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06 December 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, 14 December 2021** at **6.00pm** in the **Council Chamber, Town Hall, Matlock DE4 3NN**.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'James McLaughlin', written over a light blue horizontal line.

James McLaughlin
Director of Corporate Services & Customer Services

AGENDA

SITE VISITS: Attached to the agenda is a list of sites the committee will visit (**by coach**) on **Monday 13 December 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

12 October 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. 21/00500/FUL (Presentation)	06 - 19
<p>Proposed extension to C-Bays building to accommodate relocated equipment (modifications to extension previously approved under planning permission 18/00919/FUL) at Darley Dale Smelter, Oldfield Lane, Warren Carr.</p>	
5.2 APPLICATION NO. 21/00570/REM (Site Visit and Presentation)	20 - 38
<p>Reserved Matters Application for the erection of 46no. dwellinghouses (outline planning consent 15/00570/OUT) at Land adjacent Cavendish Cottage, Derby Road, Doveridge.</p>	
5.3 APPLICATION NO. 21/00771/VCOND (Site Visit and Presentation)	39 - 65
<p>Variation of Condition 2 (approved plans) of planning permission 17/00850/FUL to allow for the substitution of house types at Land Off Whitelea Lane, Tansley.</p>	
5.4 APPLICATION NO. 21/01100/FUL (Site Visit and Presentation)	66 - 74
<p>Retention and improvements to access and access driveway at 1 The Flatts, Wyaston Road, Ashbourne.</p>	
5.5 APPLICATION NO. 21/01146/FUL (Site Visit and Presentation)	75 - 79
<p>Erection of Porch at 21 Pollard Way, St. Elphin's Park, Darley Dale, Derbyshire, DE4 2RU.</p>	

5.6	APPLICATION NO. 21/01221/FUL (Site Visit and Presentation)	80 - 93
	Erection of dwellinghouse at Land North of Springfield, Riber Road, Starkholmes, Matlock.	
5.7	APPLICATION NO. 21/01178/FUL (Presentation)	94 - 101
	Community garden and associated resurfacing of existing walkway at Land North of Health Centre, Compton, Ashbourne.	
6.	INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS	102 - 111
7.	APPEALS PROGRESS REPORT	112 - 127
	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 the Town Hall, Matlock at **09.50am prompton Monday 13 December 2021**, before leaving **(by coach)** at 10:00am to visit the following sites.

		Page No.
10:45am	APPLICATION NO. 21/00570/REM Land adjacent Cavendish Cottage, Derby Road.	20 - 38
11:30am	APPLICATION NO. 21/01100/FUL 1 The Flatts, Wyaston Road, Ashbourne.	66 - 74
12:20am	APPLICATION NO. 20/01146/FUL 21 Pollard Way, St Elphin's Park, Darley Dale.	75 - 79
12:45am	APPLICATION NO. 20/01221/FUL Land North of Springfield, Riber Road, Starkholmes.	80 - 93

Land Off Whitelea Lane, Tansley.

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.

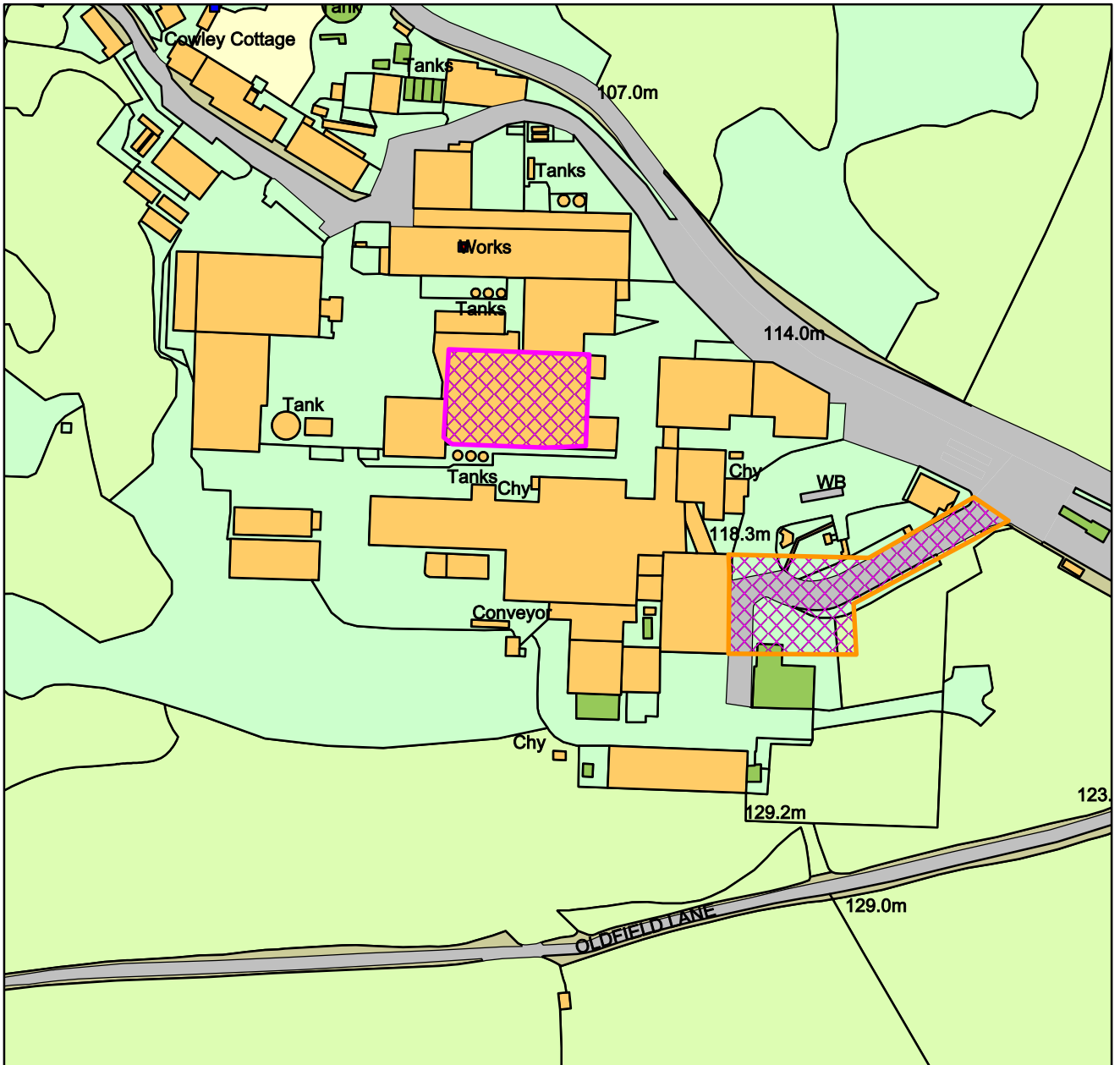
APPLICATION NUMBER		21/00500/FUL	
SITE ADDRESS:		Darley Dale Smelter, Oldfield Lane, Warren Carr	
DESCRIPTION OF DEVELOPMENT		Proposed extension to C-Bays building to accommodate relocated equipment (modifications to extension previously approved under planning permission 18/00919/FUL)	
CASE OFFICER	S Arbon	APPLICANT	Mr D Woodward of H J Enthovens and Sons
PARISH/TOWN	South Darley	AGENT	Miss K Saunders of Norder Design Associates Ltd.
WARD MEMBER(S)	Cllr Colin Swindell	DETERMINATION TARGET	26.07.21
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	n/a – Members undertook a site visit on the 11 th October 2021

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> – Principle of Development – Visual Impact – Highway Safety – Impact on Residential Amenity – Ecological Impacts

RECOMMENDATION
That the application be Granted Subject to Conditions

21/00500/FUL

H J Enthovens & Sons Darley Dale Smelter



Derbyshire Dales DC

1:2,500

Date: 29/09/2021

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 application relates to the existing industrial site of Darley Dale Smelter, whose commercial operation is a Lead Recycling Facility. The site is situated to the north west of Darley Bridge and to the south east of Stanton Lees in an open countryside location. The boundary to the Peak District National Park lies across open fields and woodland to the south, west and north of the site. There is a high wall forming the boundary to the site along Oldfield Lane with woodland screening the site from the immediate vicinity to the north, west and south. To the east of the site is an area of what appears to be historic tipping of waste material. There are two main access points into the site, one to the south east which appears to be mainly for larger vehicles and one to the north of the main site which appears to be for staff vehicles. Despite the screening to the site the entirety of the development can be seen from higher ground at Stanton Lees.



2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for an increase in height of the C-bay building previously granted by permission 18/00919/FUL. The approved height was an eaves height of 7.6-10.8 and ridge height of 12m. This application proposes an eaves height of 10m and ridge height of 15m on the southern elevation and eaves height of 18m and ridge height of 20m on the northern elevation. The difference in heights is due to utilising the higher land levels to the south. The increase in height is required due to a change in legislation in relation to the Cibel 6 equipment since the grant of permission in 2018. The building of the increased height would fully enclose the equipment and would have a ridge 3-8m higher than previously approved.

2.2 Permission was granted on 24th October 2018 for alterations and extension to structures within the confines of the site and to marginally extend the site area to the southeast and northwest as summarised below:-

- Divert access road to accommodate an extension to C-Bay, the new plant (Cible 6) would be housed in the existing C-bay. The extension replaces the existing A-Bay which is

structurally poor and destined for demolition following the transition of operations into the new C-Bay.

- New Cibel 6 piece of equipment, which is to be located in the existing C-Bay. This equipment is essentially a bag filter designed to collect dust from the exhaust of onsite processes, to prevent it from being vented into the air. The new cibel 6 also contains a filter to take out the VOC's. (Volatile Organic Compounds – these are compounds that easily become gas or vapour. For example, VOC's are released from burning fuels, they are also released from products such as solvent paints)
 - Relocate existing oxygen tank farm to the southern end of the site, adjacent to the FGD (Flue Gas Desulphurisation) building.
 - Relocated the water tanks adjacent to the weighbridge area to the eastern end of the site.
 - Extend the car park to the northern end of the site to ensure there is sufficient parking on site without causing overspill parking into the delivery area.
 - Relocate existing A-Bay facility into the proposed C-Bay extension.
 - New oxygen generator to be constructed to the south eastern end of the extended site area.
 - Extension to the FGD building to the southern end of the site.
 - Relocate a hut to the front of the site adjacent to Oldfield Lane from near the Weighbridge.
 - Demolish toilet block
 - Relocate unloading ramp closer to the weighbridge area.
 - No new chimney is proposed.
- 2.3 The applicants' state that the existing A Bay building is used to store raw materials prior to being transferred to their furnaces for smelting. This building is now reaching the end of its economic life and will in the next 3 -5 years need significant investment to continue its use. Currently raw material is processed and delivered into the existing C Bay building by covered conveyor. It is then moved across site and placed into the A Bay for storage until required, then transported back to the C Bay for loading into the furnace using a variety of heavy plant equipment. The proposed C Bay development, would allow the storage of raw material directly in the building, ready for the furnace, without having to move it across site, reducing vehicle movements around site. Once the new C Bay extension is operational, the existing A Bay building would be decommissioned, the two buildings would not operate together.
- 2.4 The new C Bay would also house a new baghouse filter unit, CIBEL 6 replacement. The new baghouse filter unit is being installed for a number of reasons. The new unit would have a higher filter capacity over the current unit, which would allow the unit to comply with all future announced changes in environmental emissions controls, along with having sufficient over capacity, should further changes be announced. Installing the new unit in the C Bay would allow a more efficient extraction from the rotary dryer, significantly reducing the energy consumption of both the dryer and the filter unit, and making a contribution to reducing our site carbon footprint. The requested increase in height, is to allow for the installation of a bigger baghouse filter than previously anticipated. This unit is both physically bigger, but also needs to be mounted off the ground, to allow access underneath the unit for maintenance. An overhead crane would also be installed in the building which would allow for the safe and efficient movement of material within the building, minimising the use of diesel powered plant to move material.
- 2.5 In and out goods delivery would remain restricted to 0630 to 1600 Monday to Friday and process activities will remain a 24 hour operation.
- 2.6 There is intended to be no additional HGV activity on site. The oxygen generator should minimise HGV movements to and from the site by one vehicle per day.
- 2.7 The approved C-Bay extension extended the area from 945 sq m to 2560 sq m. The building would be 10-18m high to eaves with a 12 degree roof pitch resulting in a ridge height of 15-20m. The total additional floor space approved is 2800 sq m.

- 2.8 Existing buildings are of a dark grey cladding and plant is coloured battleship grey. The proposal is for the building to match this colour.
- 2.9 The 2018 permission gave consent for the removal of the 30 fast growing evergreen trees from the south eastern end of the site. For each tree removed an oak sapling would be planted. In addition a further 10% of trees are to be planted.
- 2.10 Following the resolution at planning committee on the 12th October to defer consideration of the application, the applicant has prepared a document titled: *Response to Derbyshire Dales District Council Planning Committee comments and public concerns raised at Planning Committee hearing held on 12th October 2021*. This document sets out the need for the building and the impacts of the development on the local environment and reaffirms that H.J Enthoven's is not seeking a permit variation from the EA to increase the 150,000 tonne annual limit. The document has been published online and all contributors, consultees and neighbours were made aware of its existence and invited to comment further on the 19th November 2021.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - Policy S1 : Sustainable Development Principles
 - Policy S4 : Development in the Countryside
 - Policy PD1 : Design and Place Making
 - Policy PD2 : Protecting the Historic Environment
 - Policy PD3 : Biodiversity and the Natural Environment
 - Policy PD5 : Landscape Character
 - Policy PD6 : Trees, Hedgerows and Woodlands
 - Policy PD9 : Pollution Control and Unstable Land
 - Policy HC19 : Accessibility and Transport
 - Policy HC21 : Car Parking Standards
 - Policy EC1 : New and Existing Employment Development
2. National Planning Policy Framework (2021)
 - National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

19/00525/FUL – Proposed erection of 2 no. storage buildings, Granted 14/10/19

18/00919/FUL – Installation of new equipment, diversion of access road, extend car park, construct retaining walls, relocate building and extension to existing buildings, Granted 24/10/18

5.0 CONSULTATION RESPONSES

5.1 South Darley Parish Council

The Parish Council cannot support this application as it deviates substantially from the original plans. We believe that it should be subjected to a full and rigorous review.

5.2 Stanton In Peak Parish Council (adjacent Parish):

Original Comments:

Object to this application as many of the issues raised in our objections to 18/00919/FUL are amplified by this incremental creep which would create a major landscape change due to the height and for the following reasons:

1) The proposals increase the visibility of the site from the road as the new extension encroaches on the existing green buffer. It is also highly visible from the Peak District National Park and the village and Conservation Area of Stanton Lees. As the height will increase by 30% - an additional 5.3 metres, the earth bunds would be insufficient to mask this from our parishioners who live in close proximity in Warren Carr who have expressed major concerns as to its impact on their lives.

2) Council expressed disbelief that the architects could have designed the buildings for 18/001919/FUL without taking into consideration their height requirements as the plant being housed already existed and consider the outline mention of a phase 4 referred to at that time with no detail, proves our fears that further expansion was already planned for.

3) Enthoven continually states that there would be 'no increase in HGV activity on site' but these efficiencies that continually increase output have to be reflected in greater HGV movements to and from site with further fears for Darley Bridge – a main access for our parishioners, and the congestion on the roads outside Enthoven with lorries parking up on blind summits and restricting the carriageway can only increase as a consequence.

4) Lighting of the site for security is already a major issue with bright lights flooding the area and further expansion and greater height would only be of greater detriment to the residents of Stanton Lees overlooking from the Peak District National Park as well as the noise and can only be affecting the wildlife too. The increased height and potential lighting pollution would now be seen over the bunds in Warren Carr majorly increasing the affected population.

The Parish Council considers this application a step too far and would request this go to Planning Committee for deliberation and for a full look how damaging this expansion is on the residents of the communities that surround it. A full assessment of the Environmental impact is needed with a report from DDDC Environmental Health on the impacts of the latest EA appeal decision for the site and limitations given full weight, along with DCC Highways revisiting the only route in before a decision is made.

Comments on the additional information:

In response to re-consultation, Stanton in Peak Parish Council would note that the additional information provided in no way satisfies all the questions raised in either the public comments, councillors' questions at the 12 Oct planning meeting or published public concerns.

Council has one major response with reference to drawing dates.

The additional information makes no reference to the following 2 drawings which accompany this application 21/00500/FUL. Analysing the dates using the method provided by Enthoven/Norder into production dates given in the additional information letter:

Drawing 1

8471-NDA-XX-XX-DR-A-9002 revision P1 –3D Views- Site Plan as previously Approved.

