be from the direction of Matlock which, as they point out, would require complex manoeuvring. In conversation with the applicant, I was told that the intention was for entry to be from the direction of St Giles church, and exit to be towards the church, so that no complex manoeuvring would be needed. And of course the addition of the turntable means that entry and exit would always be in a forward direction.

6. REPRESENTATIONS RECEIVED

6.1 None.

7. OFFICER APPRAISAL

- 7.1 The main issues to assess are the impact that the proposal will have on the character and appearance of the main property and also the impact that it will have on the surrounding area.
- 7.2 The background to this planning application is that the applicant is concerned for the environment and supports the Council's Climate Change Strategy and Action Plan to become carbon neutral by 2030. A way to reduce her carbon footprint is by switching to an electric car. Unfortunately however, the property does not have any on-site parking available or provision for an electric car charger. The proposal therefore, is to form a vehicular access, so that an electric car can hook up to a charger at the premises. This will also enable disabled access. Permeable paving will also replace the currently non-permeable surfaces, to ensure that there is no rain-water run off onto the highway. As there is limited turning space available on site, a turntable is also proposed. This will allow a vehicle to enter and leave the premises in a forward gear. A similar scheme for a turntable was approved on the A6 in Darley Dale (16/00721/FUL).
- 7.3 There are three main considerations – The contribution of the proposal to tackling climate change; impact on the Conservation Area; and impact on Highway Safety.

The contribution of the proposal to tackling climate change

- 7.4 The proposal will make a contribution to helping to tackle climate change, by allowing this individual resident to imminently switch to an electric vehicle. As such, this proposal accords with Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on the Conservation Area

- 7.5 In terms of the impact on the character and appearance of this part of the Old Matlock Conservation Area, the conclusion was that the proposal is not considered to be objectionable in this case. Whilst the loss of walling is regrettable, it is a modest reduction in the overall length and will not be so significant to the character and appearance of the Conservation Area. The proposal is not therefore considered to have an adverse impact on this part of the Conservation Area.

Impact on Highway Safety

- 7.6 Although the Local Highway Authority are opposed to the proposal, the applicant considers that adequate sightlines are achievable from within the site and questions whether or not anyone from the Local Highway Authority has actually visited the site, or if their response is based on a desk-top exercise? The applicant also considers that the current proposal is far better than the existing parking arrangement. The logical entrance and exit to the site is from the west and not from the north-east.
- 7.7 An added difficulty is that since the planning application was submitted, the wall has been badly damaged as a result of a car crashing into it. The accident repair process is currently on hold, pending the result of this planning application. In this regard, if the Planning Committee are minded not to support the application for the formation of the vehicular access in this case, the applicant would still like Members to approve the lowering of the boundary / retaining wall.
- 7.8 The Local Highway Authority do not consider that a vehicular access - entrance or exit, can be achieved at this location, that complies with their requirements. The lack of visibility sightlines would cause a potential hazard to both the user and other road users. Although the applicant says that that the access will only be used from the west, this

cannot be controlled and could end up with people attempting to access it directly from the north, which would cause hazards. Even if a turntable is installed, there can be no guarantee that it will be used and there are also concerns over its maintenance.

Conclusion

- 7.9 To conclude therefore, whilst the proposal is considered to be in accordance with Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017); and the proposal is not considered to have an adverse impact on this part of the Conservation Area; the proposal is recommended for refusal on highway safety grounds.

8. RECOMMENDATION

Planning Permission be refused for the following reasons:

1. The proposed development, if permitted, involving the creation of a new vehicular access to Church Street, at an acute angle to the Church Street carriageway, would introduce onerous traffic movements to and from the public highway, at a point where visibility is severely restricted, due to limited highway margin, limited controlled frontage and the position of the property, thereby leading to danger and inconvenience to other highway users. As such, the proposal will result in a substandard access and therefore conflicts with Policy S3 of the Adopted Derbyshire Dales Local Plan (2017).
2. No adequate provision is included in the application proposals for the unassisted manoeuvring of vehicles clear of the public highway, which may result in vehicles reversing onto or off the public highway, which would be against the best interests of highway safety, at a point where visibility is restricted to the detriment of highway safety. As such, the proposal will result in a substandard access and therefore conflicts with Policy S3 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

This Decision Notice relates to the following documents:

Planning application form and drawings, received by the Council on 3rd June 2021.

Prior to the submission of the application, the Local Planning Authority engaged in a positive and proactive dialogue with the applicant, which resulted in the submission of a scheme that took into consideration its context within the surrounding area.

Active Enforcement Cases

29 July 2021

09:53:55



Ashbourne North

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	DM Application Received
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/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	Notice Issued

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

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

ENF/21/00025	Unauthorised engineering works to facilitate a wider access and hardsurfaced track around field to a newly created hardstanding area, stationing of a mobile caravan, domestication of the agricultural land with the erection of a childrens climbing frame with slide and a sunken childrens trampoline, and the erection of a decking area. Further works include the creation of an enclosure with a field shelter to accomodate an Alpaca and a couple of sheep.	Land North West Side Of Manystones Lane Brassington Derbyshire	Notice Issued
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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
ENF/21/00044	Engineering works to extend existing bunding	Darley Moor Motor Cycle Road Racing Club The Darley Moor Sports Centre Darley Moor Ashbourne Derbyshire DE6 2ET	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	Without planning permission, the material change of use of the Land for the storage of a static caravan (Breach of Condition 1 of Appeal Decision APP/P1045/C/15/3131891)	Woodside Farm Back Lane Darley Moor Matlock Derbyshire DE4 5LP	Notice Issued
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/20/00129	Formation of a car park in association with the fishing club	Land Between Dove Villa And Tollgate Cottage Doveridge Derbyshire	Pending Consideration
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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/20/00123	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

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/18/00078	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

Matlock All Saints

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

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/19/00168	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/20/00103	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/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/20/00120	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
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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
ENF/20/00164	Without planning permission, the unauthorised change of use of the building and associated land from office use (Use Class B1) permitted under Part 3, Class R of Schedule 2 of the Town and Country Planning (General Permitted Development (England) Order (2015) (as amended) to a Dwellinghouse (Use Class C3).	Land At Manor Lodge Little Bolehill Bolehill Derbyshire DE4 4GR	Pending Consideration

Total Open Cases

81

Enforcement Investigations Closed

In the Month Prior to 29/07/2021



Ashbourne South

ENF/21/00087	Wholesale removal of fine mature trees over the last 2 weeks in the grounds of the former nursing home.	Highfield House Nursing Home 28 Clifton Road Ashbourne Derbyshire DE6 1DT	Complaint Unfounded	29/06/2021
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Carsington Water

ENF/21/00039	Large garden structure in conservation area above the roofline and visible from the road, not in keeping with surroundings	South View Main Street Carsington Derbyshire DE4 4DE	Not in the Public interest to pursue	02/07/2021
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Clifton And Bradley

ENF/21/00097	Building of Room at the Side of the Garage. Roofed Animal Building Erected. Wildlife Pond Used As Swimming Pool. Basketball Court Built Adjacent to The Drive.	Arbor Low 1 Long View Lane Clifton Derbyshire DE6 2GH	Duplicated Case	29/06/2021
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Dovedale And Parwich