The production date for this drawing is 20 – 4 – 18

Drawing 2

8471-NDA-XX-XX-DR-A-9003 REVISION P1 -3D views – Proposed Site Plan.

The production date for this drawing is 18 – 4 – 18

It is clear from these 2 drawings, that the current application drawing was drawn before the previous 2018 application.

The conclusion must be that the end requirement now being asked for was known in 2018 and the applications have been double staged – we understand that this is directly against the 2017 planning legislation.

5.3 Environment Agency

Original Comments:

There are no formal comment to make as there are no constraints within the remit of the Environment Agency associated with the site. They are in communication with the operator regarding the potential changes to the permit boundary as a result of the proposal.

Comments on the additional information received and invitation to attend a future planning committee meeting:

In response to re-consultation the EA states that having discussed this case with their Regulated Industry team their response is linked to the permitting process and the regulation of this site through that permit. They do not have comments to make from a planning perspective.

They would like to thank the committee members for the opportunity to attend future committee meetings but we do not feel this would be beneficial as planning and permits are separate regulatory routes.

The Regulated Industry officer has responded as below;

Our position on this site has not changed. Regarding air quality – there are no new emission points. With regard to noise there will be reduced vehicle movements and therefore less vehicle noise. We also note that the permit has been recently varied to include these relevant areas so that we can regulate the applicable activities.

5.4 Derbyshire County Council (Highways)

Original Comments:

No highway objections subject to no impact on existing access arrangements.

Comments on the additional information received and invitation to attend a future planning committee meeting:

In response to re-consultation it was stated that nothing within the original application documents suggested that the proposals would result in an increase in HGVs accessing the site. The submitted information attached confirms this, and that the proposals are a consolidation existing activities on the site, which remain with the previously agreed volume caps. The Highway Authority would only comment further if the agreed volume cap was to be increased/exceeded as a result of the proposals.

Unfortunately the Highway Authority does not have the resources to dedicate an officer to attend the planning meeting, however the additional information submitted by the applicant clearly confirms that the highway impact or volume caps are not increasing.

5.5 Derbyshire County Council (Flood team)

Due to the nature of the proposed plans and our understanding that all site drainage is regulated by the EA, the Flood Risk Management team have no comment to make.

5.6 Derbyshire Constabulary Designing Out Crime Officer

No objections.

5.7 Environmental Health (Derbyshire Dales)

Original Comments:

No objections as the regulator for this site is the Environment Agency who provide an Environmental Permit including odour, noise, dust etc. However, in terms of Air Quality the district council has overall responsibility and the Air Quality Objective for Lead is 0.25µg/m³ as an annual mean.

Sampling is currently undertaken for lead in air and it is recommended this is formalised and results submitted annually to Derbyshire Dales District Council with an annual mean on the basis of a calendar year. For lead DEFRA and the Devolved Administrations have approved the use of a method that employs the subsequent analysis of sampled filters. Further guidance on method is in Local Air Quality Management Technical Guidance (TG16) February 2018.

Comments on the additional information received:

Regarding your enquiry about the planning committee on the 14th December, it is considered to be far more appropriate for the Environment Agency (EA) to attend as the regulator of the site. Whilst Environmental Health have some enforcement responsibility for light nuisance under the Statutory Nuisance legislation, the EA regulate the majority of the site by way of an Environmental Permit under the Environmental Permitting Regulations 2016 and this would cover all aspects of pollution from the site, including noise, air, water and land related issues. An Environmental Health Officer would be unable to offer comment at the meeting on behalf of the EA.

Nevertheless, from the information submitted, the change in height of the building is to accommodate a new more modern bag filter and reduce movement of vehicles and materials around the site. Whilst not the regulator, this would seem to be a positive development.

Current air quality data provided by site monitoring required by the permit would suggest the site a well below the national air quality objectives (AQO) and for 2019 the annual average was 0.13µg/m³ which is significantly under the national AQO of 0.25 µg/m³. More data from the site is expected and to update their records.

6.0 REPRESENTATIONS RECEIVED

6.1 23 letters of representation have been received which raise the following concerns:

Detail of the application:

- a) There continues to be an expansion of the property which was anticipated as there is groundwork around the rear perimeter.
- b) It is difficult to understand why the additional height required was not included in the original application in 2018.
- c) The description of the application is misleading as it is not for relocating equipment as the original proposal was to relocate the existing A-bay storage facility into the proposed C-Bay storage extension with no expansion of site storage.
- d) Under Phase 1 of the works the new Cibel 6 equipment has already been located in the existing C-Bay and the 12m in height accommodates this equipment.
- e) The increase in height will increase capacity.
- f) Just 6 months after the 2018 permission two more storage buildings were approved on site.

Traffic:

- g) It was advised that the application would help alleviate lorry traffic through Darley Bridge, however the increase in traffic is quite apparent.
- h) How can the statement of 'no increase in HGVs' be policed?
- i) Following the recent appeal by the applicant against the Environment Agency's new Environmental Permit (June 2020) imposing a 150,000 maximum tonnage of recycled lead waste there is now undisputable evidence that the company has been expanding with the existing battery crusher capable of 250,00 tonnes a year.
- j) Cars have to reverse on a bend or go onto the pavement to allow lorries.
- k) A fatal accident has occurred due to a lorry on Darley Bridge.

Amenity issues:

- l) From their elevated position all the site is quite visible and a 5m increase in roof height would be a further blot on the landscape.
- m) Increased capacity leads to an increase in HGV traffic through Darley Bridge and along narrow country lanes so if approved a larger holding area for lorries so they can wait off road should be required.
- n) The visual effect of the plant would increase significantly with the extra 5.3m in height.
- o) The fan and machinery noise is likely to increase and the extra height would be above any noise absorbing structures or foliage therefore noise abatement measures are required.
- p) Acidic odours are already unacceptable as they drift across Oldfield Lane causing residents to take alternative routes to avoid poor air quality.
- q) A full environmental impact statement is required.
- r) No details of additional external lighting and the effects of light pollution that the proposal would create.
- s) Lighting proposals were required by condition of the 2018 approval but these details are not included.
- t) Residents already experience excessive noise, vibration, acrid smells and severe light pollution.
- u) Further development may affect my home and business which is tourism based.
- v) There are worries about the impacts on wildlife and human health through emissions to soil and groundwater contamination, surface water pollution, discharges of hazardous pollutants into the River Derwent and discharges to air.
- w) The increased height of the building would lead to higher lighting poles that would increase the already excessive lighting overspill into Warren Carr and impact on highway safety on nearby roads.
- x) The increased height could be used to improve efficiency at the plant and result in increased tonnage which means more HGV movements and air pollution.
- y) No one seems to want to resolve the problems already associated with the site, noise complaints have been submitted to the EA with no action.

Other:

- z) Over the years the throughput tonnage has increased without the considered scrutiny by DDDC Planners and DCC Highways with part of the reason being each application is below activation thresholds.
- aa) The size of the plant is unacceptable in this countryside location, it has doubled in the past 30 years.

Responses received in relation to re-consultation undertaken on the 19th November 2021:

The website was not available on the 23rd, 24th and 25th November 2021, therefore the additional information for consultation was sent direct via email by the case officer. Responses to consultation are accepted up into the day before committee therefore the consultation period is sufficient.

- i. the 'additional comments' provided by the Company do not address the fundamental issues that we have raised (supported by members of the Planning Committee at the meeting on 12 October 2021) in respect of the ongoing intensification and diversification of the site and the implications of this for local residents.
- ii. These claims are despite the clear evidence that there has been incremental developments over the years that have led to an intensification and diversification of the site with an increase in processing from 100,000 tonnes in 2006 to 165,000 tonnes in 2019.
- iii. In terms of the new information, it does nothing to address the intensification of the site and the cumulative impact of its ongoing development. The planning committee clearly called for a review of the site, including understanding HGV movements, *air pollution and noise pollution from the facility and emissions from vehicles.*

7.0 OFFICER APPRAISAL

- 7.1 Members will recall visiting the site on the 11th October and the item being discussed at the planning committee meeting on the 12th October, where it was resolved that determination of the application be deferred to the next meeting of the Committee on 09th November 2021. The reason for deferral was to enable further consultation with Environmental Health and seek views from the Environment Agency on the environmental consequences of the development (including air quality monitoring, noise and incremental growth) and invite them to attend a future meeting. Further information was also sought on traffic movements to and from the site and for the Local Highway Authority to consider this information and potentially attend a future meeting.
- 7.2 Following deferral of the application, the applicant has sought to answer the questions / concerns raised at the meeting on the 12th October 2021 in relation to the operations on site and the environmental consequences of the proposed development. In a document titled *Response to Derbyshire Dales District Council Planning Committee comments and public concerns raised at Planning Committee hearing held on 12th October 2021* the applicant makes the following points:
 - The proposal approved in 2018, involved a consolidation of existing storage and processing facilities on site.
 - Processing capacity of the site is governed by the environmental permit issued by the Environment Agency (EA). This permit was re-issued in 2020 and placed a cap on site activities at 150,000 tonnes / annum. All our current activities meet the EA permit requirements.
 - The C bay extension would not increase storage capacity on site. The number of HGV vehicles is governed by the EA permit.
 - The number of HGV vehicles coming to site to deliver raw materials or to collect finished lead products is dictated by this volume cap.
 - The new C Bay extension will allow us to operate in a more efficient manner, but it is not designed to increase either material throughput or total material storage on site and there will be no increase in HGV movements to and from the site as a result of the new building.
 - The C bay extension relates to the improving efficiencies on site. The revised drawings were not prepared in 2018 but were simply revised using the existing drawings with the revisions annotated which is standard practice.
 - The new Cibel 6 filter would be located within the C bay extension and would accommodate additional extraction, optimise filtration to reduce energy consumption and maintain compliance with existing and future air quality regulations.
 - The C bay extension would replace the A bay building and once constructed the A bay building shall be fully decommissioned and demolished.

- 7.3 Re-consultation on this document was undertaken on Friday 19th November 2021 for a 10 day period with the Parishes, Ward Councillor, contributors and neighbours. Bespoke consultations were undertaken with the EA, Local Highway Authority and the Environment Health Team. The EA, Local Highway Authority and Environmental Health Team were also invited to attend a future committee meeting as per the committee resolution. The responses received in relation to this re-consultation are included in section 5 of this report.
- 7.4 The following material planning issues remain relevant to this application:
- Principle of Development
 - Visual Impact
 - Highway Safety
 - Impact on Residential Amenity
 - Ecological Impacts

Principle of development

- 7.5 The principle of development has been established in the granting of permission 18/00919/FUL. This application seeks approval for an increase in height of one of the buildings granted permission 'C-Bay'. Policy EC1 supports the expansion of existing businesses and whilst this site is located in the countryside, it is nevertheless an important local employer contributing to the local economy. Therefore, in principle, planning policies support additional facilities and expansion of such sites and this economic benefit was considered against other aims of the Local Plan which include protecting the Peak District National Park, the amenity of nearby residents in terms of noise, smells, pollution and congestion and ecology impacts prior to granting permission in 2018.

Visual Impact

- 7.6 The 2018 permission gave approval for the site to be expanded to the south east through the reconfiguration of the access road due to extensions proposed to C-Bay and the associated relocation of existing plant in this area. It included expansion of the site to the north west to provide additional car parking. The site is well contained by woodland to the south, west and north, however the site is nevertheless visible as a large industrial complex from further north within the Derbyshire Dales and Peak District National Park.
- 7.7 The site is well screened by woodland planting. The previous approval involved removing around 30 evergreen and fast growing trees to the south east of the site boundary and replacing these with local tree species. A landscaping scheme which includes the planting of 350 replacement trees in the south western area of the site has been submitted and approved in the discharge of condition 3 of permission 18/00919/FUL which mitigates for the removal of trees to the east of C bay.
- 7.8 Concern has been raised that the increase in height would result in additional harm to the character and appearance of the area. The proposal would mean the C-Bay building would be 15m in height adjacent to the southern boundary and 20m in height from within the site complex to the north. In order to set this increase in context, it would result in a 1.2m higher roof than the adjacent lorry dock to the west from the south and a 2m higher ridge from the southern elevation due to the drop in levels in this direction. The increase is considered a modest increase set within the context of the wider site. Further tree planting to the south has been approved and is required through the 2018 permission and existing planting whilst reduced in width would be retained to the east. On this basis, it is considered that this modest increase would not cause significant harm to the character and appearance of the area taking into account the existing permission. As such the proposed is considered to comply with Policies S1, S4, PD1, PD2, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan 2017.

Highway Safety

- 7.9 Concern has been raised that the proposed works would lead to an expansion in capacity resulting in additional traffic movements which would cause further harm to the local road network. The requirement for the increase in height for C-Bay would not expand the facility on site but would assist in the operation to meet emission targets.
- 7.10 It is considered that the proposal would not cause any additional traffic movements to and from the site other than those connected with the necessary construction works. As such the proposal meets highway requirements to comply with policies S4, HC19 and HC21 of the adopted Derbyshire Dales Local Plan 2017.

Impact on Residential Amenity

- 7.11 Concern has been raised by local residents regarding the potential impacts from the proposed development in terms of noise, smells and pollution.
- 7.12 The Cibel 6 equipment is proposed within C-Bay seeks to reduce emissions from the site. The site as a whole is given a permit to operate from the Environment Agency which means that appropriate measures in respect of odour, noise and dust are controlled by the EA who have raised no concerns regarding this proposal. The Environmental Health team of Derbyshire Dales District Council are responsible for air quality. In this respect the Environmental Health Officer has recommended a condition is imposed over the entire site regarding the submission of air quality details on an annual basis. However, given that the need to control air quality does not arise specifically from this development it is not considered reasonable to impose such a condition which covers the long term use of the site. A footnote will be added to the permission to advise the applicant to contact the Council's Environmental Health team in respect of establishing an annual submission of data.
- 7.13 The applicants' have sought to clarify the following in light of objections received. The new baghouse filter unit was and is planned to be installed inside the new extension, not the existing building. Some of their early plans had this unit being installed first with the new building effectively being built around the unit, however plans have been revised and the unit shall be installed at a later point in the project once the main structure has been completed. The building design submitted for planning application in 2018, had concrete walls 6m high this would be the limit for material storage. The building design currently being reviewed, has reduced wall height of 5m. This shall result in a reduction of the internal storage volume over the building approved in 2018. The C Bay extension would not increase the current operating capacity of the site and as such would not result in an increase in operational traffic on local roads. The EA has set the firm's operational limit at 150,000 tonnes/annum and they are not seeking to increase this limit. All of their site activities comply with their EA permit obligations. The baghouse filter unit would be housed internally, within a separate area, with internal dividing walls. This unit would duct exhaust outside to join the existing main stack. There will be no additional noise associated with the operation of this unit over the current levels.
- 7.14 Application 18/00919/FUL was screened under category 4 (d) of the 2017 Environmental Impact Assessment Regulations and was deemed not to constitute Environmental Impact Assessment development requiring an Environmental Statement. This application seeks a larger building only in height terms with the footprint / floorspace and use remaining the same as that previously approved. On this basis, on screening the current proposal it has been concluded that it is also not EIA development and therefore no Environmental Statement is required.

7.15 Therefore on the basis of the existing regulations relating to this development it is considered that the additional impacts arising from the proposal would not be significant and as such would not warrant the refusal of planning permission. As such the proposal is considered to comply with policies S9 and PD1 of the adopted Derbyshire Dales Local Plan 2017.

Conclusion

7.16 Having considered the impacts arising from the proposed development it is considered that the proposal would not result in impacts that are substantial and therefore the proposal is considered to accord with local and national planning policies and approval is recommended.

7.17 Whilst the concerns of Stanton in the Peak Parish Council are noted, the Local Planning Authority can only consider the impacts arising from the proposed development and it is other regulatory bodies that maintain control of the operation and impose a pollution control regime over the entire site.

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 application plans:- location plan scale 1:2500, plan 1000 P1, 1002 P1, 4501 P1, 5502 P1, 6002 P1 and 9003 P1 received on the 26th April 2021.

Reason:

For the avoidance of doubt.

9.0 NOTES TO APPLICANT:

9.1 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.

9.2. 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.

9.3 This Decision Notice relates to the following documents:

Location plan scale 1:2500,

Plans 1000 P1, 1002 P1, 4501 P1, 5502 P1, 6002 P1 and 9003 P1 received on the 26th April 2021.

Design and Access Statement received 26th April 2020

9.5 The applicant is advised that in order to assist with the aim to improve air quality to contact the Council's Environmental Health team (Tel: 01629 761212) in respect of establishing an annual submission of data in respect of sampling undertaken for lead in the air.

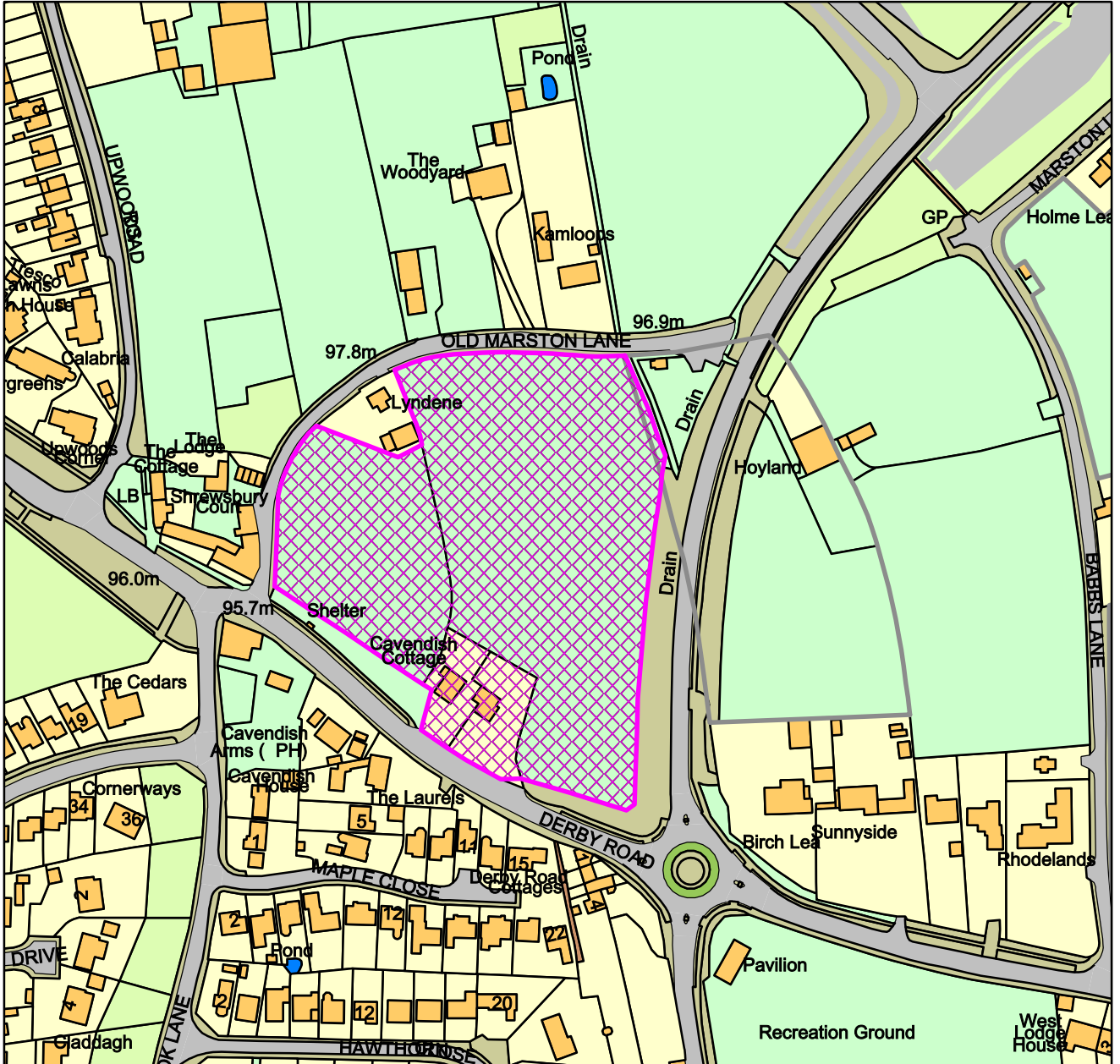
APPLICATION NUMBER		21/00570/REM	
SITE ADDRESS:		Land adjacent Cavendish Cottage, Derby Road, Doveridge.	
DESCRIPTION OF DEVELOPMENT		Reserved Matters Application for the erection of 46no. dwellinghouses (outline planning consent 15/00570/OUT)	
CASE OFFICER	S Arbon	APPLICANT	Amos Group
PARISH/TOWN	Doveridge	AGENT	
WARD MEMBER(S)	Cllr J. Allison	DETERMINATION TARGET	1 st November 2021
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and assess the impact of the development on its surroundings

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - The Principle of Development and Policy Framework - Impact on the Character and Appearance of the Area - Highway safety - Residential Amenity - Ecology and Landscaping - Housing Mix - Noise - Drainage - S106 Requirements

RECOMMENDATION
That the application be Refused.

21/00570/REM

Land Adjacent Cavendish Cottage, Doveridge



Derbyshire Dales DC

1:2,500

Date: 02/12/2021

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 application site relates to part of the 1.89 hectare of land, which is largely enclosed by hedging and trees at Cavendish Cottage, Derby Road, Doveridge. Old Marston Lane which is a narrow lane of semi-rural character runs along the northern and western boundaries of the site. Derby Road is located to the south of the site and Marston Lane to the east. The site is relatively level and has been used as a paddock and as a caravan site in recent times. A detached dwelling known as 'Lyndene' is located to the north western side of the site and accessed via Old Marston Lane. A two storey dwelling and detached garage are located to the frontage of the site known as 'Cavendish Cottage'. This property was within the outline application site along with an area of land to the south of Lyndene and they are now excluded from the scheme and to be retained by the landowner.
- 1.2 There is a non-designated heritage asset on the site which is a ridge and furrow field system. asset, the grade II listed Cavendish Arms Public House which fronts towards Cook Lane and is in close proximity to the application site.



2.0 DETAILS OF THE APPLICATION

- 2.1 Outline planning permission for the erection of 46 dwellinghouses with all matters reserved (15/00570/OUT) was granted on the 18th October 2017. This application seeks approval of the reserved matters, namely access, appearance, landscaping, layout and scale. The erection of four bungalows and forty two houses is proposed. Dwellings would be served from a central access point immediately to the south east of the existing property to be retained 'Cavendish Cottage'.
- 2.2 The application would provide the following housing mix:
4 x 2 bed bungalows
16 x 2 bed houses

22 x 3 bed houses
4 x 4 bed houses

- 2.3 The existing dwelling 'Cavendish Cottage' would remain with the access running to the east. A large rectangular area is proposed adjacent to Derby Road to accommodate a large surface water attenuation basin. The first 'gateway' property to the east of the access road would be a two storey wide fronted dwelling with arched lintels on the ground floor windows and a chimney that would overlook the green area with its side gable adjacent to the access road and attached to a smaller dwelling of a simpler design. Two pairs of two and a half storey semis with 9.4m high ridges are proposed overlooking the attenuation basin which have flat roof porches, large windows and a central pitched roof dormer in the front roof slope. To the west of these properties over the road and set back with parking to the front is a two storey property that has an angled section attached to a pair of narrow semi-detached properties.
- 2.4 The access road dissects the site east / west and ends in a large turning head adjacent to the northern boundary with three private drives off to the east and a central section going off to the west also culminating in a large turning head adjacent to the open land to be retained to the west. In the centre of the site is 'The Green' which is to the north side of the central section of road that heads to the west. This area has a private drive set behind it with properties slightly angled around it with one dwelling with its side gable overlooking this green area. Three small detached properties with traditional features such as arched lintels and chimneys face the area with detached garages set back beyond the dwellings.
- 2.5 The 8 affordable dwellings (4 intermediate tenure and 4 affordable rent) are proposed to the east of this central area accessed via a shared private drive with a large area of parking on their frontages. Four bungalows are proposed of a plain design with two pairs of narrow semi-detached properties adjacent to the eastern boundary with Martson Lane. In the northern most part of the site large detached properties are proposed with shared private drives to the front and are either adjacent to the Old Martson Lane boundary with its existing trees and hedgerow or in the north eastern corner a small green area with a proposed pedestrian path onto the lane. A further footpath link is proposed to the front of plots 37-39 onto Derby Road.
- 2.6 The dwelling's ridge heights vary from 7.7 to 9.4m with the highest properties on the Derby Road frontage and adjacent to the northern boundary. The submitted materials plan indicates three different types of red brick are proposed and grey slate and grey clay tiled roofs. Both the bricks and tile mixes are dispersed throughout the development with the same housetypes having differing materials.
- 2.7 The applicant has submitted the following documents with the application:
- Noise Assessment Report
 - Proposed drainage calculations

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - S1 Sustainable Development Principles
 - S2 Settlement Hierarchy
 - S3 Development within Defined Settlement Boundaries
 - S9 Rural Parishes Development Strategy
 - S10 Local Infrastructure Provision and Developer Contributions
 - PD1 Design and Place Making
 - PD2 Protecting the Historic Environment
 - PD3 Biodiversity and the Natural Environment

PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
PD8	Flood Risk Management and Water Quality
HC1	Location of Housing Development
HC2	Housing Land Allocations
HC4	Affordable Housing Provision
HC11	Housing Mix and Type
HC14	Open Space, Sports and Recreation Facilities
HC19	Accessibility and Transport
HC21	Car Parking Standards

3.2 Doveridge Neighbourhood Development Plan (2018)

D1 : Design of New Development

H1 : Housing Mix to meet the specific demographic needs of Doveridge

CF1 : Key Community Services and Facilities

T1 : Sustainable Transport, Safety and Accessibility within Doveridge

NE1 : Natural Environment

3.3. National Planning Policy Framework National Planning Practice Guidance

3.4 Derbyshire Dales District Council Climate Change SPD July 2021

4.0 RELEVANT PLANNING HISTORY:

15/00570/OUT - Residential development of up to 46 dwellings (Outline), Granted 18th October 2017

0298/0064 Change of use of part of petrol station to community police office – Granted

0790/0622 Petrol storage tank and canopy – Granted

0187/0002 Toilet block – Granted

0386/0153 Touring caravan site – Granted with conditions

WED/878/558 Caravan site – Refused

ASR1066/9 For closure of existing petrol filling station on completion of Doveridge by-pass and construction of straddle site petrol filling station on new by-pass – Refused

5.0 CONSULTATION RESPONSES

Doveridge Parish Council

- 5.1 The Doveridge Neighbourhood Development Plan (June 2018 Para 24.1), echoed the local plan in stating that the land at Cavendish Cottage should be developed with 46 dwellings, as a part of the Derbyshire Dales Strategic Housing Land Availability Assessment (SHLAA). This was set out in the Derbyshire Dales Local Plan, Policy HC2(p), site allocation at Cavendish Cottage, and included the whole area between Old Marston Lane, Derby Road, and Marston Lane, excepting one small enclave in the NE corner of the site, and a property called Lyndene in the NW corner of the site. This plan included the demolition of the original Cavendish Cottage and associated buildings.

Our concern is that in the above application, the owner has decided to retain some 10 - 15 % of the land (on the W side of the site, South of Lyndene), and the existing Cavendish Cottage. On top of these two areas being retained, the proposed drainage layout includes a large attenuation pond which occupies a further approximately 10 % of the site.

This means that the 46 dwellings proposed have been squeezed onto some 75 % of the original site as tightly as possible, with a clear indication in the road design (Lane 2), that access is provided to the retained land, for a further application for more dwellings to be submitted in the future.

In the Doveridge Neighbourhood Plan Policy D1: Design of New Development (Para a), new development must respond to (as well as other items), existing character in terms of spacing and density. This proposal certainly exceeds the Derbyshire District Council's original specification for spacing and density by squashing the original number of houses onto a much reduced space. We think this is a breach of both the Neighbourhood and Local Plans.

Allied to this, the uninspiring design, particularly of the bungalows, reflects what can only be described as third rate urban housing, which takes no inspiration from local character, and certainly will not integrate well into Doveridge (Neighbourhood Plan Policy D1: Design of New Development (Para f)).

The Doveridge Evidence Base & Community Engagement Document v 5, 2012, Page 33 of 40, reads that nearly 90% of respondents felt that some of the housing should be built and allocated specifically for the elderly residents of Doveridge. Similarly 95% of respondents supported the development of a shared ownership scheme for the young residents of Doveridge. This is considered to be important to the Doveridge Parish Council, as necessary for the village, and we would like to see the inclusion of a number of one bed houses to provide for this need.

There is a so called green in the middle of the site, which is about the size of a small garden, and hardly of sufficient size to be useful to the community, and certainly not big enough to provide a facility for the local children.

We are also concerned that no investigation has been undertaken regarding possible contamination of the land around Cavendish Cottage, which was a petrol station for many years. We think that when the petrol station closed, the fuel tanks were filled with concrete, and are still in place. If the tanks were leaking prior to the petrol station closing, and if fuel oil and petroleum was spilled on the forecourt during its working life, there is considerable potential for contamination of the land, and for a health hazard for residents and workers if the ground is disturbed. There is no contaminated ground survey included in the planning documents on the DDDC website, and we understand that the District Council should have insisted on an investigation, and a possible clean up.

The opinion of the Parish Council is that this is a poor design, and a deficient application. It does not include the whole area specified in the SHLAA, which inevitably necessitates the much increased housing density, contrary to the statutory Neighbourhood Plan. We would urge Derbyshire Dales District Council to insist on a complete revision of the current proposal to utilise the whole of the available space, and to revert to the original site housing density, if necessary reducing the number of dwellings by 10 % to allow for the space occupied by the attenuation pond.

Environment Agency

- 5.2 There is no comment on the request for the approval of reserved matters. The EA did not have any comments to make on the original application (15/00570/OUT) as there were no constraints which fell under the remit of the EA.

Derbyshire County Council (Highways)

- 5.3 Means of access to the site was determined as part of the original outline permission, although a condition requiring further details on the pedestrian access was requested.

The internal layout has been considered by the Implementation section. Although as submitted the layout would not warrant a refusal on highway safety grounds, the applicant should be aware that, if adoption of the roads is sought, a minimum 5.5m carriageway width and 2 no. 2m footways will be required. As submitted the layout would not meet the technical requirements for adoption and would remain private.

The pedestrian access proposals are noted and generally acceptable, however the access into Old Marston Lane emerges into live carriageway (although it is appreciated that vehicle numbers and speeds are likely to be low). Exit visibility should still be provided for and of emerging pedestrians and measures to prevent pedestrians, especially children, running into the road should be included.

Bin collections points have been provided on each of the shared private drives and are generally acceptable – the ones located near plots 43, 18, 9 and 5 are remote from the highway and should be relocated adjacent to the footway.

Derbyshire County Council (Place - Developer Contributions)

- 5.4 In line with the Adult Social Care accommodation and support strategies, we can provide the following feedback in relation to the proposal to build 46 dwellings at Land Adjacent Cavendish Cottage Derby Road, Doveridge:

The Older People's Housing Accommodation and Support strategy encourages development of housing which enables downsizing and independent living in older age across all tenures. There is a need for additional units of age-designated housing suitable for older adults and the provision of this in smaller communities in the Derbyshire Dales. It is welcomed that a good proportion of 2-bed units is proposed and that 20% of these are for affordable rent or ownership. Dwellings should be being built to Lifetime Standards, with a proportionate number being built to M4(2) and M4(3) standards, enabling people to age well in place.

Design and Conservation Officer (Derbyshire Dales)

- 5.5 The proposed housing development does not include the area of land over the road to the north west of the Grade II listed Cavendish Arms Public House therefore there would be a lower level of less than substantial harm with the proposal having a minimal or negligible impact on the setting of this heritage asset. Any development of this land may be potentially mitigated by a development of exemplary design and layout.

Tree and Landscape Officer (Derbyshire Dales)

- 5.6 A Tree survey was submitted with the outline which identifies the existing trees and generic comments regarding tree protection. Submission of the following is required:-
1. Tree retentions and removals plan
 2. Tree protection scheme
 3. Arboricultural method statement detailing how any proposed works within root protection areas will be undertaken to avoid harming the trees (this could be a condition)
 4. Landscaping scheme

Environmental Health (Derbyshire Dales)

- 5.7 There are no objections to the application. The proposal is informed by the Hoare Lea Noise Report that accompanied the Outline. This includes ensuring that rear gardens are screened from the main noise sources (i.e., the A50 and Marston Lane) by dwellings and garages and that solid screen fencing is used. Standard thermal double glazing providing a typical sound reduction of the order of 33dB(A) is proposed for all bedrooms and habitable rooms would have surface mounted noise reducing acoustic trickle vents.