ENF/19/00073	Siting of 40+ containers for rental	Ash Tree Farm Spend Lane Sandybrook Ashbourne Derbyshire DE6 2AR	Complied Voluntarily	29/06/2021
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Doveridge And Sudbury

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	Complied Voluntarily	29/06/2021
ENF/21/00050	The land in between Dove villa and Tollgate cottage was a field and has been turned into a carpark for a fishing club for up to 12 cars at a time	Dove Villa Doveridge Derbyshire DE6 5LH	Duplicated Case	29/06/2021

Hulland

ENF/19/00048	Breach of Condition 3 (building to be incidental/ connected to existing farmhouse) of planning permission 15/00538/FUL	Outbuilding At Blackbrook Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Planning Application Received	29/06/2021
ENF/19/00093	Use of outbuilding as a dwelling	Mukkibruk Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Planning Application Received	29/06/2021

ENF/19/00124	Development not being built in accordance with approved elevation plans of planning permission 18/01237/REM (Approval of reserved matters for the erection of 22 dwellings (outline application 16/00832/OUT))	Land East Of Les Ardennes Hulland Ward Derbyshire DE6 3EE	Complied Voluntarily	29/06/2021
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Masson

ENF/21/00061	Trees taken down and a machine working as if starting to make access	Station House Lea Road Cromford Bridge Derbyshire DE4 5JJ	Complaint Unfounded	19/07/2021
ENF/21/00083	The wooden shed is a domestic garage being used to store equipment and materials. There is an increase in building material and commercial waste accumulating outside the shed and a van parked since January 2021. The shed appears to have been reinforced with concrete breeze blocks.	Wooden Shed Adjacent To Attleboro House Temple Walk Matlock Bath Derbyshire DE4 3PG	Not in the Public interest to pursue	07/07/2021

Matlock All Saints

ENF/19/00091	Alleged change of use of Band Hall to business/domestic storage facility	Hall Jackson Road Matlock Derbyshire	Planning Application Received	30/06/2021
ENF/19/00113	Potential breach of conditions 9 (approved and retained landscaping scheme), 10 (soft landscaping replacement within 5 year period), 11 (replacement of retained trees and tree protection) and 12 (landscape management plan) of approved planning permission 14/00847/FUL	Buckley Drive Matlock Derbyshire	Complied Voluntarily	05/07/2021

Matlock St Giles

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	Planning Application Received	02/07/2021
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	Planning Application Received	02/07/2021
ENF/21/00093	Fencing erected on the boundary between properties and appears to be higher than 2 metres	64 Tor Rise Matlock Derbyshire DE4 3DL	Complaint Unfounded	02/07/2021

Stanton

ENF/20/00163	Unauthorised siting of previously approved horse riding area.	North Park Farm Whitworth Road Darley Dale Derbyshire DE4 2HJ	Planning Application Received	14/07/2021
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ENF/21/00022	Potential breach of conditions (operating hours)	Unity Complex Dale Road North Darley Dale Derbyshire	Duplicated Case	29/06/2021
ENF/21/00054	Black Rocks Car Valeting has been cleaning cars in the evening including the weekends up until 7 pm at night as was the case over the Easter period.	Black Rocks Car Valeting Unity Complex Dale Road North Darley Dale Derbyshire DE4 2HX	Complaint Unfounded	29/06/2021

Wirksworth

ENF/20/00036	Development not being carried out in accordance with planning permission 16/00100/FUL - Erection of blockwork structure	The Old Lacey Cinder Lane Wirksworth Derbyshire DE4 4BL	Not in the Public interest to pursue	08/07/2021
ENF/21/00051	Alledged unauthorised extension to dwelling	17 Greenhill Wirksworth Derbyshire DE4 4EN	Complaint Unfounded	14/07/2021

Total Closed Cases 21

NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 10th August 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
ENF/20/00006	Land east of Grove Lane, Somersal Herbert	IH	Appeal being processed
20/99972/FUL	87 Belper Road, Ashbourne	WR	Appeal being processed
20/01011/OUT	Reevsmoor, Hoargate Lane, Hollington	WR	Appeal allowed – a copy of the decision is attached
20/01137/FUL	Barn at Oak Tree Farm, Nether Lane, Biggin, Ashbourne	WR	Appeal dismissed – a copy of the decision is attached
21/00189/PDA	The Barn, Upper Lane, Biggin	WR	Appeal being processed
21/00180/FUL	The Beehive, Well Banks, Kirk Ireton	WR	Appeal being processed
20/00617/FUL	Land east of Les Ardennes, Hulland Ward	WR	Appeal being processed
21/00096/FUL	Cloud barn, Clifton Road, Clifton	HOUSE	Appeal being processed
21/00134/VCOND	Dunswood 37 Buxton Road, Ashbourne	WR	Appeal being processed
19/01213/FUL	Four Lane Ends, Gibfield Lane, Hulland ward	WR	Appeal being processed
21/00149/PDA	Crystal Springs Farm, Cuscas Lane, Brailsfird	WR	Appeal being processed

Central			
ENF/20/00120	North Park Farm, Whitworth Road Darley Dale	IH	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 dismissed – a copy of the decision is attached
20/00535/FUL	Rock Cottage, 69 Derby Road, Cromford	WR	Appeal dismissed – a copy of the decision is attached
ENF/20/00164	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed

20/01247/CLEUD	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed
20/00840/FUL	Cuckoostone Grange, Cuckoostone Lane, Matlock Moor, Matlock	WR	Appeal allowed – a copy of the decision is attached
20/01141/FUL	26 Gorse Bank, Wirksworth	HOUSE	Appeal dismissed – a copy of the decision is attached
20/01275/FUL	158 Derby Road, Cromford	HOUSE	Appeal being processed
21/00030/FUL	St Elphins Cottage, Hackney, Matlock	WR	Appeal being processed
21/00185	9 Snitterton Road, Matlock	WR	Appeal being processed

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

OFFICER RECOMMENDATION:

That the report be noted.



Appeal Decision

Site Visit made on 25 May 2021

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2021

Appeal Ref: APP/P1045/W/21/3266851

Reevsmoor, Hoargate Lane, Hollington, Ashbourne DE6 3AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Helen Livesey against the decision of Derbyshire Dales District Council.
 - The application Ref 20/01011/OUT, dated 14 October 2020, was refused by notice dated 9 December 2020.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is allowed and outline planning permission is granted for a new dwelling at Reevsmoor, Hoargate Lane, Hollington, Ashbourne DE6 3AG, in accordance with the terms of the application Ref 20/01011/OUT, dated 13 October 2020, and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application was made in outline with all matters reserved. Accordingly, I have treated the submitted plans as being for illustrative purposes only.

Main Issues

3. The main issues are whether the proposal would represent a suitable location for housing, having regard to relevant development plan policies and national guidance and, if found to be in conflict with the development plan, whether other material considerations in this case would outweigh this conflict.