5.8 Rural Housing Enabling Officer (Derbyshire Dales)

To maximise the accessibility and benefits these dwellings will bring, we would like to see the following:

- The bungalows should be fully compliant with Building Regs M4(2)
- All dwellings should meet NDSS. The 2 bed 2 storey dwellings are 69 m² but NDSS stipulates 79 m²; the 2 bed ground floor dwellings should achieve 70 m² but are slightly below that.

The Lead Local Flood Authority

5.9 Based on review of the surface water drainage information submitted they provide the following comments:

- Evidence of the consideration of SuDS or written statement as to why they have not been considered is required.
- Aspects of the submitted drainage layout, attenuation basin and supporting calculations have been designed based on 1 in 100 + 30% climate change, current guidance is for 40% climate change plus an allowance for urban creep (10% recommended). The plans should be updated to reflect current guidance.
- Evidence should be provided to demonstrate that the destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance. The FRA submitted in support of the Outline application stated that if infiltration is to be used, soakaway testing to BRE365 standard would be needed in specific locations where infiltration is considered most feasible.
- Additional information is needed to demonstrate that the ordinary watercourse along the eastern side of the development is suitable as a potential discharge destination for surface water runoff from the site. There is a need to see network connectivity, and assessment of condition and capacity.

These details are required at the early planning stage to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage.

Councillor J Allison

5.10 It is understood that as this application is to consider the reserved matters for the outline permission granted in 2017 no further developer contributions can be sought. The developer has agreed to provide 8 affordable homes which is welcomed. There is a greatly increased need for more affordable homes in Doveridge as the village has seen abnormal house price inflation with has been driven by the two large recent housing developments. It is recommended that a condition is imposed that Doveridge residents or anyone with a strong local connection are given priority when these properties are allocated .The Council's legal team response was to the legal advice the applicant obtained has been requested. There is a concern that there will now be 47 homes on a much reduced site. Details have been requested regarding the retained piece of land and its use, it's seems probable this will be subject to another application for additional houses. From the plans there seems to be little open space and the estate will have a cramped appearance in what is a very prominent entrance into the village. More detail on how the properties will be heated has been requested and how their carbon emissions will be minimised. It should be noted that the bus stop identified on the plans opposite the Cavendish Arms is no longer used. The bus company route no longer goes through the village, and as such is a very limited service.

6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 20 representations have been received. A summary of the representations is outlined below:
- a) Old Marston Lane has a national speed limit and there are no footpaths and further pedestrian use of the lane by the new residents would be dangerous.
 - b) The site layout does not include all of the land within the outline permission and allowing this would set a dangerous precedent.
 - c) The density of development would be unsuitable of a country village.
 - d) The land now not included could be developed at a later date with more houses which would exceed the Local Plan allocation of 46 dwellings (approx. up to 53 dwellings)
 - e) The dwellings proposed are small with some three storey in height which is not in keeping with the village.
 - f) There is medieval ridge and furrow located in the field which should be taken into consideration and not destroyed.
 - g) It is not clear where the brick screen is to be located which may be to restrict noise pollution from the A50.
 - h) The field should not be within the settlement boundary.
 - i) The Doveridge Neighbourhood Plan states that Doveridge has a rural character with new dwellings demonstrating a high standard of design which enhance the rural character of the village.
 - j) The bungalows are extremely bland looking which no features to break up the eaves / roof line and many of the dwellings are 'estate houses' not taking account of the "locally inspired or distinctive character".
 - k) Housetype 11 is stated as a 4 bedroom dwelling on the layout key but the floorplans show a 5 bedroom house.
 - l) There are a lack of services in the village such as doctors, schools and dentists for the new residents.
 - m) Such a large development in the village would change the character of the village.
 - n) Speeding traffic is a concern for residents which the extra traffic from the development and therefore the developer should pay for flashing 30 signs to slow traffic.
 - o) The footpath link to Old Marston Lane would encourage further footfall on the land which is dangerous.
 - p) Properties that directly overlook existing properties on Old Marston Lane should be single storey.
 - q) There are no three storey buildings within the surroundings and these are not in keeping.
 - r) 1, 2 and 3 The Cottages on Derby Road do not have driveways or parking and have to park on Derby Road near these properties.
 - s) As the area of land included in the application has reduced there should be a pro rata reduction in the number of dwellings.
 - t) The residents of the village have suffered 3 years of construction disruption from housing sites.
 - u) The roads leading into Doveridge are in a bad state of repair and any extra traffic would need considerable funds to repair them.
 - v) A previous application (0790/0622) on the site included a petroleum storage tank and there is no evidence that this has been removed.
 - w) The access should be taken directly off Marston Lane to avoid disturbance to Derby Road residents.
 - x) The proposed street lighting is inadequate.
 - y) Parking provision is inadequate and should be increased by 50%.
 - z) The density and style of housing is very urban in this rural village.
 - aa) The attenuation basin is too large and should not be located on the frontage.
 - bb) The proposal may have an impact on the Grade 2 Listed Cavendish Arms if the trees and hedging were removed.
 - cc) There is a lack of an Ecology Survey proposing mitigation and compensatory measures.

- dd) No renewable energy proposals are included.
- ee) There is no detail as to how the dwellings would be heated and for two other developments tanks were required.
- ff) Since the outline was granted a substantial number of additional properties have been built increasing traffic volumes.
- gg) No Environmental Impact Assessment or bat survey have been submitted.
- hh) The turning area is not adequate for waste disposal or removal vehicles.
- ii) Bin carry distances for some plots are long.

7.0 OFFICER APPRAISAL

- 7.1 Section 70(2) of the Town and Country Planning Act 1990 and 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 the Act is the Adopted Derbyshire Dales Local Plan (2017) and Doveridge Neighbourhood Plan (2018). The National Planning Policy Framework (2021) is also a material consideration in respect of this application.
- 7.2 Having regard to the relevant provisions of the development plan and relevant material considerations, the main issues to assess are:
- The Principle of Development and Policy Framework
 - Impact on the Character and Appearance of the Area
 - Highway safety
 - Residential Amenity
 - Ecology and Landscaping
 - Housing Mix
 - Noise
 - Drainage
 - S106 Requirements

Principle of development

- 7.3 The Local Planning Authority is unable at this time to demonstrate a five year supply of housing land. The Housing Land Supply position is outlined in the Annual Monitoring Report which states that as of the 1st April 2020 the five year supply for 2020-2025 was 4.61 years. The policies, which deal with the delivery of housing in the development plan can therefore be deemed to be out of date.
- 7.4 Paragraph 11d) of the National Planning Policy Framework advises that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The Local Planning Authority have previously granted outline planning permission for up to 46 dwellings on the land under planning application code ref. 15/00570/OUT. This application was granted planning permission on the 18th October 2017 and the time limit for submission of the reserved matters was automatically extended under the provisions of the Planning and Business Act 2020. The site is also allocated for housing under Policy H2 (n) in the Adopted Derbyshire Dales Local Plan (2017). Taking the above into consideration and notwithstanding that the presumption in favour of sustainable development is engaged, the site is allocated and planning permission has already been granted for up to 46 dwellings

on the site. Assessment therefore needs to be given as to whether the matters which require approval would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the National Planning Policy Framework taken as a whole. The policies in the Framework which deal with the matters for consideration generally align with policies contained within the Adopted Derbyshire Dales Local Plan (2017) and Doveridge Neighbourhood Plan (2018).

- 7.5 This application seeks development on a reduced area of land, with the full extent of the site allocation outlined blue. The phased development of outline sites is permissible even if this includes not developing an area of the overall site and provided the development does not step outside of the parameters of the outline permission. Whilst phased reserved matters applications are acceptable on larger sites where overall housing numbers are generally known, this application differs as the total housing number of 46 dwellings is proposed on a smaller site without the knowledge of the proposed use of the remaining blue land. That said, the principle of housing is established through the grant of the outline together with the housing allocation in the local plan.
- 7.6 Any reserved matters submission must conform to the parameters set in the outline permission, the associated legal agreement and development plan policies insofar as relevant to the reserved matters being applied for and where they align with guidance contained in the National Planning Policy Framework (2021). These matters are considered below.

Impact on the Character and Appearance of the Area

- 7.7 Having granted outline planning permission under application code ref. 15/00570/OUT for up to 46 dwellings on the land, the following reserved matters require consideration:
- a) the scale of the development;
 - b) the layout of the development;
 - c) the external appearance of the development;
 - d) details of access arrangements;
 - e) the landscaping of the site.
- 7.8 The following consideration is given to the scale, layout and appearance of the development which form three of the reserved matters. The principal policies for consideration are Policies S1 S3, PD1 and PD7 of the Adopted Local Plan (2017) and Policies D1 and NE1 of the Doveridge Neighbourhood Plan. These policies align with guidance contained in the National Planning Policy Framework (2021), in respect of seeking to protect and enhance the natural, built and historic environment and providing a sufficient number and range of homes to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities. Chapter 12 of the National Planning Policy Framework deals specifically with achieving well-design places and recognises that good design is a key aspect of sustainable development.
- 7.9 Policy S1 advises that all development should seek to make a positive contribution towards the achievement of sustainable development and, in doing so, seek to secure development which are of high quality, locally distinctive and inclusive design and layout and which provides a high standard of amenity for all existing and future occupants of buildings. Policy S3 requires that the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located. Policy PD1 advises that there is a requirement that the new development creates well designed, socially integrated, high quality places and should respond to the challenge of climate change whilst also contributing to local distinctiveness and sense of place. This policy requires all developments to be of high quality design that respects the

character, identity and context of the Derbyshire Dales townscapes and landscapes. New development must be designed to offer flexibility for future needs and uses taking into account demographic and other changes; and ensuring development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features.

- 7.10 Policy D1 of the Doveridge Neighbourhood Plan states that new development must (amongst other considerations) respond to existing character in terms of spacing, density, set-back and the enclosure and definition of streets and spaces, include SUDS and preserve hedgerows. Policy H1 requires the housing mix of new development to meet the specific demographic needs of Doveridge and Policy NE1 requires an assessment of impact on and potential to benefit natural environments concerns such as existing hedgerows and trees, improving biodiversity and landscape character.
- 7.11 The application site is a relatively flat edge of village location. In this context it is considered that a development should reflect on a relatively low density allowing views through the site, have an architecture that either draws on local vernacular or justifies an alternative approach with drainage, open space and play opportunities integral and complimenting the layout. Site assets should be utilised and non-conforming existing feature addressed.
- 7.12 Having regard to the above, the retained 'Cavendish Cottage' would dominate the entrance to the site set 20m back from the road frontage. The frontage of this two storey dwelling with a hipped roof is dominated by a single storey flat roof extension with a balcony above with large windows and facing block work out of keeping with the character of the existing dwelling. In this context, the design of new dwellings surrounding this property would appear at odds with the existing property due to their scale, design and features. The end gable of plot 5 would be prominent in the entrance to the site and plot 29 would be set back 8m from the estate road with frontage car parking. Dwellings on the east of the main spine road would be close to the footway with properties to the west set back to accommodate car parking. The types of properties along this main route are a mix separated by parking areas and driveways and plots 22 and 28 would have their rear gardens adjacent to this road with their side gables addressing the street. The affordable housing would be grouped together in the eastern part of the site accessed via a private drive between two large detached properties. The design of these dwellings is plain with a lack of any features to add interest and frontages dominated by parking.
- 7.13 The road layout dissects the site through the middle and to the west and culminates in large turning heads without any dwellings creating an end stop which is considered poor design. The areas of green space are either too small to create a meaningful space (The Green), giving a cramped impression or appear as left over land as per the area in the north eastern corner. The green spaces and retention of existing features such as trees and hedgerows should be integrated into the development to serve to assimilate new development into the area. The proposed layout seeks to remove an existing hedgerow currently running across the site from the rear of Cavendish Cottage to the rear boundary of Lyndene. The layout is very influenced by the egometric infrastructure of the roads and should be more organic reflecting the rural character of the site. The hierarchy of streets within the development are not defined by the housetypes or street trees and provide a lack of legibility throughout the site and the lack of useable open space compounds this. An over engineered surface water solution of one large attenuation basin on the site frontage fails to encompass the ethos of SUDS which encourages a variety of integrated solutions that can have a dual purpose of biodiversity enhancement together with an improvement of the appearance of the development as a whole.
- 7.14 In the outline application's committee report the following was stated "development of this scale should include open space and an equipped play area to meet the needs of future resident's children. The indicative layout did show an area for on-site play provision/amenity

space. However, the applicant is aware of the need to provide on-site play space and this will be fully considered in terms of detail and siting in the reserved matters application”.

Condition 32 of the outline states:

“The reserved matters submission shall incorporate a scheme for the layout and future maintenance of open space and play equipment to be provided on the site. This facility shall be laid out, managed and maintained in accordance with the approved details”.

- 7.15 It is clear that the direct consequence of a reduction in the land area of this application with the retention of the field to the west and Cavendish Cottage and its curtilage has been the lack of meaningful open space within the development. Policy HC14 requires that residential development of 11 dwellings or more shall provide or contribute towards public open space and sports facilities as set out in Table 6. For a development of this scale there is a requirement of 0.93 m² per dwelling of Children’s Play – Equipped Play Provision which equates to 42.78 m² for the 46 dwellings proposed. No children’s play area has been incorporated into the layout which is in conflict with the above outline condition and contrary to Policy HC14. The layout as proposed involves a large area at the site’s frontage to accommodate an attenuation basin that would be fenced off and not forming part of the site’s open space provision. Furthermore, the central area ‘The Green’ is not sufficient in terms of its size and appears more like a large grass verge area and the area to the north east reads as a left over area adjacent to trees that would not be particularly usable. The proposed layout is wholly lacking in terms of the provision of open space which compounds the failures in the scheme to provide a high quality development in keeping with the character of this part of Doveridge.
- 7.16 Policy PD7 advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design. These Policies align with the most recent Government guidance contained in the National Design Guidance published in October 2021. Energy efficiency should be secured through building design in accordance with Policy PD7: Climate Change and the Council’s SPD on Climate Change adopted in July 2021. Whilst, the Design and Access Statement submitted with the outline indicated the evolution of the layout, no document has been submitted to provide the background to justify this completely different approach. Furthermore, no detail or information on the use of microgeneration, green and blue infrastructure, linkages to footpaths and cycle routes, orientation of buildings to maximise solar gain and adaptable buildings such as M4 (2) was originally provided. The applicant provided the following information when requested stating that the houses would be constructed using an “Insulated Concrete Formwork (ICF) system, which offers significantly better levels of insulation than more traditional building construction and they would also be using air source heat pumps instead of gas boilers and are currently exploring the feasibility of adding solar. Properties would have domestic car charging points where possible”. Whilst this information is limited, it does indicate a willingness to incorporate measures to accord with the Council’s guidance and as such a refusal on this basis would not be warranted.
- 7.17 The proposed scale, layout and appearance of the development fails to respect the character of this rural fringe area of the rural village of Doveridge. The reduction in land area to achieve the same number of dwellings as the 1.89Ha allocation in the local plan increases the density of development and reduces the size of dwellings. The lack of meaningful open space is also a consequence of the reduced area together with the fact the retention of the existing dwelling negatively dominates the development. Whilst, the majority of the dwellings are traditional in character as opposed to indicative drawings at outline stage, it is their mix

and restless juxtaposition within the layout that fails to provide a high quality development. The proposed layout fails to read as a cohesive and well-designed development in keeping with this fringe of village location and it thus found to be contrary to the requirements of Policies S1, S3, PD1, PD6 and PD7 and Policies D1 and NE1 of the Doveridge Neighbourhood Plan.

7.18 Highway Issues

The outline permission did not include access, however, conditions 3 – 15 relate to highways matters. Plans have been submitted with this application in relation to adoption, visibility, road geometry, 11.22m refuse vehicle swept path analysis and access route to existing bus stops. The Highways Authority states that whilst the layout would not warrant a refusal on highway safety grounds the layout does not accord with the requirements of adoption as a minimum 5.5m carriageway width and 2 no. 2m footways is required. The Road Geometry plan submitted indicates sections of the road to comply with these requirements but they do not extend for the full length to the turning heads as the road width reduces to 4.8m and the Adoption Plan includes these areas together with the new pedestrian paths. Furthermore, pedestrian visibility onto Old Marston Lane requires improvements together with certain plots bin storage areas exceeding the man carry distance for refuse bins. It has been noted that this plan does not fully accord with the layout as shown on plan no. 007 Rev A in relation to dwellings on the northern most plots. Therefore, whilst access visibility is satisfactory there is confusion regarding which parts of the estate roads are to be adopted and amendments required in respect of pedestrian visibility and bin storage areas. The proposal would therefore provide safe access, adequate parking provision and on this basis is considered to broadly accord with Policy HC19.

Impact on Residents' Amenity

7.19 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. The existing property 'Cavendish Cottage' is to be retained by the applicant and the plots surrounding this dwelling are a sufficient distance away to avoid significant adverse impacts on the amenity of this property. However, the existing property 'Lynedene' is in separate ownership and plot 26 is shown adjacent to its north eastern boundary at close proximity. The side gable of the proposed property would extend 8m within 2m of the boundary at a height of 5m to the eaves and 8.4m to the ridge. It is considered that the proposed dwelling on plot 26 would overshadow the rear windows of the property due to its position beyond the rear of the existing dwelling and would have an overbearing impact, dominating the rear garden of this property in close proximity to the boundary. On this basis, the proposal is considered to have an adverse impact on the residential amenity of 'Lynedene' contrary to Policy PD1.

Ecology and Landscaping

7.20 An Ecological Assessment Report and Bat Survey Report were submitted with the outline and further survey work undertaken to rule out the existence of Skylark and Great Crested Newts. Conditions 21, 23, 24, 25 and 26 relate to ecology issues and were requested by Derbyshire Wildlife Trust. In reviewing the outline the Trust did note the proposal would result in the loss of 73m of hedgerow which is a Habitat of Principle Importance. The Ecology Report stated that the loss would be compensated by the creation of new hedgerow, however it would incorporated on the rear boundaries of properties and as such there would be no control over its management for the benefit of wildlife. Therefore any new hedgerow should be included within areas of open space. Derbyshire Wildlife Trust stated in their response to the outline in November 2015 the following:-

“We do not support the layout as shown on the masterplan in relation to the use of the existing retained hedgerow to form the garden boundaries to the new residential plots. By taking this approach, the long-term retention and appropriate management of the hedgerows as a contiguous feature cannot be safeguarded or guaranteed with the result that their wildlife value will be diminished”.

7.21 On the submitted ‘Landscape Strategy Plan’ it is not clear where the proposed native species hedgerows are located and therefore it cannot be judged as to whether they provide sufficient mitigation for the loss of existing hedgerow and are located within open space. The Council’s Tree and Landscape Officer considers the application deficient in terms of impacts on trees due to the lack of the following: tree retentions and removals plan, tree protection scheme, arboricultural method statement detailing how any proposed works within root protection areas will be undertaken to avoid harming the trees and a landscaping scheme. Policy PD6 requires trees and hedgerows to be retained and integrated within development where possible with their loss justified by replacement provision. Whilst, trees and hedgerows on the boundary of the site are retained the proposed layout results in a loss of hedgerow that does not appear to be replaced within the development. Without the required evidence in regard to the retained trees no assessment can be made in terms of the impacts. The submitted ‘Landscape Strategy Plan’ is not a landscaping scheme as it is not clear where proposed new hedgerow is to be located and the plan includes suggested species of trees and hedgerows without any numbers of trees or plants. Policy PD5 requires an assessment of landscape character and considers that development should be resisted where it would be detrimental to the character of the local landscape or the setting of a settlement.

7.22 It is opined that the proposal fails to retain the existing hedgerow through the site with little evidence of its replacement within open space, fails to provide an assessment of the impacts of the development on retained trees and the layout fails to take account of the rural nature of development in context of this rural village, contrary to Policies PD6 and PD5.

Housing Mix

7.23 Policy HC11: Housing Mix and Type sets out that in order to provide sustainable and balanced communities which meet local and District housing needs in terms of housing mix, size and tenure, the District Council will seek to secure an appropriate mix of dwelling type and size on developments of 11 or more dwellings as follows:

	1-bed	2-bed	3-bed	4+bed
Market	5%	40%	50%	5%
Affordable	40%	35%	20%	5%
All dwellings	15%	40%	40%	5%

Table 16: Policy HC11 Housing Mix & Type

The proposed market housing mix breakdown does not include any 1 bed dwellings, 32% 2-bed, 58% 3-bed and 11% 4-bed. Therefore, whilst the mix and type of affordable dwellings proposed is acceptable, the market housing mix is not policy compliant with a lack of 1-bed properties and over double the amount of 4- bed dwellings, contrary to Policy HC11. Whilst the housing mix is not policy compliant and this weighs against the scheme, as this issue was not covered by a condition on the outline permission it is not a failing that warrants a refusal of the reserved matters.

7.24 Noise

The outline committee report stated that at reserved matters stage the noise impacts on future residents would need to be considered in detail including the layout of dwellings on the site, boundary treatments and internal layouts of properties.

7.25 Condition 20 of the outline reads:-

Notwithstanding the submitted details, the reserved matters application shall incorporate appropriate measures to minimise the impact of noise on future residents and be accompanied by an up to date and relevant noise assessment of the development site based on the proposed layout of the site.

7.26 Environmental Health have reviewed the submitted the Peak Acoustics Noise Assessment Report submitted with this application which concludes that internal noise levels would be within acceptable limits with suitable insulation and ventilation installed and external noise levels within amenity areas would be in some areas of the site 5db above the acceptable guideline of 55dB LAeq, however, this can brought within the acceptable limits through the use of acoustic fencing to enclose the garden areas. On this basis the proposal is considered to comply with the outline requirements and Policy PD9.

Drainage

7.27 The Local Lead Flood Authority advise that insufficient information has been supplied in terms of their requirements to assess whether the site can adequately drain and sufficient storage of surface water can be accommodated. Conditions 17, 18 and 19 of the outline cover surface water, however, it is imperative that the layout incorporates adequate surface water drainage measures and this has not been evidenced to date, contrary to Policy PD8.

S106 Requirements

7.28 The S106 requirements of the outline permission include the provision of 8 affordable dwellings on site with a mix of 4 affordable rent and 4 intermediate made up of four 2 bedroom bungalows and four 2 bedroom houses. The proposed affordable housing provision does accord with this requirement, however, the specification of the dwellings should be brought up to M4(2) and the floorspaces increased slightly to accord with the Nationally Described Space Standards (NDSS). Therefore, as the affordable housing provision does accord with the S106 a refusal on the basis of the specification and floorspaces that are a requirement of legislation not included within a Local Plan Policy is not warranted. An off-site contribution of (£25,450 x 12.7) £323, 215 was required towards the cost of providing affordable housing within the Council's district. Education and medical capacity was reviewed at this outline stage and found to be sufficient to accommodate the development and as such no contributions were sought.

7.29 It should be noted that this reserved matters application forms part of the outline permission and issues such as archaeology, ecology and contamination were assessed at this stage and the resultant conditions on the outline permission cover these elements and do not therefore form part of the assessment of this linked application.

7.30 Conclusion

The proposed layout fails to achieve a high quality development that respects the character of this rural village fringe in terms of density and overall design with inadequate provision of on-site public open space. As such it would appear as a cramped, restless and urbanising extension of the village. It would result in the loss of existing hedgerow without adequate replacement being proposed and there is a failure to provide adequate evidence in terms of impacts on trees and drainage. Furthermore, the proposal would have an adverse impact on the residential amenity of an existing property.

Planning Balance

7.31 The "tilted balance" refers to the presumption in paragraph 11(d) ii of the NPPF that, where the presumption applies, planning permission should be granted unless there are "adverse

impacts which would significantly and demonstrably outweigh its benefits.” Out of date policies can trigger the “tilted balance” and it will always be triggered where an authority is unable to demonstrate a five-years supply of housing land, which is the case here. Substantial weight is attached to the benefits of meeting the housing needs of the district through the contribution of 46 dwellings. However, this has to be balanced against the harm identified in assessing the merits of the submitted scheme and non-compliance with other development plan and NPPF policies. The National Planning Policy Framework (2021) is clear that sustainable development has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The environmental component seeks to protect and enhance the natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. The social component seeks to provide a sufficient number of homes to meet the needs of present and future generations, *and by fostering well-designed beautiful and safe places, with accessible services and open spaces, which support communities’ health, social and cultural well-being.* For reasons set out in the issues section of this report, the social and environmental disbenefits identified would significantly and demonstrably outweigh the benefits of delivering housing in this case, when assessed against the policies in the Framework taken as a whole. A recommendation of refusal is put forward on this basis.

8.0 RECOMMENDATION

That planning permission be refused for the following reasons.

1. The development fails to respond appropriately to the character of this fringe of the village as the layout is dominated by the roads and is dense, restless and urban in character with the distribution of dwellings lacking in legibility with inadequate provision of on-site public open space. The proposed layout fails to read as a cohesive and well-designed development and is out of keeping with this area of the village thereby harming its character and appearance, contrary to the requirements of Policies S1, S3, PD1, PD6 of the Adopted Derbyshire Dales Local Plan and Policies D1 and NE1 of the Doveridge Neighbourhood Plan.
2. The dwelling proposed at Plot 26 by reason of its height and position in the plot would overshadow and have an adverse overbearing impact on the residential amenity of the existing property ‘Lyndene’ contrary to Policy PD1 of the Adopted Derbyshire Dales Local Plan.
3. The proposal fails to retain the existing hedgerow through the site with insufficient compensatory replacement proposed and fails to provide an assessment of the impacts of the development on retained trees and is therefore harmful to the character and appearance of the area, contrary to Policies PD6 and PD5 of the Adopted Derbyshire Dales Local Plan.
4. Insufficient information has been supplied in terms of an assessment of whether the site can adequately drain and sufficient storage of surface water can be accommodated, contrary to Policy PD8 of the Adopted Derbyshire Dales Local Plan.

9.0 NOTES TO APPLICANT:

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

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:

Plan no's 1389 000,

Topographical Survey

- Drawing Number: 007 Rev A – Planning Layout

- Drawing Number: 600 Rev A – Materials Plan

Drawing Number 008 Lighting Layout

- House Type Pack 1 of 4 including: -

- Type 1 (AS & OP) Elevations

- Type 1 (AS & OP) Floor Plans

- Type 2 (AS) Elevations & Floor Plans

- Type 3 (AS) Elevations

- Type 3 (AS) Floor Plans

- Type 3 (OP) Elevations

- Type 3 (OP) Floor Plan

Type 4 (AS) Elevations & Floor Plans

Type 4 (OP) Elevations & Floor Plans

- House Type Pack 2 of 4 including: -

- Type 6a (AS) Elevations

- Type 6a (AS) Floor Plans

- Type 6a (OP) Elevations

- Type 6a (OP) Floor Plans

- Type 6b (AS) Elevations

- Type 6b (AS) Floor Plans

- Type 7 (AS & OP) Elevations

- Type 7 (AS & OP) Floor Plans

- Type 8 (AS & OP) Elevations

- Type 8 (AS & OP) Floor Plans

- House Type Pack 3 of 4 including: -

- Type 9 (AS) Elevations & Floor Plans

- Type 9 (OP) Elevations & Floor Plans

- Type 10 (AS & OP) Elevations & Floor Plans

- Type 11 (AS) Elevations

- Type 11 (AS) Floor Plans
- Type 11 (OP) Elevations
- Type 11 (OP) Floor Plans
- Type 12 (AS) Elevations & Floor Plans
- Type 12 (AS) Elevations & Floor Plans

- House Type Pack 4 of 4 including: -
 - Plots 37 – 39 Elevations
 - Plots 37 – 39 Floor Plans
 - Plots 19 – 21 Elevations
 - Plots 37 – 39 Floor Plans (note: drawing shows 19-21 Floor Plans)
 - Plots 29 – 31 Elevations
 - Plots 29 – 31 Floor Plans
 - Plots 5 – 6 Elevations
 - Plots 5 – 6 Floor Plans

- House Type Pack Garages including
 - Single Garage
 - Double Garage (1 of 2)
 - Double Garage (2 of 2)

- Drawing Number: 0101 – P1 – 11.22m Refuse Vehicle Swept Path Analysis
- Drawing Number: 0102 – P2 – Swept Path Analysis
- Drawing Number: 0103 – P1 – Road Geometry
- Drawing Number: 0104 – P1 – Visibility
- Drawing Number: 0105 – P1 – Adoption Plan
- Drawing Number: 0106 – P1 – Access Route to Existing Bus Stops
- Drawing Number: DR-LE-GEN-XX-DR-CE-500 – Proposed Drainage Layout
- Drawing Number: DR-LE-GEN-XX-CE-501 – Drainage Construction Details
- Greenfield Runoff Rate Estimation for Sites
- Derby Road, Storm Drainage Calculations
- Landscape Strategy Plan
- Noise Assessment Report

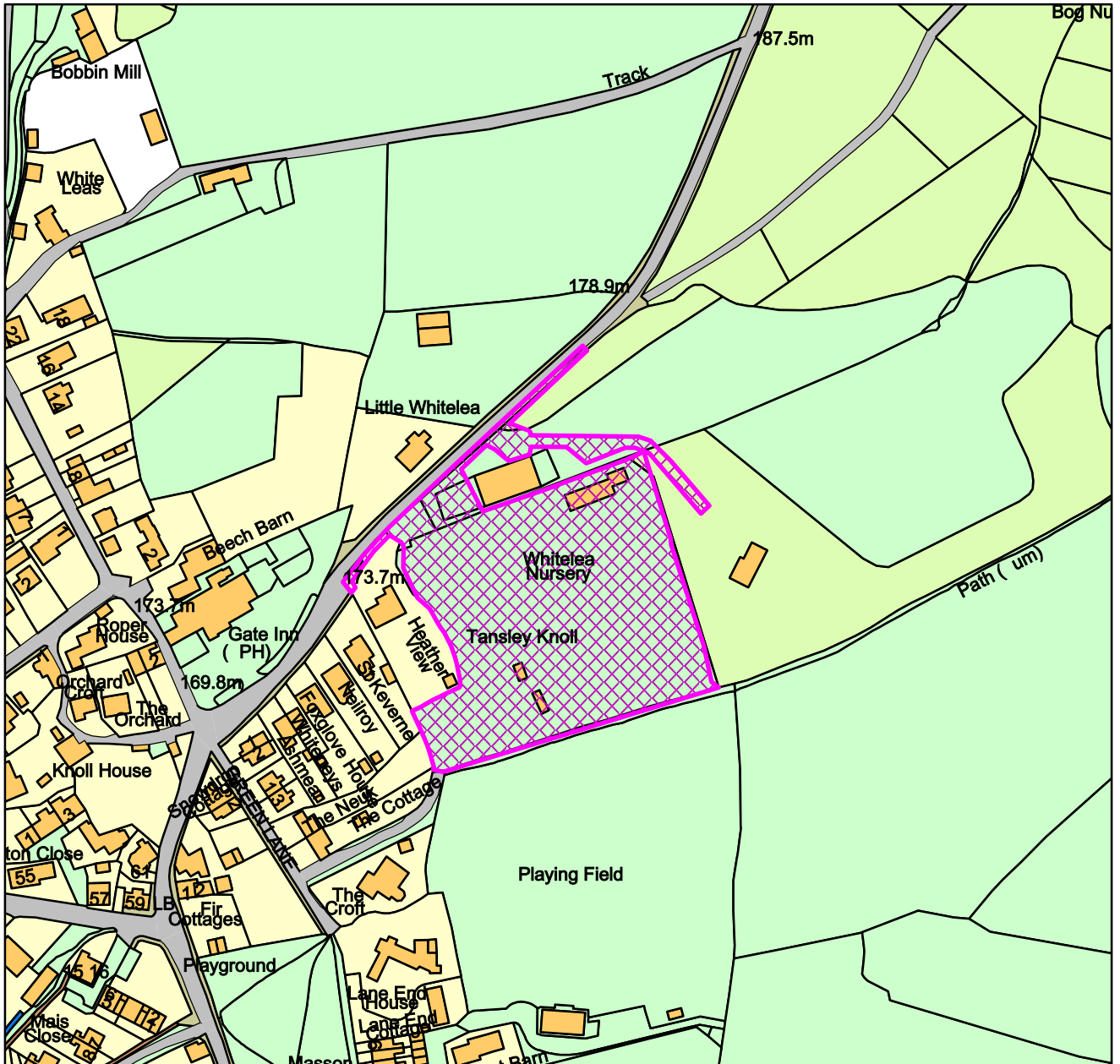
APPLICATION NUMBER		21/00771/VCOND	
SITE ADDRESS:		Land Off Whitelea Lane, Tansley	
DESCRIPTION OF DEVELOPMENT		Variation of Condition 2 (approved plans) of planning permission 17/00850/FUL to allow for the substitution of house types	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Woodall Homes Ltd
PARISH	Tansley	AGENT	DLP Planning Ltd
WARD MEMBERS	Cllr. P. Cruise Cllr. S. Flitter Cllr. D. Hughes	DETERMINATION TARGET	15 th September 2021
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	To consider the proposals, and the development which has already been undertaken, in its context

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Introduction • Character and appearance • Housing mix • Layout and amenity • Highway matters • Landscaping • Climate change • Section 106 Agreement

RECOMMENDATION
Approval

21/00771/VCOND

Land Off Whitelea Lane, Tansley



Derbyshire Dales DC

1:2,500

Date: 02/12/2021

100019785

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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 horticultural nursery which is currently being cleared for the development for 26 dwellings, the widening of existing access to serve development and the retention of an existing property on site (planning permission ref: 17/00850/FUL).