Reasons

Location for Housing

4. The appeal relates to Reevsmoor, a detached dwelling with land to the side that presently contains a detached garage. The dwelling forms part of a short stretch of some nine dwellings in a linear pattern along one side of Hoargate Lane. Beyond the curtilages of these dwellings are agricultural fields forming part of the open countryside.
5. The appellant argues that this group of houses forms part of the village of Hollington for planning purposes, and would represent limited infill development which is supported under Policy S2 of the Derbyshire Dales District Council Local Plan (December 2017) (the Local Plan). The Council argues that the group is physically detached from the built-up area of the village and lies within the open countryside for the purposes of applying development plan policy.

6. Policy S2 sets out the settlement hierarchy for the district, providing that development will be directed towards the most sustainable locations in line with the hierarchy. Hollington is within the fifth tier of development – Infill and Consolidation Villages – settlements which are described as having a lack of basic facilities to meet day-to-day requirements, but which could have scope for very limited development within the physical confines of the settlement where this is limited to infill and consolidation of the existing built framework. The policy also supports use of brownfield sites on the edge of settlements and sites which would provide affordable housing.
7. Hollington does not have a defined settlement boundary under the Local Plan. It therefore falls as a matter of planning judgment, having regard to the particular site circumstances, as to whether it physically forms part of the village for planning purposes.
8. The central core of the village lies some 1.3 km north of the appeal site, around where Main Street meets Marsh Hallow and Back Lane. There are further clusters of development along Hoargate Lane between the core of the village and the appeal site, one at around 750-950 metres north and another between 350-550 metres north. The appellant refers to a continuous hedgerow along the lane as defining the built framework of the village; however, it was evident to me upon travelling from the centre of the village that each successive cluster along Hoargate Lane felt more detached from the village and increasingly part of the countryside. The row of development in which the appeal site sits is a smaller grouping at least 350 metres from the nearest cluster in the direction of Hollington, and surrounded by open countryside on all sides, with no development on the opposite side of the road. Indeed, the closest development is a cluster around 175 metres to the south, and the site also appears closer to the village of Longford than to the core of Hollington.
9. Given these physical characteristics, it is my judgment that the appeal site does not lie within the physical confines of Hollington, and therefore does not fall under the fifth tier of Policy S2. Rather, it lies within the open countryside, within which Policy S2 strictly limits development which has an essential need to be located in the countryside.
10. Policy S4 expands on this position and sets out the forms of residential development which would be supported in the countryside. The proposal is not advanced as a form of affordable housing, nor is a case made that it is needed for an essential worker in agriculture or forestry. The proposal is not a conversion of an existing building, nor a replacement of an existing dwelling. Its location outside of the physical confines of Hollington means it does not gain support under the first bullet point of criterion i). Therefore, I find that none of the supported forms of development would apply to the appeal scheme, and the proposal would therefore conflict with the settlement strategy of the Local Plan as set out under Policies S2 and S4.

Other Material Considerations

11. The appellant points to Policy S9 of the Local Plan which supports development of rural parishes through, amongst other things, supporting development of new housing on sustainable sites. The appellant also refers to Policy HC1 which supports the continued delivery of housing through the effective re-use of land by encouraging infill developments, an approach also advocated by the National Planning Policy Framework (the Framework).

12. The proposal would replace an existing garage, and would sit within an established line of development. Having seen the site, I am satisfied that a dwelling could be designed at reserved matters stage that would respect the surrounding character and the living conditions of neighbours, whilst retaining sufficient land for the existing dwelling. Given the brownfield nature of the site, the proposal would not lead to further encroachment of development into the countryside and, though not located within a village, it would be a form of infill development that would consolidate the existing built framework. In these respects, the proposal would make effective re-use of the land in accordance with Policies S2, S9 and HC1 of the Local Plan, and the Framework. It would also reflect, to some degree, the thrust of Policy S4 to locate development where it would not encroach into the open countryside and would protect the **landscape's intrinsic character and distinctiveness**.
13. Moreover, Paragraph 78 of the Framework sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. There are dwellings immediately adjacent to the appeal site on both sides and the proposal would not amount to **an 'isolated home' for the purposes of the Framework**. Although there are few facilities in Hollington, the Framework recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby. Therefore, the addition of a dwelling would provide social and economic benefits for the local area through occupants using services in nearby villages.
14. I accept that the distance to the nearest facilities in Hollington, and those in other towns and villages, mean most if not all journeys would be made by private car, with little prospect of regular commuting by other means such as walking, cycling or public transport. However, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and the small scale of the proposal in this case means that additional car journeys would be limited in number, as would any consequent environmental harm.
15. I note that planning permission was granted for a dwelling on the site in 1993, but never implemented. This permission was granted under a different policy context to that now in place, and given it has long since expired, it is not relevant to the proposal now before me, which I have determined on its own planning merits against the provisions of the current development plan.

Planning Balance

16. The proposed development would result in conflict with the development plan as it would be contrary to the settlement strategy for the District through its location in the countryside beyond any defined settlement. However, the harm in this respect would be tempered by the fact that the proposed dwelling would effectively form an infill development in an established group of dwellings and would not have a harmful effect on the surrounding landscape or the intrinsic character and beauty of the countryside. Moreover, there would only be a modest increase in use of the private car given the scale of the proposal.
17. Set against this harm, the proposal would be consistent with several key aims of the Framework and Policies S9 and HC1 of the Local Plan by adding to the **district's** rural housing stock, by making effective re-use of brownfield land and, through its location close to other dwellings, making limited but positive social

and economic contributions that would help maintain the vitality of rural communities. I consider that these are significant material considerations weighing in favour of the proposal which justify a decision other than in accordance with the development plan in this case.

Conditions

18. I have had regard to the list of suggested conditions provided by the Council. Where necessary, I have amended their wording to ensure they meet the relevant test for conditions set out in the Framework.
19. Conditions relating to the submission and timing of reserved matters applications, and the commencement of development, are necessary in the interests of certainty.
20. Conditions requiring details of external facing materials and site boundary treatments are necessary to ensure a satisfactory appearance.
21. It is also necessary to impose a condition requiring details of measures to protect existing trees and hedgerows during construction works, in the interest of the visual amenity and biodiversity of the area.
22. Finally, the Council seeks by condition a restriction on permitted development (PD) rights for extensions, outbuildings and means of enclosure within the curtilage of the dwelling. The Planning Practice Guidance states that conditions restricting the future use of PD rights may not pass the test of reasonableness or necessity and should be precisely defined. No reasoning is provided by the Council for restricting these particular rights. Given details of means of enclosure are already to be secured by condition, I do not find it necessary to further restrict PD rights in this respect. Moreover, having regard to the size of the site and the form of surrounding development, I am not persuaded that there would be a demonstrable risk to the character and appearance of the surrounding area from extensions or outbuilding works under PD in this case. Therefore, I have not imposed the suggested condition.

Conclusion

23. For the reasons set out above, the appeal should be allowed.

K Savage

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) 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 development shall thereafter be constructed in accordance with the approved details.
- 5) The dwelling hereby permitted shall not be occupied until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have first been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the life of the development.
- 6) No development, including preparatory works, shall commence until a scheme for the protection of trees and hedgerows has been submitted to and approved in writing by the local planning authority. Such a scheme shall be based on best practice as set out in British Standard 5837:2012 (or equivalent document which may update or supersede that standard) and shall ensure that no vehicles can access, and no storage materials or equipment can take place within, the root and canopy protection areas of any trees on or adjacent the site. The approved scheme of protection shall be implemented prior to any works commencing on site and thereafter retained throughout the construction period.

End of Schedule



Appeal Decision

Site visit made on 2 June 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2021

Appeal Ref: APP/P1045/W/21/3268843

Oak Tree Farm, Nether Lane, Biggin, Ashbourne

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs A & H Marshall against the decision of Derbyshire Dales District Council.
 - The application Ref 20/01137/FUL, dated 12 November 2020, was refused by notice dated 6 January 2021.
 - The development proposed is change of use and conversion of a barn to a dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal site is a suitable location for residential development having regard to the accessibility of services and facilities; and
 - the effect of the proposed development on the rural character and appearance of the area.

Reasons

3. The appeal property is located within an open agricultural field next to a country road. The existing building is visible from the highway. There are red-brick buildings and dwellings in the nearby hamlet of Biggin. There are also three other dwellings near the appeal property, two at the other side of the field adjacent to it which have a white rendered exterior finish, and one on the opposite side of the road to the front of it, which has a grey/brown stone clad exterior finish. There is also a large field in between the appeal property and the nearby white rendered dwellings. Whilst these dwellings are near the appeal site, given that they and it are surrounded by open agricultural fields with trees, hedgerows, and narrow country roads, I consider the character and appearance of the area to be intrinsically rural.

Whether a suitable location

4. Both parties agree that the appeal site is located outside of any settlement boundary as defined in the adopted Derbyshire Dales Local Plan (LP) and that as a result it is in the open countryside. They also agree that the appeal site is in an isolated location. Based on the evidence before me I concur that the appeal site is in an isolated location in the open countryside. Consequently, paragraph 79 of the National Planning Policy Framework (the Framework) is relevant in this case.

5. Policies S1, S4, PD1 and HC8 of the LP aim to ensure that developments: make a positive contribution towards the achievement of sustainable development; protects and where possible, enhances the **landscape's intrinsic character** and distinctiveness; create well designed places; and that the conversion of a building outside a defined settlement does not have a detrimental impact upon the character and appearance of the building and its surroundings, amongst other considerations. Consequently, the proposal would have to meet the requirements of policies S1, S4, PD1 and HC8 of the LP for it to be acceptable in principle.
6. The appeal site is located near to the hamlet of Biggin, and according to the **appellant's statement** is also less than a mile from the larger village of Hulland Ward. Paragraph 78 of the Framework promotes sustainable development in rural areas where it will enhance or maintain the vitality of rural communities. In relation to economic and community benefits, the proposed dwelling would provide a limited boost to the local economy and businesses which would potentially help to sustain services within the village.
7. However, these potential economic and community benefits would be dependent on residents being able to meet many of their service needs within the village. From the evidence before me, the existing services, and facilities within the village of Hulland Ward comprise a primary school, medical centre, public house, bus service and local shop. Furthermore, whilst these services and facilities would be within a relatively short distance of the proposed development, the route is not paved or lit making it unlikely **that the proposal's future occupiers would travel** there by means other than the private car.
8. Whilst Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions vary between rural and urban locations, its overall aim is to reduce reliance on the private car as a mode of transport. Consequently, given the isolated location of the appeal site it would be highly likely that future occupiers of the proposed dwelling would access services by private car. This would not achieve the social sustainability objective set out in the Framework as services would not be accessible by means of transport other than the private car.
9. Accordingly, taking into account all of the factors discussed above, and being mindful of paragraph 103 of the Framework, I am not satisfied that the appeal site is a suitable location for residential development having regard to the accessibility of services and facilities. I therefore conclude that the proposed development would fail to meet the requirements of policy S1 of the LP. It would also conflict with paragraphs 8 and 78 of the Framework which aim to achieve sustainable development and to promote it in rural areas.

Character and Appearance

10. The proposal would change the use of the existing agricultural building to a residential dwelling making internal alterations and minor exterior alterations. While I acknowledge that the existing building has a somewhat utilitarian appearance, to my mind, given its design, scale and material finish it does not resemble a traditional agricultural or rural building but a small red-brick dwelling with it being visually read as such within the landscape.
11. Its external material finish also does not blend-in with the more open landscape it sits within as readily as the nearby dwellings do, given their more traditional rural appearance. Accordingly, and given its visually prominent location, in my view the form, bulk and general design of the existing building does not make a positive contribution to the character and appearance of its surroundings in conflict with criterion b) of policy HC8 of the LP.

12. Furthermore, given its design the proposal would be similarly visually read meaning that it would also not make a positive contribution to the character and appearance of its surroundings. Therefore, while I note that this does not necessarily mean that it would have a more harmful visual impact on the landscape than the existing building, this does not mean that it would not have a detrimental impact upon the character and appearance of its surroundings at all. As a result, I find that the proposal would have an inherently harmful visual impact on the rural landscape of the area, nonetheless.
13. In any event, even if **the proposal's** visual effect on the landscape was neutral, while it would re-use the existing building, given its design and material finish, it would not enhance its immediate setting thereby failing to meet criterion d) of paragraph 79 of the Framework. Moreover, for similar reasons I consider the **proposal's design not to be of exceptional quality thereby also failing to meet the requirements of criterion e) of paragraph 79 of the Framework.**
14. Consequently, taking into account all of the factors discussed above, I conclude that the proposed dwelling would by virtue of its form, bulk, general design and location materially harm the rural character and appearance of the area. It would therefore fail to meet the requirements of policies S4, PD1 and HC8 of the LP. It would also conflict with paragraphs 79 and 170 of the Framework which aim to avoid the development of isolated homes in the countryside and recognise the intrinsic character and beauty of the countryside.

Other considerations

15. Turning to the benefits, the proposed development would potentially provide an additional dwelling and a social benefit. There would also be some economic investment from its subsequent occupation. However, these benefits would be outweighed **by the proposal's** unsuitable location and harmful impact on the rural character and appearance of the area. As a result, I afford this consideration little weight.
16. In support of the appeal proposal the appellant has cited similar proposals that were granted planning permission: Ref APP/P1045/W/19/3229075; Ref 18/01433/FUL; Ref 18/00628/FUL; and Ref 12/00087/FUL. However, I do not have all the details of these cases before me or the circumstances which led to those decisions being taken.
17. Furthermore, in the first case the proposed dwelling was considered to not be in an isolated countryside location; in the second case, the proposal was considered to represent a visual improvement to the building being converted; in the third case, the building to be converted had a traditional style and material finish; and in the fourth case the proposal was for a new agricultural/storage building not a dwelling. As a result, I consider that the circumstances applicable to these other schemes are not exactly the same as those presented in this case, which I have determined on its own merits. I therefore afford this consideration limited weight.
18. **The appellant has cited a potential 'fallback' position that they could pursue should the appeal be dismissed which is the conversion of the building to residential use under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).** However, whilst this option could be pursued, given that the location and design of the building would likely be the same, I consider that it would not be more harmful than if the appeal scheme itself were permitted in conflict with the development plan. Accordingly, I afford this consideration limited weight.