2. DETAILS OF THE APPLICATION

2.1 This application formed part of the Planning Committee Agenda of 14th September 2021. The application was recommended for refusal by Officers for refusal for the following reasons:

1. *The proposed dwelling types/sizes fail to have regard to the aims of achieving a satisfactory housing mix for the site and as such the proposals are contrary to policy HC11 of the Adopted Derbyshire Dales Local Plan (2017).*
2. *The proposed replacement house types would result in a residential development that would, by its character and appearance, be harmful to this edge of settlement location and would fail to comply with the aims of policies S1, S3, PD1, PD5 of the Adopted Derbyshire Dales Local Plan (2017) and government guidance contained in the National Planning Policy Framework and National Planning Practice Guidance.*

Further to the above recommendation, the applicant requested the application be withdrawn from determination by the Planning Committee to seek to engage with Officers with regard to the concerns that had been raised.

2.2 The applicant is seeking vary Condition 2 of planning permission 17/00850/FUL to change the house types of the development, and the layout of the properties as a result. It is proposed to vary all the house types and to change the mix of dwelling types.

2.3 The approved scheme was two storey dwellings throughout and comprised the following:

Total 18 open market dwellings

5 no. 2 bed, two storey units

7 no. 3 bed, two storey units

6 no. 4 bed, two storey units

Total 8 no. affordable dwellings which is just above 30% provision.

5 no. 2 bed two storey units

3 no. 3 bed two storey units

Overall total is 26.

2.4 The proposal is to change the house types as follows:

Total 18 open market dwellings

3 no. 2 bed, single storey two storey units

2 no. 2 bed, two storey units

2 no. 3 bed, single storey two storey units

3 no. 3 bed, two storey units

2 no. 4 bed, two storey units

2 no. 4 bed, two ½ storey units

2 no. 4 bed, two ½ storey units

2 no. 5 bed, two ½ storey units

This creates five 2 bed units, five 3 bed units and eight 4 or more bed units.

Total 8 no. affordable dwellings which is just above 30% provision

6 no. 2 bed two storey units

2 no. 3 bed two storey units

Overall total is 26.

2.5 In seeking to change the house types, the applicant is also seeking to revise the layout of the properties. There are some alterations to the road layout as a result.

2.6 It should also be noted that all dwellings are approved with pitched faced stone, albeit there has been recent approval, as a variation of Condition 4 (application ref: 21/00763/VCOND) to change the stone to a tumbled, Birchover stone to those elevations which were proposed to be stone faced.

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
- S5 Strategic Housing Development
- S7 Matlock/Wirksworth/Darley Dale Development Strategy
- S10 Local Infrastructure Provision and Developer Contributions
- PD1 Design and Place Making
- PD3 Biodiversity and the Natural Environment
- PD4 Green Infrastructure
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodland
- PD7 Climate Change
- PD8 Flood Risk Management and Water Quality
- HC1 Location of Housing Development
- HC2 Housing Land Allocations
- HC4 Affordable Housing
- HC11 Housing Mix and Type
- HC14 Open Space, Sports and Recreation Facilities
- HC19 Accessibility and Transport
- HC21 Car Parking Standards

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

3.3 National Planning Policy Framework

3.4 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- 21/00763/VCOND Variation of Condition 4 (stonework to dwellings) of planning permission 17/00850/FUL to allow for the use of tumbled Birchover stone - Granted
- 17/00850/DCOND Discharge of condition(s) 3, 6, 7, 10, 12, 14, 18, 29, 30, 31, 34, 36, 37, 38, 39 and 40 of application 17/00850/FUL - Erection of 26 dwellings and widening of existing access to serve development and retained property on site – To be determined
- 17/00850/FUL Erection of 26 dwellings and widening of existing access to serve development and retained property on site - Granted

5. CONSULTATION RESPONSES

Parish Council

5.1 Comments on revisions initially presented

- a new planning application for Whitelea Lane was expected by the Parish Council - it would appear this is not going to happen? - instead various amendments to the original plan are being put forward, for consultation
- these amendments are being put forward as minor amendments - would argue that these are not minor amendments
- a minor amendment being one whose scale and nature is not substantially different from the one which has been approved - the house tenure has been changed significantly, as have the use of materials.
- a minor amendment should not impact either visually or in terms of amenity - the new plans show a different orientation of the dwellings
- the impact on the Fete Field will be great as there appears to be plans to remove the Derbyshire Hedge - if this is allowed to happen the privacy and rural aspect of the Fete Field will be lost
- would the interest of any 3rd party who participated in, or were informed of the original application, be disadvantaged in any way
- the interests of the Parish would be disadvantaged as the seclusion of this tranquil field will be lost
- the present views of the field are a continuation of the agricultural landscape, without the hedge a new housing estate will be predominant within the wider landscape
- the changes to the original application passed by DDDC are significant, the site has been completely re orientated, windows and doors are in different positions, material to be used are different and there appears to be a significant increase in the amount of render on the properties, the choice of white render being completely out of keeping with a predominantly stone built village
- there is no site plan on line - the site plan is 'hidden' within the access statement
- Woodall Homes kindly forwarded a site plan to the Parish Council - the site plan shows clearly the removal of ALL vegetation and trees along the boundary with Tansley Fete Field, to include a historic Derbyshire Hedge - who thought this a good idea, and was your arboriculturalist consulted?
- surely there are protection laws related to ancient hedges?
- object strongly to the removal of this ancient hedge, which abuts the whole length of the boundary and beyond
- question the environmental credentials of a LA that even considers such sacrilege, the hedge needs protecting
- is noted DDDC met with the new owners some months ago to advise on these new proposals - it is upsetting to note once again the wishes of the community are being ignored
- had hoped that we were to get a quality development, it would appear this is questionable.

5.2 Comments on proposals as further amended

- was never going to be permission for buildings 2 ½ storeys high
- would like all rooflights removed from the development as they are going to pollute the skyline
- changes made to the previous application are material changes, not variance of a condition
- building is taking place yet there is no planning permission in place
- whole site has been changed, not just the type of properties being built – seek explanation as to how this could happen

- would like some mitigation for the bungalow directly opposite the site and an apology for the incompetence of the planning department who have failed to enforce – Plot 1 needs to be removed
- could a protection order be placed on the hedge?
- developer has not signed up to a Section 278 agreement and believe enforcement of conditions is the responsibility of DDDC
- seek confirmation that Section 278 and Section 38 DCC Highways legal agreements are in place
- lack of written evidence to prove assessments have been done in relation to the ancient sough which is not supposed to carry any excess surface water from the site – have contacted the Environment Agency as there have been complaints that the stream on The Knoll has been polluted from mud from the site entering the drains
- foul water goes into the main drain on Whitelea Lane – is there enough hydraulic pressure to handle the additional 26 properties
- surface water run-off goes into the extenuation pond and the overflow from this goes into a sough which has collapsed – sough needs detailed written assessments
- valid concerns relating to the capacity of the sough
- evidence of water cascading down Ropewalk Footpath 2 and flooding a property
- land is riddled with underground watercourses which is a concern
- wonder why there is no maintenance agreement related to the extenuation pond – only indication is for temporary maintenance which is unacceptable
- does not appear to be a condition related to long term maintenance of the extenuation pond – details are needed
- please ensure that the Derbyshire hedge is protected from any damage
- object to conditions 11 (pond detail) Condition 12 (hard and soft landscaping) and Condition 29 (drainage general arrangement) having not been signed off
- have concerns related to the 106 Agreements signed by Davis Homes (health and recreation) and question whether these need signing by the new owner?
- have received many complaints regarding safe working, in particular the lack of wheel cleaning which has made the country lane dangerous
- part of the agreement was that the developer would build the wall up to the bungalow opposite the access as it was conceded that car headlights would seriously interfere with the resident's enjoyment and amenity of their property – seek assurance that new developer will respect this promise
- the fact that the development is being allowed to continue with no apparent enforcement action is not acceptable and reflects badly on the Authority – the fact it is happening again in our village is worrying
- no signage to inform residents of a change to the approved plan and would like consultation to start from when a current notice goes up.

Local Highway Authority (Derbyshire County Council)

- 5.3
- from the submitted details it is unclear whether the footpath will extend to the north of the access and link with private access to the north of the site
 - also unclear whether the conditioned visibility improvements to this access are still being provided
 - whilst there are no objections to the substitute house type (subject to the previous highway comments/conditions), for the avoidance of doubt the latest layout plan should include the details of the above as previously consented.

Lead Local Flood Authority (Derbyshire County Council)

- 5.4
- no comments to make.

Director of Housing (Derbyshire Dales District Council)

- 5.5
- since the original comments, the District Council has become a registered provider
 - the need for 1 and 2 bed properties has increased and the shared ownership market has been impacted by a rise in open market values

- original request concerned 4x3 bed houses and 4x2 bed houses but, given the changes above, feel comfortable with a revised mix of 6 x 2 bed and 2 x 3 bed houses
- understand that the previous approval included provision for 3 house types; the 3 beds being the Dalton at 82.4m² and the Thirsk at 80.9m² and the 2 bed being the Rye at 73.3m² - these represent a satisfactory standard of floor area for affordable homes
- note that the current proposal for the affordable homes has changed and I am concerned that the 2 bed property has dropped to 66m²
- the Nationally Described Space Standard for a 2 bed 4 person house is 79m² - prepared to accept 73.3m² given the previous planning approval but would be very concerned with anything less than this
- is often very difficult to let or sell as shared ownership, homes with floor areas below 70m² and Housing Department know that, from previous experience, smaller homes can take far too long to sell as shared ownership and Housing Associations/Registered Providers will be reluctant to take make offers on such homes as a result
- understand the 3 bed 5 person houses have a floor area of 82m² and so happy with these.

Councillor S. Flitter

- 5.6
- house types often follow developer's preferred style but more concerned over enforcement on drainage, water courses and present problems of the state of the highway
 - concerned with the reduction of 2 bed homes for first time buyers as a result of larger homes that command a higher price.

6. REPRESENTATIONS RECEIVED

6.1 Three representations have been received which are summarised as follows:

- not happy with the visual impact - views and outlook have been compromised
- original planning consent was for three properties adjacent to Heather View; Plot 1 set back from Whitelea Lane and Plots 2 and 3 alongside the boundary of the existing bungalow, with garden space and ample parking in keeping with village properties – now five large houses being built within the same space
- these houses are now to be 2 ½ storey with upper windows and roof windows looking down directly into upper bedroom and patio to St. Keverne – under the approved scheme only had one house overlooking
- development looks cramped
- on the approved site there were two areas of two bedroomed houses - Plots 21-26 have now been removed and changed into houses with garages
- the 2 bedroomed houses which have been removed would have no doubt been of interest to elderly people in the village wishing to downsize
- planning consent given was for an allocation of social/affordable homes – provision has already been altered
- Plot 1 house very close to the road and built with skylights and will overlook the established property directly opposite
- Plot 1 dwellinghouse appears too large for the plot and is overbearing – 2 ½ storeys high and does not relate to the adjacent bungalows
- upstairs window to Plot 1 will look directly into Little Whitelea and take away amenity had for many years and spoil enjoyment of home – overlooking of bedroom windows was never envisaged
- how do we know that will not carry on making other alterations which they call minor to the approved plans such as the boundaries, balancing pond and landscaping as originally approved
- the sough feeding the balancing pond is not fit for purpose
- plans are not minor variations

- development having a detrimental impact on family's living conditions with being unable to leave home safely due to debris, rocks, mud and, access being constantly compromised
- when in the home, are subjected to the constant noise, dirt, dust and language from the site
- have had problems with contractors burning debris and engulfing the village in acrid smoke
- part of property abuts the balancing pond and there was a French drain to take away the surface water – part of the trees have been removed by there is no sign of the French drain
- when it rains heavily get sludge coloured water through boundary wall and flooding the garden
- being undertaken with no consideration of the direct impact it is having on the residents that live directly around it
- contractors have removed the front wall and ground in front of Heather View, fitted gas and electric mains, and left the ground unfinished instead of forming the footpath and replacing the wall
- have been late constantly for work due to being unable to get off the lane to access the road that is at times a death trap
- consider response from the planning consultant to be extremely coercive to DDDC to allow the plans to be agreed
- concern with regard to the consultation period given for amended plans with the time it took letters to be delivered and especially with the difficulty in accessing any information

7. OFFICER APPRAISAL

Introduction

- 7.1 The matters for consideration are whether the proposed house types for this site are acceptable as the residential development would form the gateway development at the outer edge of the northern part of the village when approaching it along Whitelea Lane from the north. The proposed changes are to the layout of the site and the size of the dwellings/housing mix of the development.

Character and Appearance

- 7.2 In terms of general appearance, the original scheme proposed simple dwelling frontages with few adornments. With regard to these amended proposals, Officers had concerns with the introduction of 2½ storey dwellings within the development, with two such dwellings being constructed at, or close to, the front of the site. Plot 1 would be set at the junction of the residential estate with Whitelea Lane. The other one would be the first house that is arrived at on the eastern side of the estate road (Plot 27). The estate road continues with further such houses at Plots 8 and 9 being 2½ storey dwellings. On turning east on the site, a further two, 2½ storey dwellings are proposed on the south side of the road (Plots 11 and 12).
- 7.3 Whilst there are 2½ storey dwellings within the settlement, and one such is in relatively close proximity to the site, it was considered that the 2½ storey dwellings initially proposed were inappropriate for this edge of settlement development, particularly given the second floor windows proposed in the gable ends giving emphasis to the increased height of the dwellings. The bay windows also gave a more suburban character and appearance to the dwellinghouses and to the frontage of the site. The application has now been amended to delete these details which were of concern. The second floor, side facing windows are now only proposed to plots 8, 9, 11 and 12 with Plots 8 and 9 only retaining bay windows.

- 7.4 However, given the concerns raised by Officers, the applicant has sought to amend the initial, proposed amended house types by reducing the sense of scale of the dwellings at Plots 1 and 27, by removing the second floor windows in the gables, and to also remove the bay windows to all but two dwellings within the development mitigate against the previous urban/suburban detailing to the dwellings. The two dwellings proposed to retain bay windows, at Plots 8 and 9, are set into the site and take a rather prominent position relative to the open space of the balancing pond and are considered acceptable in such a context.
- 7.5 Bungalows within the scheme are welcomed, as they offer accommodation suited to persons with mobility difficulties and more elderly residents. One point of concern was that the bungalow at Plot 7 had a rather bland, side elevation facing towards the balancing pond and the footpath link; this has now been improved with more fenestration to this elevation.
- 7.6 The applicants recently submitted a variation of condition application (ref: 21/00763/VCOND - variation of condition 4 (stonework to dwellings) of planning permission 17/00850/FUL) to allow for the use of tumbled Birchover stone, which has been approved. This was deemed acceptable for the approved scheme, which presented dwellings that could assume a more 'cottage like' appearance that such a stone finish creates. The developer has now commenced building on the site in this stone finish.
- 7.7 The use of such a stone finish was considered inappropriate for the types of dwellings that were initially proposed under this application to vary condition 2. However, the proposed, revised house types, are now considered to have less of a suburban appearance, particularly in relation to the bay window embellishments being have largely removed. It is considered that the material finish is now more appropriate to the dwellings it dresses and contextually at the gateway to the village.
- 7.8 The variation of Condition 4 of planning permission 17/00850/FUL cannot be transposed to this current application to vary condition 2 of planning permission 17/00850/FUL. However, on reflection, if this current application were to be approved, this would be subject to the conditions of the original planning permission and Condition 4 can be reasonably amended as part of this variation of condition application, as it would be a standalone permission. To this end, it is considered reasonable to amend the condition with respect to the stone facing materials being used.
- 7.9 The applicant has also introduced chimney details to plots 1, 15, 16, 21 and 26, in addition to those proposed initially proposed at plots 10, 14 and 27, which Officers consider will improve the roofscape/skyline of the revised development from the initial drawings submitted with this application.