Other Matter

19. In support of the proposal the appellant has also cited positive pre-application advice that was given by the Council (Ref. 19/01364/PREAPP). However, this is not binding, and it is clearly unfortunate if proposals are adjusted to suit but then the final outcome is an adverse one. Nevertheless, at appeal the proposal is considered afresh. Consequently, the positive feedback given on that scheme does not warrant allowing the appeal scheme before me.

Planning balance

20. In relation to the adverse impacts of the proposal, these are the location of new housing development in an unsuitable and unsustainable countryside location outside of a defined settlement which would harm the intrinsic rural character and appearance of the area in conflict with policies S1, S4, PD1 and HC8 of the LP. It would also conflict with paragraphs 8, 78, 79 and 170 of the Framework.
21. With regards to the potential benefits of the proposal, it would provide social, and economic benefits carrying limited weight in favour of the appeal scheme. However, given the conflict with the development plan and those policies of the Framework identified above I find that, the proposal therefore cannot be considered sustainable development in accordance with the Framework.
22. Therefore, given the substantial harm I have identified, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the development plan and the Framework when read as a whole.

Conclusion

23. The proposal would not accord with the development plan and the Framework when read as a whole and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies contained within them. There are also no material considerations which indicate a decision otherwise than in accordance with the development plan.
24. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR



Appeal Decision

Site visit made on 17 May 2021

by J Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2021

Appeal Ref: APP/P1045/C/20/3264805

Land opposite the Square and Compass Inn (PH), Main Road, Darley Bridge, Derbyshire DE4 2EQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms Suzanne **O'Sullivan, Frederic Robinson Ltd** against an enforcement notice issued by Derbyshire Dales District Council (the LPA).
- The enforcement notice was issued on 5 November 2020.
- The breach of planning control as alleged in the notice is, without planning permission, the unauthorised use of the site as a camping and caravan site.
- The requirements of the notice are, permanently cease the use of the site as a camping or caravanning site.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(d) and (a) of the Town and Country Planning Act 1990 as amended. 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 Act.

Summary of Decision: The appeal is dismissed and the notice is upheld with variations.

The Notice

1. The use of the word permanently within the requirements of the notice is unnecessary having regard to the provisions of section 181(1) of the 1990 Act which states that compliance with an enforcement notice shall not discharge the notice. In addition, the requirement should be to cease the use of the land as a camping AND caravanning site since that is the use subject of the notice. The notice can be varied accordingly without injustice to the appellant or the LPA.

The appeal on ground (d)

2. An appeal on ground (d) is made on the basis that, at the date the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters stated within the notice.
3. The relevant time period for the development to be immune from enforcement action in this case is ten years in accordance with Section 171B(3) of the 1990 Act. For the appeal to therefore succeed, it is necessary for the appellant to demonstrate, on the balance of probabilities, that use of the land materially changed to a camping and caravan site on or before 5 November 2010 and continued substantially uninterrupted for the ten-year period.

4. In support of its case, the appellant has provided a signed Statutory Declaration from William Robinson, a director of the company which owns the freehold of the land. It is declared that the land has been used as a caravan and camping site for a period in excess of 10 years. Included is a hand written letter from a Mr Page, said to be the camp site licensee, to the freehold owner discussing the issue of installing electric hook-ups into the land which at that time was in use as campsite. The letter is dated 8 April 2008. In addition, a letter dated 9 September 2004 indicates investigations were under way at that point as to whether an electricity supply could be provided to the land to support its use as a camping and caravan site. The LPA do not dispute this matter and I see no reason to conclude otherwise. As a result, the evidence points to a material change of use of the land to camping and caravan site taking place more than 10 years prior to the issue of the notice.
5. However, the LPA indicates that the site operated lawfully as a caravan site between 10 November 2010 and 10 November 2011. This is because the site is said to have benefitted from a certificate issued by an exempted organisation, the Camping and Caravanning Club, for use of the site for 5 caravans or fewer. As such the use was granted planning permission by virtue of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 1995 since it fell to be considered as permitted development under Part 5 of Schedule 2. In that instance, it would not have been open to the LPA to take enforcement action until 11 November 2011 at the earliest. Once, the exemption ceased to apply, the use of the land would no longer have benefited for the permission granted under the GPDO as a camping and caravan site and its use would have resulted in a fresh breach of planning control. As a result, the relevant 10-year period of immunity cannot be demonstrated.
6. The appellant argues that the use of the land between that period did not meet the limitations of the permitted development right under Part 5 (which are set out in the Caravan Sites and Control of Development Act 1960) and thus the breach occurred more than 10 years ago and has been continuous since. Namely, it is said that the site frequently accommodated more than 5 caravans at any one time and that users of the land were not members of any recognised recreational organisations.
7. The Statutory Declaration of Mr Page as the licensee for the public house between 2003 and April 2011 indicates that between May and October each year, special events would be held on a regular basis on the land, usually on weekends and accommodating up to 10 caravans in addition to campers in tents.
8. However, the declaration is not sufficiently precise as to how often such special events were held nor indeed is it specific about the number of caravans on the site. Moreover, the declaration is not supported by evidence of specific dates either through booking details or photographic evidence. Furthermore, it is not stated nor evidenced whether or not those people attending the site were members of recognised recreational organisations. As a result, I consider the evidence before me is insufficiently precise and unambiguous to conclude that the material change of use of the land to a camping and caravan site occurred more than 10 years prior to the issue of the notice and continued in breach of planning control for a period of 10 years or more.

9. The appeal on ground (d) therefore fails.

Appeal on ground (a)

Main Issues

10. The main issues are:

- the effect of the development on the living conditions of nearby residents with particular regard to noise and disturbance; and,
- the effect of the development on the character and appearance of the area.

Reasons

Living Conditions

11. The appellant indicates that the appeal site lies around 79m from the closest residential property of 2 Main Road, Darley Bridge. The Council has not disputed the figure thus I have no reason to believe that is not the case.
12. The LPA indicates that noise complaints arose in 2019 when the south-eastern corner of the site was being used for camping. However, the LPA has not specified the nature or frequency of the complaints nor indeed from which nearby residents the arose.
13. Nevertheless, the size of the site, particularly when the area of land to the south-eastern corner of the site is taken into account, is particularly large and its proximity to the properties on Main Road is reasonably close at its nearest point. Consequently, its use for camping and caravanning could result in significant levels of noise and disturbance arising from music, vehicle engines, loud voices and smoke from fires or barbeques.
14. The LPA has suggested a condition requiring the agreement of the number of pitches and the layout of those pitches. This could ensure that the LPA could be satisfied that an appropriate number and appropriate spacing of campers can be accommodated without resulting in undue noise and disturbance. Moreover, the LPA has suggested a condition which prevents the use of the site between 31 October and 1 March. This would ensure there would be no noise and disturbance arising from the site at all for four months of the year.
15. However, to ensure that noise did not unduly affect the living conditions of nearby residents, it would be necessary to impose a condition which restricts noise levels emitted from the site at particular monitoring points on certain days and between specific times. The appellant has suggested such a condition but has not indicated what those noise levels should be, where the monitoring points should be or indeed what days and times for noise restrictions to apply would be appropriate. In the absence of any evidence which demonstrates what noise levels or restrictions would be appropriate, I cannot be satisfied that the detrimental impacts on nearby residents by reason of noise and disturbance can be suitably mitigated by way of condition.
16. I conclude, therefore, that the development will have a harmful effect on the living conditions of nearby residents with particular regard to noise and disturbance. Consequently, the development will conflict with Policy PD1 of the

Derbyshire Dales Local Plan 2017 (the LP) which requires development to not cause unacceptable effects by reason of, amongst other things, noise.

Character and Appearance

17. The appeal site comprises an area of land largely laid to grass either side of a car park located adjacent to Main Road and opposite the Square and Compass Inn. I saw from my site that through the centre of the site is a hard-surfaced access road.
18. The site sits adjacent to Main Road on its approach into Darley Bridge. It contains significant mature tree planting along the north-western, south-western and south-eastern boundaries. These have the effect of largely screening the site from views in those directions. To the north-eastern boundary, however, the site is relatively open to short, medium and long-range views as it is bound only by a low-level stone wall.
19. However, the scale of the site is relatively limited when seen in the context of the large, flat area of open land to the north-east. The division of the site from that area of land by the road, the comparatively limited scale of the site and the backdrop of significant mature trees means that it does not feature particularly prominently within the wider landscape nor does it have any significant association with the land to the north-east.
20. Moreover, where the site can be seen from the open land to the north-east, it is seen in the context of the nearby buildings of the cricket club to the north-west and the public house and surrounding buildings to the south-east. As a result, I find the level of encroachment onto the landscape would be limited and would not result in harm to the landscape character of the area.
21. Furthermore, the use of the land as a camping and caravanning site means the presence of structures in the forms of caravans, tents, vehicles and other associated paraphernalia will be transient, such that the degree of visual effect on the wider landscape will vary over time.
22. I conclude, therefore, that the development will not have a harmful effect on the character and appearance of the area. As a consequence, it will comply with Policies S4, PD1 and PD5 of the LP which state that new development **should enhance the landscape's intrinsic character and distinctiveness**, be of high quality design and not harm the character of the landscape.

Other Matters

23. I have had regard to the fact that the appeal site lies within Flood Zones 2 and 3 and the National Planning Policy Framework requires an exception and sequential test to be undertaken in such circumstances. However, given my findings in respect of the main issues, a conclusion either way in respect of flood risk would not alter the overall outcome of the appeal.
24. I note that the use of the land as a caravan and camping site supports the economic viability of the public house and that the loss of income from its use could be detrimental to the long term viability of the business. I also recognise the relatively suitable location of the site in terms of access by sustainable modes of transport and the contribution the use will make towards the provision of tourist accommodation within the area. However, the evidence in support of those factors is limited and as a consequence, none of the issues,

either individually or cumulatively, outweigh the harm that will arise to the living conditions of nearby residents.

Conclusion

25. Whilst I have found the development will not result in harm to the character and appearance of the area, I have found that it will result in harm to the living conditions of nearby residents. That is the prevailing consideration and as a result I find the development is in conflict with the development plan as a whole.
26. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

27. It is directed that the enforcement notice is varied by:

- deleting the word "permanently" from section 5.1(a) of the notice
- deleting the word "or" from section 5.1(a) of the notice and substituting it with the word "and".

28. Subject to the variations, the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

J Whitfield

INSPECTOR



Appeal Decision

Site visit made on 8 June 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2021

Appeal Ref: APP/M9496/W/21/3266728

69 Derby Road, Cromford, Matlock DE4 3RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dennis Hobson against the decision of Derbyshire Dales District Council.
 - The application Ref 20/00535/FUL, dated 12 June 2020, was refused by notice dated 28 August 2020.
 - The development proposed is 1800mm timber fence to be constructed around the site perimeter. Fence to be constructed behind existing stone wall on street facing aspect.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I noted at my site visit that fencing has been constructed at the appeal site. However, I have determined the appeal in accordance with the drawings before me and on which the Council made its decision namely drawing numbers 2010_01 and 2010_02_B.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the Derwent Valley Mills World Heritage Site (WHS), the setting of listed buildings - **the Mill Manager's House, Rock House, and the Coach House** (all Grade II) and 69 Derby Road (Rock Lodge) as a non-designated heritage asset, and whether the development would preserve or enhance the character or appearance of the Cromford Conservation Area (CCA).

Reasons

4. 69 Derby Road (Rock Lodge) is a detached former lodge to Rock House with a good-sized garden that has boundaries with Derby Road, a public footpath, and a private drive.
5. The appeal site falls within the WHS, inscribed in 2001, being of outstanding universal value and includes the majority of the CCA. It is a heritage asset of the highest significance as set out in Paragraph 184 and 194 of the National Planning Policy Framework (the Framework) and Planning Practice Guidance¹. Any harm to, or loss of, the significance of the heritage asset, from its

¹ Paragraph: 026 Reference ID: 18a-026-20190723; Revision Date 23 07 2019

- alteration or destruction, or from development within its setting, should require clear and convincing justification.
6. The Mill Manager's House, **Rock House and associated Grade II LB's built Circa 1780** are of high historical significance as the former home and associated buildings and mill complex of Sir Richard Arkwright.
 7. The historic character of Cromford is predominantly that of an estate village, where common materials and details were employed by a single landowner, who managed all aspects of life. The significance of the CCA in part derives from the industrial core of mill buildings, prevalent use of gritstone for boundary walls and yew tree planting. Cromford Conservation Area Appraisal acknowledges that Rock Lodge has been altered but states that it is clearly identifiable as an entrance lodge and is an important component of the Arkwright village.
 8. Derby Road is a busy road and properties that have a frontage to it are enclosed by a mix of boundary walls and hedging with some fences evident close to the appeal site as identified in the appellant's appeal statement. The existing boundary wall adjacent to Derby Road is part of a continuous wall from the entrance to the public footpath as far as the gate pier at the entrance to the parkland associated with the Rock House estate. I agree with the Council that the designed stone walling, entrance and gate piers contribute to the character and appearance of the CCA and WHS.
 9. The proposed fence to the Derby Road frontage would be close to, and extend significantly above, the height of the existing wall. Even though it would be stained to reduce its prominence the fence would result in a considerable length of solid enclosure along the boundary. The fencing would be a prominent and discordant feature of the street and would detract from the importance of the wall as the entrance to the Rock House estate. It would have an adverse impact on the character and appearance of the CCA and the WHS.
 10. I accept that there are other examples of fenced boundaries close to the site, however, the existing fences are not directly associated with the entrance to the Rock House estate and their presence does not justify the identified harm.
 11. Adjacent to the public footpath and the private drive the proposed fencing would be boarded in vertical panels with alternate boards removed. The fencing would be stained green and sited with sufficient space from the back of the wall to allow yew hedging to be planted. The fencing would be removed after 3 years according to the drawings when the hedging matures (although the appellant's statement refers to a period of 5 years).
 12. The fencing would be prominent from the private drive entrance from Mill Road and from the public footpath. The proposal to use fencing designed with alternate vertical boards would not soften the hard appearance of the fence to any meaningful extent. Because of its height, length, and prominence the proposed fencing would be an obtrusive and incongruous feature that would disrupt the attractive contrast between the historic stone buildings and walls and their mature landscaped setting. Consequently, the proposal would detract from setting of adjacent listed buildings and the character and appearance of the CCA and the WHS. Although the fencing may be removed after 3 to 5 years, in this particularly sensitive location I am not satisfied that other means

to secure the garden have been sufficiently explored to warrant such visual intrusion for an extended period.