Layout and amenity

- 7.10 In general, the layout is considered acceptable and the revised proposals have sought to reduce the extent of parked frontages in the scheme; this is particularly evident in the area of frontages to Plots 10-14 (formerly 22-26 on the approved development) and Plots 21-26 (formerly plots 6-10 of the approved development). In terms of amenity, five dwellings are now proposed to back onto the property of Heather View. Two dwellings (Plots 3 and 4) would be able to overlook the rear garden amenity space to that property; the other (Plot 5) is proposed to be a bungalow. However, the two, 2 storey dwellings are set some 12-15m away from the boundary and, in that respect, are not considered to significantly harm amenity with overlooking from the rear facing bedroom windows and are considered similar, in this respect, to the approved scheme where the two dwellings overlooking the rear garden were 7m and 12m away.
- 7.11 Concern has been raised by the owner of Little Whitelea, which is opposite the entrance into the site, with regard to the impact of the dwellinghouse Plot 1 on outlook, view and privacy.

It is considered that the dwellinghouse at Plot 1, at some 18m from the dwelling at Little Whitelea, is of sufficient distance not to lead to a significant loss of light or outlook. The windows to the dwelling of Plot 1 are some 18m away from those of Little Whitelea and again this is not considered too close to be considered to be of significant harm to privacy that could otherwise justify setting the dwellinghouse further back into the plot or justifying a recommendation of refusal of this application.

Housing Mix

7.12 As a result of seeking to change the house types, the applicant has moved away from the approved scheme which was more in line with policy HC11 of the Adopted Local Plan (2017) with respect to achieving a house type mix. The policy requires a housing mix, which would be as follows:

	1-bed	2-bed	3-bed	4+ bed
Market	5%	40%	50%	5%
Affordable	40%	35%	20%	5%
All Dwellings	15%	40%	40%	5%

In terms of the approved scheme, this provided the following:

	1-bed	2-bed	3-bed	4+ bed
Market	0%	28%	39%	33%
Affordable	0%	62.5%	37.5%	0%
All Dwellings	0%	38.5%	38.5%	23%

In terms of the revised scheme, this initially proposed the following:

	1-bed	2-bed	3-bed	4+ bed
Market	0%	0%	38.9%	61%
Affordable	0%	75%	25%	0%
All Dwellings	0%	23%	25%	42%

7.13 Further to concerns raised with regard to the housing mix changes, the applicant has sought to modify the proposals. This has resulted in little alteration to the size of the dwellings but the number of bedrooms has now been reduced and is now proposed to comprise as follows:

	1-bed	2-bed	3-bed	4+ bed
Market	0%	28%	28%	44%
Affordable	0%	75%	25%	0%
All Dwellings	0%	42%	27%	31%

7.14 As such, the proposal is now considered to reasonably meet with the aims of policy HC11 in delivering a housing mix on the site. Whilst the two and three bedroomed properties proposed now only account for 69% of the dwellings, rather than the 77% with the approved development, the development now proposed is benefitted by the introduction of bungalows to provide more accessible properties which, in itself, also requires more land uptake.

7.15 Concerns were initially raised by Officers in terms of the revised affordable housing provision. This was because the Housing Department of the District Council advised of a preference for four, 2 bedroomed and four, 3 bedroomed affordable dwellings on the originally approved development; the proposal reduces the requested 3 bedroomed units

further from four down to two. Nevertheless, it has since been advised by the Head of Housing that the revised affordable housing provision better reflects on addressing the current needs for affordable housing in the area and that this is acceptable subject to the internal floorspaces being 73.3m² for the two bedroomed dwellings and 82.4m² for the three bedroomed dwellings.

- 7.16 The drawings have been checked and the internal floor areas are calculated at 66m² and 85m² respectively. The size of the smaller units has been discussed with the applicant who advises, having used their software for floor area calculation, that this is some 73m². To this end, there may be a slight discrepancy but is considered reasonable, as with the previous grant of planning permission, to require the internal floor spaces be provided as a minimum of 73.3m² for the two bedroomed dwellings and 82.4m² for the three bedroomed dwellings. If it is required to alter the size of the dwellings, these will be minor alterations which it is considered can be accommodated through the condition.

Highway Matters

- 7.17 The Local Highway Authority has advised that the applicant has failed to detail the footpath that was proposed to link to the property to the north east of the site. The Local Highway Authority requested these details but the applicant has refused to submit them. Nevertheless, in granting any variation of Condition 2, it would be possible to address this as a condition of any permission and all previous conditions relating to highway matters can be attached to any approval granted.

Landscaping

- 7.18 Concern has been raised with the potential harm to existing landscaping. This proposal to alter house types does not negate the need to address condition 12 of planning permission 17/00850/FUL appropriately, which would be repeated as part of any revised permission. Concern has been raised with regard to the loss of an 'ancient' hedgerow. This consisted largely of conifer trees along the south eastern boundary of the site with the playing field. The loss of this hedge was noted when granting the above planning permission and was detailed to be removed on the approved layout drawing.

Climate Change

- 7.19 The previous planning permission (17/00850/FUL) was granted without seeking measures to mitigate against climate change. However, the recent adoption of the District Council's Climate Change Supplementary Planning Document (2021), and to seek to future proof the development to some extent, the applicant now proposes the incorporation of solar PV panels on the plots 1, 5, 6, 10, 11, 12, 17 and 18 given the favourable alignment of the roofslopes. However, although previously indicated, as the applicant is now proposing solar panel provision, the applicant does not now wish to provide any further climate change adaption measures, such as electric vehicle charging points, as they advise that this would render the scheme unviable.
- 7.20 Given the above, this is considered a welcomed improvement on the original development, but will need to be subject to a condition that the solar panels be installed prior to the particular dwellinghouses being occupied.

Section 106 Agreement

- 7.21 The developer is aware that the Section 106 contributions for healthcare (£10,347), off site affordable housing contribution (£13,000) and recreation (£16,640) have become due on commencement of development. It is the developers intention to ensure these contributions are settled in a timely manner but, due to the fact that the S106 currently makes reference

to specific house types and square footages within the agreement, a Deed of Variation will be required to bring the S106 in line with the revised scheme and it is the developers preference that these payments become due on completion of the Deed of Variation, should this revised application be approved. This is considered acceptable by Officers.

Conclusion

- 7.22 Given the above, and notwithstanding the character and appearance of the originally approved scheme, it is considered that the amendments to the house types are now acceptable and the proposed housing mix addresses the aims of policy HC11. The scheme benefits from a similar provision of affordable housing and the bungalows will provide more accessible dwellings, which is a benefit. The addition of the solar panels, to over 30% of the dwellings, is also a positive move. The applicant also draws attention to the District Council being unable to demonstrate the minimum 5 year land supply within the District to meet the requirements of government guidance contained in the National Planning Policy Framework (2021). This places an emphasis on approving housing developments unless there are significant reasons not to; this is considered to not be the case and the scheme will deliver much needed housing within the District.
- 7.23 As such, it is recommended that the application being granted permission, subject to amendment of the Section 106 legal agreement with respect to the required financial contributions and subject to similar conditions, as attached to planning permission 17/00850/FUL, being repeated and with additional/amended conditions relating to materials and the provision of the solar panels.

8 RECOMMENDATION

- 8.1 That authority to grant permission for the variation of Condition 2 of planning permission 17/00850/FUL be delegated to the Development Manager on completion of a deed of variation of the Section 106 Agreement attached to planning permission 17/00850/FUL and subject to the following conditions:
1. Notwithstanding the initial documents and specifications submitted with the application, the development hereby approved shall be undertaken only in accordance with the following drawings except insofar as may otherwise be required by other conditions to which this permission is subject:

Amended Drawing No. 21-02-P08 Rev. C dated 20th September 2021

Amended Drawing Nos. 21-02-P08 Rev. C, P17 Rev. B and P21 Rev. A dated 1st October 2021

Amended Drawing No. 21-02-P28 Rev. B dated 2nd November 2021

Amended Drawing Nos. P04 Rev. D and P05 Rev. D, P20 Rev. D, P22 Rev. B and P25B dated 4th November 2021

Amended Drawing Nos. 21-02-P03 Rev. D, P11 Rev. E and P29 Rev. A dated 8th November 2021.

Amended Drawing Nos. 21-02- P01 Rev. J, 02 Rev. E, P06 Rev. D, P07 Rev. C, P09 Rev. D, P10 Rev. D, P12 Rev. C, P13 Rev. C, P14 Rev. E, P15 Rev. E, P16 Rev. E, P18 Rev. C, P19 Rev. C, P23 Rev. C and P24 Rev. D dated 11th November 2021.

Reason:

To define the permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

2. The stone work to the dwellings shall be tumbled Birchover stone to 150mm bed heights with at least three random lengths and without quoins, unless otherwise agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

To ensure an appropriate finish to the development in accordance with policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

3. The roofing materials of the development shall match those currently used on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure an appropriate finish to the development in accordance with policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

4. Prior to any render being applied to any of the dwellings, the finished colour of the render shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

To ensure an appropriate finish to the development in accordance with policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

5. Prior to be provided, the following details, and samples where necessary, shall be submitted to and agreed in writing by the Local Planning Authority:
 - 1:20 plan or similar details of the eaves including the finished colour of any soffit or fascia detail.
 - Prior to their installation a 1:20 plan or similar details of all chimneys stacks and pots.
 - Details of the siting, appearance and finished colour of any meter boxes, alarm boxes or external pipes.
 - Details of all external lighting including that to the houses and the public areas of the site.
 - Details, including the pattern, recess, type, finish and colour of all windows and doors, including garage doors, to the dwellings/garages.
 - Details of the verges which shall be given a plain mortared finish without the use of bargeboards.
 - Details of all rainwater goods shall be of a black finish.
 - 1:20 plan or similar of all porch details including the materials and finishes.

All agreed details shall be completed on site prior to the occupation of each dwelling and prior to the transfer of any of the affordable housing.

Reason:

To ensure an appropriate finish to the development in accordance with policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

6. Prior to the occupation of the first dwelling details of the long term management and maintenance of the landscaped areas including the balancing pond shall be submitted to and agreed in writing by the Local Planning Authority. The operation and long term management and maintenance of the site shall be in strict accordance with the agreed details.

Reason:

To ensure a satisfactory standard of landscaping and play provision in the long term in the interests of visual amenity in accordance with policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

7. Construction work, deliveries and other activities on or to the site shall only be carried out between the hours of 0800 and 1800 on Mondays to Fridays; 0900 to 1300 on Saturdays and no working 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 in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

8. Within 14 days of the date of this permission, a programme of measures to minimise the spread of airborne dust from the site during the construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason:

Works on site have commenced and in the interests of residential amenity in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9. Prior to the commencement of any works to the balancing pond, details and sections of the contours of the pond shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

To ensure the provision of an attractive feature in accordance with policies PD1 and PD5 of Adopted Derbyshire Dales Local Plan (2017).

10. Within 14 days of the date of this permission, 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) Notwithstanding the submitted plans, details of all indications of all existing trees, hedgerows and other vegetation on the land including the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - c) Notwithstanding the submitted plans, details of all measures for the protection of retained vegetation during the course of development;
 - d) Notwithstanding the submitted plans, details of all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - e) Finished site levels and contours;
 - f) Notwithstanding the detail shown on boundary plan 12-201 P05 Rev N received 16.01.19 details of all means of enclosure which shall correspond with the proposed planting schedule noted under points a) to e) above;
 - g) elevational details of all proposed boundary walling including a sample panels of the boundary walling to be inspected on site;
 - h) Samples of the proposed hard surfacing materials detailed on plan 12-201 P04 Rev M received 16.01.19;
 - i) Minor artefacts and structures (e.g. furniture, refuse and other storage units, signs, lighting etc);

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with Policies S1, S3, PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

11. 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 buildings 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 S1, S3, PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

12. If unexpected contamination is found on the site, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition B has been complied with in relation to that contamination.

A. Implementation and Validation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

B. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section A.

C. Importation of soil to site

In the event it is proposed to import soil onto site in connection with the development or remediation, the proposed soil shall be sampled at source and analysed in a UKAS accredited laboratory. The results of the analysis, and an interpretation, shall be submitted to the Local Planning Authority for consideration prior to importation. Imported topsoil shall comply with British Standard 3882:2007 - Specification for topsoil and requirements for use. Only the soil approved in writing by the Local Planning Authority shall be used on site.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy PD9 of the Adopted Local Plan 2017.

13. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no extensions or alterations shall be carried out to any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

Given the proximity of the dwellings on the site to each other and those existing neighbouring properties in order to preserve the character and appearance and amenity of the area in accordance with Policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

14. Prior to the dwellinghouses being occupied, details of any sheds/outbuildings that may be required shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no buildings, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To preserve the character and appearance of the original building and its surroundings in accordance with Policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

15. Within 14 days of the date of this permission, a construction management plan or construction method statement has been submitted to and be approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- a. Parking of vehicles of site operatives and visitors
 - b. Storage of plant, materials and site accommodation
 - c. routes for construction traffic
 - d. hours of operation
 - e. method of prevention of debris being carried onto highway
 - f. pedestrian and cyclist protection
 - g. proposed temporary traffic restrictions
 - h. arrangements for turning vehicles
 - i. Roadside hoarding and construction access arrangements.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

16. The Developer will be required to enter into a section 278 Agreement (Highways Act 1980) with the Highway Authority.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

17. The carriageways and footways shall be constructed up to and including binder course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

18. Internal estate street junctions shall be provided with 2.4m x 25m minimum visibility splays in each direction (2.4m x 17m in the case of shared surface streets), measured to the nearside carriageway edge; the area in advance of the sightlines being laid out as an extended footway, verge or margin, forming part of the estate street and not part of any adjoining plot or other third party land.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

19. The premises, the subject of the application, shall not be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing with the Local Planning Authority. In the case where interim turning arrangements are constructed these must remain available until any permanent estate street turning is available, in accordance with the approved estate street designs.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

20. A continuous pedestrian footway shall be provided fronting plots **12-15** to facilitate safe pedestrian movements within the development and to provide access to the existing public right of way at the southern site boundary.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

21. No dwelling shall be occupied until space has been provided within the site curtilage/ plot for the parking of residents and visitors vehicles associated with that dwelling

(including secure cycle storage), all to be laid out in accordance with the approved drawings and constructed as may be agreed in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use, for the parking of motor vehicles at all times.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

22. No part of the development shall be occupied until a pedestrian link to the existing public right of way which runs along the south eastern site boundary, including surface quality improvements to the existing right of way route, have been carried out in accordance the details first submitted to and approved by the Local Planning Authority.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any Order revoking and/or re-enacting that Order) the garages hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

24. No gates or other barriers, including any part of their opening arc, shall be permitted to open out over public highway areas. Gates should open inwards only or should be set back an appropriate distance within the site to accommodate their opening requirements.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

25. The proposed property access drives shall be no steeper than 1 in 10 for the first 5m from the nearside highway boundary and shall be provided with sufficient vertical curvature to prevent the grounding of vehicles when traversing to and from the highway.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

26. Prior to any dwellinghouse being occupied, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the plot curtilages onto the adjoining estate street. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

27. Within 14 days of the date of this permission, a scheme for the disposal of highway surface water shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the dwellings and retained as such thereafter.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

28. Within 14 days of the date of this permission, on site details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to the Local Planning Authority for approval in writing. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

29. The private access to the to the north of the site shall be laid out in accordance with the application drawings and be provided with a 2.4m x 54m visibility sightline to the north and a 2.4m x 43m visibility splay to the south, the area in advance of the sightlines remaining free from any obstructions to visibility over 1m high, relative to the nearside carriageway channel level and thereafter so maintained for the life of the development.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

30. There shall be no gates or other barriers erected within 6m of the public highway in respect of the private access to the north of the site. Gates should open inwards only or should be set back an appropriate distance within the site to accommodate their opening requirements.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

31. The initial 6m of the private access to the north of the site, from the public highway, shall be surfaced in a solid bound material and incorporate appropriate drainage measures to prevent surface water run-off from within the plot running onto the adjoining highway, all in accordance with details submitted to the Local Planning Authority for written approval prior to the access first being taken into use.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

32. Prior to any demolition or new boundary works taking place to the private access to the north of the site, details of the stonework, construction, treatment and alignment of the dry stone boundary wall to the site frontage incorporating the required visibility splays, shall be submitted to and approved in writing by the Local Planning Authority.