13. Taking the above points together, and being mindful of the duties arising from sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I conclude that the proposed development as a whole would fail to preserve or enhance the character or appearance of the CCA, the character and appearance of the WHS and would harm the setting of the adjacent listed buildings. It would also harm the setting of Rock Lodge as a non-designated heritage asset.
14. Whilst the harm to the heritage assets would be less than substantial, I must nonetheless give this great weight. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits.
15. I note that the appellant requires the fencing to secure the boundaries of the site to protect his family from the busy road and adjacent public areas and to reduce the environmental pollution associated with the gardens proximity to the main road. However, the limited evidence provided does not satisfy me that the garden boundaries could not be secured by other means or a smaller area within the garden secured for children's play. Nor am I satisfied that the protection of the site from noise and air pollution cannot be achieved by other means. The planting of yew hedging would be a benefit in terms of providing additional landscaping of an appropriate species. Even so, the fenced backdrop limits the benefits of this in the short to medium term and applies to part of the development only. These limited public benefits do not outweigh the less than substantial harm to the significance of the heritage assets.
16. Overall, the proposal would fail to satisfy the requirements of the Act and the Framework. It would conflict with Policies S3, PD1 and PD2 of the adopted Derbyshire Dales Local Plan dated 7 December 2017 which together require high quality design that is compatible with the character and appearance of the area and which conserves heritage assets in a manner appropriate to their significance.

Other Matters

17. Although the Council indicates that elements of the fencing adjacent to the public footpath benefit from permitted development rights, these elements have not been identified on the appeal plans. I have considered the scheme before me on its own merits and the fact that permitted development rights might apply to part of the development does not lead me to a different conclusion on the main issue.

Conclusion

18. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR



Appeal Decision

Site Visit made on 1 June 2021

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st June 2021

Appeal Ref: APP/P1045/W/21/3271025

Cuckoostone Grange, Cuckoostone Lane, Matlock Moor, Matlock DE4 5LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Waldon (Good Reit Limited) against the decision of Derbyshire Dales District Council.
 - The application Ref 20/00840/FUL, dated 2 September 2020, was refused by notice dated 28 October 2020.
 - The development proposed is erection of wine making and machinery storage building.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of a wine making and machinery storage building at Cuckoostone Grange, Cuckoostone Lane, Matlock Moor, Matlock DE4 5LZ in accordance with the terms of the application, Ref 20/00840/FUL, dated 2 September 2020, subject to the conditions listed in the schedule below.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located within a rural location on the side of a valley. The surrounding area is primarily characterised by fields surrounded by a mixture of stone walls and planting. However, at my site visit I also noted a large number of trees and some substantial wooded areas. Within the surrounding area, a range of agricultural and residential buildings are visible sporadically sited within the landscape. Although there is a large golf course next to the site, it does not significantly alter the rural character of the landscape. The appeal site itself is a small paddock laid out in gravel and containing solar panels, sited within a vineyard. A short distance away, down the slope, is a garage building and near this is a range of buildings set around a courtyard.
4. Although in a somewhat open position on the side of the valley, longer range views of the site and proposed building are largely softened and in places completely screened by the large number of trees in the surrounding area as well as by a number of folds in the landscape. From my observations on site and from nearby public footpaths, closer views are also limited by trees, the grape trellises, other vegetation, and the landscape itself. Moreover, as a result of the reprofiling of the paddock, a significant portion of the building would be screened by the existing walls around the paddock which follow the slope of the land. This would also help reduce the apparent height of the building in views

from the lane between the appeal site and golf course. Although part of the appeal site would be raised as a result of the reprofiling, this would still be lower than the existing stone walls and so would not be an incongruous feature. As such I find the proposed building would appear similar in views to the existing sporadic development within the wider landscape.

5. The proposed building itself is relatively simple in appearance and form, and makes use of a limited palette of materials. The detailing on the building, including doors and fenestration, is also simple in appearance. Overall, the appearance of the building suggests an agricultural building such as a barn. I **note the Council's concerns that the building would not, however, accurately replicate a 'field barn' given its detailing and location. While this may be the case, I find this is not a harm in itself and that this would ensure the legibility of the surrounding landscape and its buildings.**
6. I **note the Council's concerns regarding the height of the tractor/machinery** section of the building, and that the roof height is unnecessary given the height of the doors. However, given my findings above, the height of the building would not be overly prominent or intrusive. Therefore, while the roof height may not be necessary for vehicles, I do not find it to be harmful or unacceptable. Furthermore, whilst this section may be able to accommodate a first floor this is not before me.
7. From my observations on site, and the information before me, I noted a number of lanes, footpaths, and field accesses within the surrounding area. I find these to be a common feature within the landscape. The proposed track would be at the edge of the field where it would be screened between the grape trellises and the field boundary treatments, these would soften its appearance in both close and distant views. Moreover, I find that the principle of a new access through the dry stone wall would not be unacceptable and, were the appeal allowed, further details of the works could be required through a suitably worded condition. Overall, the proposed access and track would be commensurate to the scale of the use at the site and would not be out of keeping with the character and appearance of the surrounding landscape.
8. Therefore, in conclusion I find the proposed building and associated track and access would not be harmful to, or encroach on, the open countryside to the detriment of the character and appearance of the area and landscape. The proposal would therefore comply with Policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan 7th December 2017 which, amongst other things, require that development is of a high-quality design that protects and maintains the aesthetic qualities of the natural and man-made features of the landscape.

Other Matters

9. I **note the Council's concerns regarding the track not being sufficient** to allow machinery to manoeuvre. However, from my observations on site, sufficient space is available for vehicles to manoeuvre within the appeal site and, were the appeal allowed, a turning area and parking could be achieved through a suitably worded condition. I also noted during my site visit that the lane leading up to the appeal site is only a single track with very few passing places. I find it likely that the sale of goods directly to members of the public could result in a significant increase in traffic along the lane. Given the condition of the lane and that it is a public right of way (PROW), such an increase in traffic

could be harmful to highway and pedestrian safety. However, should the appeal be allowed, direct sales to members of the public could be restricted through a condition. Subject to the above, there would be no harm to the safety of those using the lane and PROW.

10. The Council has also raised concerns over the possible need for future extensions to the building. While this may be the case, this is not before me and an extension would likely be subject to consideration by the Council under a planning application.
11. I note the concerns raised regarding the likely complete loss of the existing solar panels on the appeal site. I note also that the creation of sustainable energy is of environmental benefit. However, the solar panels could be removed at any time by the appellant, without planning permission. Moreover, there would likely be some environmental benefits to consolidating the production process at the appeal site. I therefore find that the loss of the solar panels is not so harmful as to alter my determination on this appeal.
12. Concerns have also been raised regarding the additional waste treatment requirements stemming from wine production. While it is likely that there would be additional needs, given the small scale of the vineyard, I find no reason to believe that it could not be accommodated through the proposed package treatment plant.

Conditions

13. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance and in the interests of clarity and enforceability I have made some changes to the suggested wording. I have imposed a condition specifying the approved plans as this provides certainty.
14. Given the level of detail provided it is necessary, in order to protect character and appearance and highway safety, for conditions to be imposed requiring the submission of further information for external materials, landscaping, and parking and turning spaces. However, I find not all of the details required by the Council are necessary given the siting of the building. As such, I have not included those that relate to finer details such as doors, fenestration, rainwater goods, and meter boxes.
15. Given the rural location of the appeal site, existing background noise levels are likely to be low. As there are residential properties close to the building, they could be affected by any increase in noise levels at the appeal site. I therefore find a condition requiring the assessment of noise levels and, if necessary, the provision of mitigation, is necessary in order to protect the living conditions of the neighbouring occupiers.
16. As the building would allow wine to be produced fully within the appeal site it is likely that this would result in a new opportunity for the sale of produce directly to members of the public. Given the existing road conditions highlighted above, in order to protect highway and pedestrian safety, a condition is necessary restricting such sales to limit the number of vehicular movements to and from the site.
17. The Council has also suggested a condition requiring the building to remain ancillary to the ownership of Cuckoostone Grange. However, I find such a

condition would be overly restrictive and that the purported harm to highway safety and amenity have not been clearly demonstrated. As such I have not imposed this condition as I do not consider that it meets the test of necessity.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LDC3118-PL-01 and LDC3118-PL-02
- 3) Prior to the provision of any external materials or boundary treatments, details shall be submitted to, and approved in writing by, the Local Planning Authority of:
 - **the hereby approved building's facing and roofing materials;**
 - any retaining walls, including their length, height, facing materials, and structural integrity;
 - and, any boundary treatments.Thereafter the development shall be carried out in accordance with the approved details.
- 4) Prior to the first use of the building hereby permitted, details of a scheme for the hard and soft landscaping of the site, including an area for on-site parking and turning, shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed hard surfacing, parking, and turning areas shall be provided prior to the building first being brought in to use. The soft landscaping shall be provided in the first planting season after the occupation of the building. Thereafter, the parking and turning areas shall be maintained free from any impediment to their designated use.
- 5) Prior to the first installation of any wine making facilities within the building hereby permitted, a noise mitigation scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall detail measures to ensure that any noise associated with the operations within the approved building and its curtilage do not cause harm to the amenity of any neighbouring residents. Any such recommended measures must be put in place prior to any wine making facilities being used within the building and retained throughout the life of the development.
- 6) There shall be no on-site sale of produce to members of the public.



Appeal Decision

Site visit made on 2 June 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2021

Appeal Ref: APP/P1045/D/21/3269966

26 Gorse Bank, Wirksworth DE4 4AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Sue Allanson against the decision of Derbyshire Dales District Council.
 - The application Ref 20/01141/FUL, dated 13 November 2020, was refused by notice dated 4 January 2021.
 - The development proposed is elongation of existing first floor window opening to form new glazed doorway and installation of a balcony and privacy screen.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In accordance with the statutory duty set out in section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Gorse Bank Conservation Area (CA).

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the CA.

Reasons

4. The appeal property is a two-storey end of terrace dwelling with a traditional stone façade and tiled roof. The surrounding area is predominately residential comprising single and two storey dwellings and cottages all with traditional material finishes, giving it the feel of a small picturesque village. None of the other dwellings or cottages have a balcony that is visible from public vantage points within the CA. The significance of the CA derives from the traditional style and material finishes of these cottages and dwellings as well as those of the other buildings within it.
5. The proposal would replace one of the first-floor windows to the side elevation of the appeal property with a larger opening to facilitate the addition of a new first floor balcony. The proposed balcony would have a contemporary rather than a traditional material finish.

6. Consequently, given that this side elevation is in a visually prominent location next to the nearby footpath, and that no other nearby properties have such a balcony, the proposal would be at odds with the prevailing pattern of development in the area. As such, even though it would demonstrate a clear contrast between its contemporary design and material finish and the traditional ones within the CA, it would represent a discordant addition to the street scene nonetheless, thereby having a significant adverse visual impact.
7. As a result, I find that the proposal would negatively affect the historic interpretation of this part of the CA. Accordingly, it would fail to preserve or enhance the character or appearance of the CA as a whole thereby having a negative effect on the significance of a designated heritage asset resulting in less than substantial harm. Having regard to paragraph 196 of the National Planning Policy Framework (the Framework), given its scale, the proposed balcony would provide limited social benefits. Consequently, these benefits would not be of sufficient weight to outweigh the harm to the CA to which I must attach great weight.
8. I acknowledge that the proposal would be on the side elevation of the appeal property rather than its more formal front or rear elevations. However, given the visual **prominence of the side elevation's location in relation to the public** footpath it would cause less than substantial harm to the significance of the CA, nevertheless.
9. I also acknowledge that the existing window that would be replaced has a poorer quality modern timber frame with a transom panel which is not necessarily in keeping with the traditional character of the host building. However, this minor contrast with the prevailing character of the area is by no means as striking as that of the proposed balcony, given its comparative size.
10. Similarly, even though the proposed enlarged window opening would include the installation of traditional gritstone quoins, it would not mitigate the fact that this opening would be much larger than all the other first-floor windows on the appeal property, which would give it an unbalanced appearance, all the same.
11. I note that when viewed from the bottom of the ginnel on Gorsey Bank that the vegetation on the boundary would provide some screening. However, as shown **by the photo in the appellant's statement, this vegetation** would not be high enough to fully screen the proposal when viewed from this vantage point. In any event, this vegetation would not provide sufficient screening of the proposal when viewed from the nearby footpath at close range.
12. I therefore conclude that the proposal would neither preserve nor enhance the character or appearance of the CA. As a result, the proposed development would conflict with paragraph 193 of the Framework, which anticipates that great weight be afforded to the conservation of designated heritage assets, including their setting. It would also conflict with paragraphs 194 and 196 of the Framework which seek to conserve and enhance the historic environment. Accordingly, the proposal would also fail to meet the requirements of policies PD1, PD2 and HC10 of the adopted Derbyshire Dales Local Plan.

Other Matters

13. I also note that the proposal: would not cause visual intrusion or unacceptable overlooking or overshadowing of neighbouring properties; would provide a high standard of amenity for occupiers of the building in terms of enjoyment of the view; and would provide increased levels of daylight for these occupiers. However, these matters are not of sufficient weight to outweigh or overcome the substantial harm to the character and appearance of the CA I have identified above.

Conclusion

14. The proposal would not accord with the development plan and the Framework when read as a whole and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies contained within them. Furthermore, there are no material considerations which indicate a decision otherwise than in accordance with the development plan.

15. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

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