Works shall be completed in accordance with the approved plans and prior to the occupation of the tenth unit on the development site.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

33. Works shall be undertaken with due regard for badgers, birds, amphibians and reptiles, in accordance with Section 6 of the Extended Phase 1 Habitats Survey (Ramm Sanderson, October 2018). In particular, the Method Statement for site clearance provided in Appendix 4 shall be implemented in full and a short statement of compliance shall be submitted to the LPA upon completion of works.

Reason:

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

34. Within 14 days of the date of this permission, details of ecological enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of bird and bat boxes (positions/specification/numbers) and hedgehog gaps in boundary fencing (130mm x 130mm). Such approved measures shall be implemented in full and maintained thereafter, with photographs of the measures in situ submitted to the Local Planning Authority.

Reason:

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

35. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. Proposed Residential Development at Whitelea Nursery, Whitelea Lane, Tansley Flood Risk Assessment & Drainage Strategy (WD103/FRA Rev A, June 2016), plus any subsequent version or addendum.
 - 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 approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

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 to comply with policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

36. Prior to the installation of a surface water drainage system, a reasonable assessment should be undertaken of the existing sough/stone channel, identified to be the point of surface water discharge.

Reason:

To ensure the proposed surface water runoff can be appropriately discharged from the site to comply with policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

37. Within 14 days of the date of this permission, the applicant shall submit for approval to the Local Planning Authority, details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority before the commencement of any works which would lead to increased surface water run-off from site during the construction phase.

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 to comply with policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

38. Prior to the occupation of plots 1, 5, 6, 10, 11, 12, 17 and 18 solar panels shall be installed as detailed in the approved drawings and shall remain as such unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of the development seeking to mitigate against climate change to comply with policies S1, S3, PD1 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

39. The internal floorspace of the affordable dwellings shall be provided as a minimum of 73.3m² for the two bedroomed dwellings and 82.4m² for the three bedroomed dwellings. If such provision requires alteration to the size of the dwellings submitted with this application, amended drawings shall be first submitted to and approved in writing by the Local Planning Authority prior to the dwellings being erected and the dwellings shall thereafter be constructed in accordance with the approved drawings

Reason:

To ensure the provision of affordable dwellings with adequate internal floorspace to comply with policy HC4 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. 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.....
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 with regard to the design of several of the proposed dwellings.
3. 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.

4. Highway Footnotes:
- a. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director Economy, Transport and Environment at County Hall, Matlock (telephone: 01629 580000 and ask for the Development Control Implementation Officer - North).
 - b. 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.
 - c. 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.
 - d. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980. Where residential construction works commence ahead of any adoption Agreement being in place the Highway Authority will be obliged to pursue the Advance Payments Code sum identified in the notice.
 - e. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (telephone : 01629 538658). The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.
 - f. Pursuant to Section 50 (Schedule 3) of the New Roads and Street-works Act 1991, before any excavation works (for Statutory Undertaker connections etc.) are commenced within the limits of the existing public highway, at least 6 weeks prior notification should be given to the Strategic Director Economy, Transport and Environment at County Hall, Matlock (telephone: 01629 580000 and ask for the New Roads and Street-works Section).
 - g. The Highway Authority recommends that the first 6m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is

regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

- h. Derbyshire County Council strongly promotes Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy, applying the SuDS management train. The applicant should also seek to promote betterment or meet green-field runoff rates taking into account the impacts of climate change. For more advice regarding the County Council's requirements please contact flood.team@derbyshire.gov.uk .
- i. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for a duration of more than 11 days require a three month notice; developers' works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council's Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.

5. Lead Local Flood Authority Footnotes:

It should be noted, that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the LPA.

- A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
- B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk
- C. No part of the proposed development shall be constructed within 3-8m 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 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.
- E. 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.
- F. 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 and flow directions and pipe numbers.
 - Soakaways, including size and material, if relevant.
 - Typical inspection chamber / soakaway / silt trap and SW attenuation details.
 - Site ground levels and finished floor levels.

G. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to 1 in 100 year return period (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 + 30% Climate Change rainfall volumes will be controlled and accommodated, also incorporating a sensitivity test to 40% Climate change. In addition an appropriate allowance should be made for urban creep throughout the lifetime of the development (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of 1 in 100 year rainfall, 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 greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100yr rainfall event, should never exceed the peak greenfield run-off rate for the same event.

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must not exceed the greenfield runoff volume for the same event
- 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 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 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.

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

I. 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.

The County Council holds a suite of information that can inform site development across Derbyshire. The information within this document has been interpreted and provided by an officer from the Flood Risk Management team.

- Historical data has been collated from a range of sources and is anecdotal. The provision of this data is suggested to act as a guide only.
- Fluvial data has been provided by the Environment Agency however the applicant is advised to contact the Environment Agency for further information should the site lie within the floodplain of a Main River.
- The County Council holds British Geological Survey data under a licenced agreement and therefore are not licenced to reproduce this information into the public domain.
- Further information regarding the Water Framework Directive, ecology and biodiversity should be obtained from the Environment Agency and Natural England.

4. This decision notice relates to the following documents:

Amended Drawing Nos. 21-02-P08 Rev. C, P17 Rev. B and P21 Rev. A dated 1st October 2021

Amended Drawing No. 21-02-P28 Rev. A dated 2nd November 2021

Amended Drawing Nos. P04 Rev. D and P05 Rev. D, P20 Rev. D, P22 Rev. B and P25B dated 4th November 2021

Amended Drawing Nos. 21-02-P03 Rev. D and P29 Rev. A dated 8th November 2021.

Amended Drawing Nos. 21-02- P01 Rev. J, 02 Rev. E, P06 Rev. D, P07 Rev. C, P09 Rev. D, P10 Rev. D, P11 Rev. F, P12 Rev. C, P13 Rev. C, P14 Rev. E, P15 Rev. E, P16 Rev. E, P18 Rev. C, P19 Rev. C, P23 Rev. C and P24 Rev. D dated 11th November 2021

APPLICATION NUMBER		21/01100/FUL	
SITE ADDRESS:		1 The Flatts, Wyaston Road, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Retention and improvements to access and access driveway	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Ms L. Ford
PARISH	Osmaston	AGENT	Planning & Design Practice Ltd.
WARD MEMBERS	Cllr. Andrew Shirley	DETERMINATION TARGET	29.10.2021
REASON FOR DETERMINATION BY COMMITTEE	Conflict with the recommendations of the Local Highway Authority	REASON FOR SITE VISIT (IF APPLICABLE)	To assess highway safety matters, having regard to the use of the former, shared access and the proposed access.

MATERIAL PLANNING ISSUES

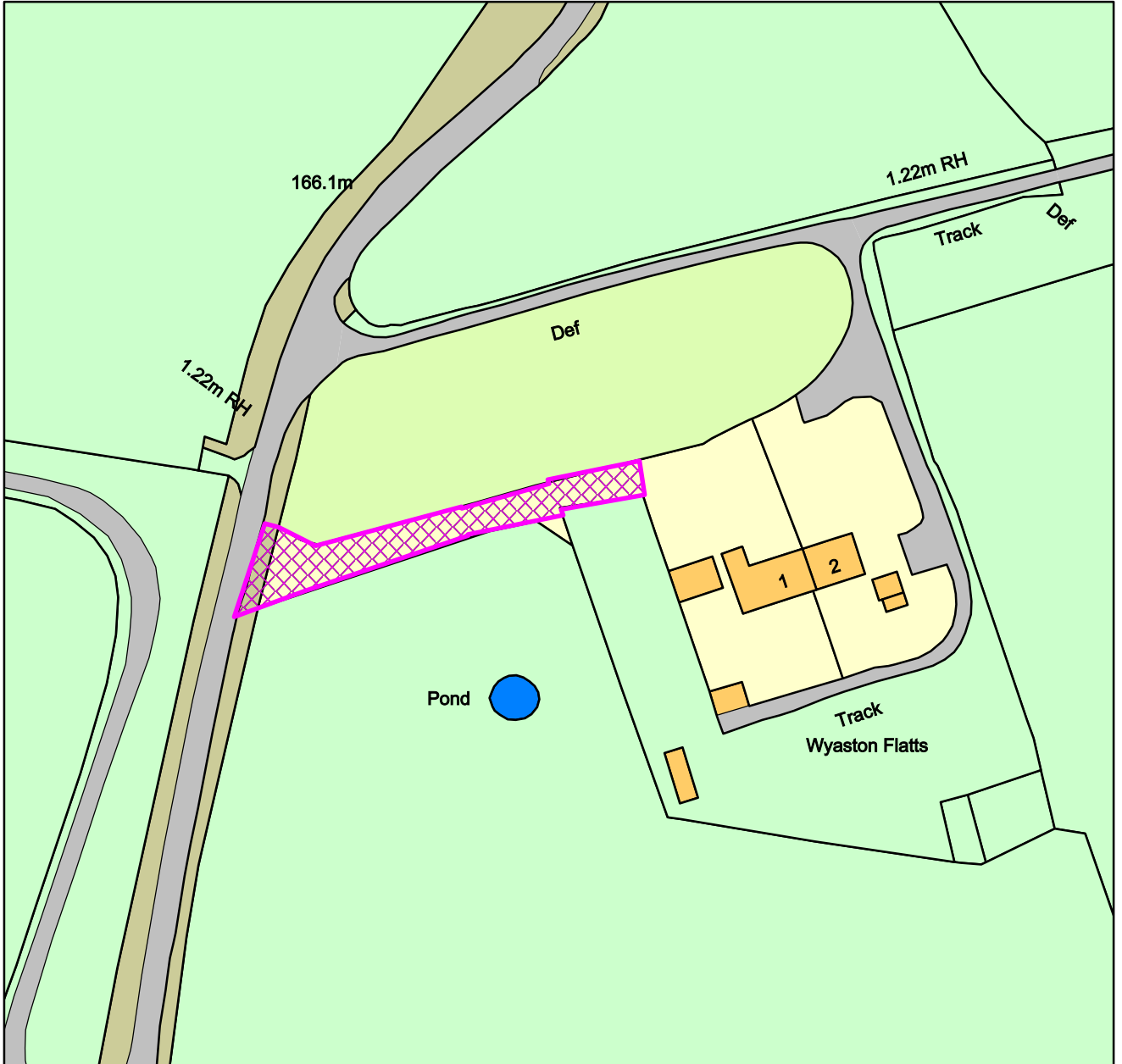
- Policy principle
- Impact on the character and appearance of the open countryside
- Impact on highway safety

RECOMMENDATION

Approval

21/01100/FUL

1 The Flatts, Wyaston Road, Ashbourne



Derbyshire Dales DC

1:1,250

Date: 02/12/2021

100019785

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

1. THE SITE AND SURROUNDINGS

1.1 The application site is an unauthorised access that has been formed from the applicant's dwellinghouse to Wyaston Road, through a paddock attached to the property. The access has been formed in lieu of using an existing, shared access to the highway, which is sited further to the north. The site is within the open countryside.

Proposed Access



Original Shared Access



2. DETAILS OF THE APPLICATION

- 2.1 Retrospective, full planning permission is sought for the retention of the access from Wyaston Road to the dwellinghouse. The access has been constructed to a sub base course, measures some 75m in length by some 4-5m in width and has a bellmouth of some 15m in width adjacent to the highway. It is proposed that a base course be applied and the access finished with a cambered, tarmac surface, in accordance with cross section details submitted, that will facilitate surface water run off to either side of the access.
- 2.2 The applicant has submitted a Planning, Design and Access Statement. This advises that the property has been served by a very poor and substandard, shared access off Wyaston Road. The applicant refers to the development of over 1,000 dwellinghouses that have taken place on the south side of Ashbourne over the last 10 years and advises that the level of traffic using Wyaston Road has increased considerably as a result. The applicant advises that this has resulted in the shared access being more dangerous. As a result, and following some near misses, the applicant sought to improve the access arrangements by installing a new access and driveway.
- 2.3 The applicant approached the Local Highway Authority prior to works commencing and were advised, incorrectly, that Wyaston Road was not a classified road. The applicant also took the driveway to be within the curtilage of the dwellinghouse and considered the access to therefore be permitted development. The applicant advises that the new access is better but appreciates that it is still substandard. The applicant has therefore submitted a letter

from Bancroft Consulting, with appended highway related assessments, to seek to justify this additional access as an improvement on the existing.

- 2.4 The applicant advises that the new access offers a significant improvement in the visibility splays. The shared access is advised to have 10m splays in both directions whilst the new access is advised to attain 27m distances in both directions. The applicant has advised that the comings and goings from their property has amounted to 136 movements and that these have been taken from the shared access to the north and the access is wide enough to allow for two vehicles to pass.
- 2.5 The applicant advises that the National Planning Policy Framework (NPPF) states that development should only be refused on highway grounds where the cumulative impacts would have a severe impact on the highway safety. The applicant contends that the access would not serve an increased level of development and that the access would be a betterment with no cumulative impacts. The applicant also contends that, given the number of pedestrians and cyclist accessing the open countryside along the unpedestrianised highway, that there is reason to justify a reduction in the speed limit to 30mph to the benefit of the wider community.
- 2.6 With regard to visual impact, Officers raised concern with regard to the current appearance of the access and the proposals to tarmac the existing surface. To this end, the applicant has advised of the following works that they propose to undertake should planning permission be granted:
- 1. The area of land that has been stoned across the site entrance will be reduced and the areas of stone excluded from the new access and road will be replaced by pasture.*
 - 2. The new access will be reduced to a 5m wide tarmac road with 3m radii. This will reduce the hard surface across the road frontage to 11m down from 15.5m. The access will join the public highway at right angles to the public road for highway safety and to ensure maximum visibility. The position of the road access accords with the supporting statement provided by Bancroft Consulting.*
 - 3. After the first 10m the access drive will be narrowed to 3.5m. The width of 3.5m is required to accommodate emergency vehicles but it is also wide enough for a car or van to pass a pedestrian and a dog without the need for the pedestrian to step off the driveway.*
 - 4. We do not propose a passing place. With 5m width for the first 10m, there is space for a car or van to wait off the public highway for a vehicle to pass. At the house end of the drive the existing parking and turning space provides plenty of room for vehicles to manoeuvre to allow them to enter and leave the site in a forward direction. Removing the passing place will reduce the amount of hard surface required.*
 - 5. Across the site entrance, abutting the public highway and contiguous with the edge of the road, a new road drain will discharge surface water from the drive into a soakaway within land owned by the applicant.*
 - 6. The proposals now include an avenue of trees to set back 3m from the driveway along the length of the drive. The landscape character guidance suggests Pedunculate Oak, Ash or Field Maple. It is proposed that the new trees are Pedunculate Oak (*Quercus pedunculata*) spaced every 5m. These will be heavy standards and approximately 3m high. These trees are native to the area and will improve biodiversity and will help to reduce any landscape impact.*

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1 Sustainable Development Principles
 - S4 Development in the Countryside
 - S9 Rural Parishes Development Strategy
 - PD1 Design and Place Making
 - PD5 Landscape Character
 - HC19 Accessibility and Transport

3.2 National Planning Policy Framework

3.3 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

4.1 None.

5. CONSULTATION RESPONSES

Parish Council

5.1 - no objection as long as the application is approved by DCC Highways.

Local Highway Authority (Derbyshire County Council)

- 5.2 - object
- have consistently advised that proposals would not be supported
 - original access is closer to the bend where visibility is restricted but the proposed access is still substandard
 - was advised that unless new access could demonstrate appropriate visibility standards, the proposals would only be acceptable if the original access was permanently closed which the applicant is not in a position to undertake due to other landowners and vehicle access recommend refusal as access to and from the highway would be at a point where exit and forward visibility are restricted and against the best interests of highway safety.

6. REPRESENTATIONS RECEIVED

6.1 None.

7. OFFICER APPRAISAL

Policy Principle

7.1 The site is in the open countryside and therefore the application needs to have regard to policies S1, S4, S9, PD1 and PD5 with regard to the impact within the landscape. In addition, as this is a new access, regard has to be given to whether the access is a safe means of access onto the public highway, being Wyaston Road.

Impact on the Character and Appearance of the Open Countryside

7.2 The access has been provided across an area of land between the dwellinghouse and Wyaston Road and has resulted in the removal of a section of boundary hedge. To this end,

there is a harmful impact in the landscape. Further to discussion with Officers, the applicant has also proposed a series of alterations to seek to alleviate the impact of the access within the landscape; these are considered appropriate in visual/aesthetic terms.

Impact on Highway Safety

- 7.3 The applicant advises that, prior to the development taking place, they were misinformed by the Local Highway Authority with respect to whether Wyaston Road was a classified road and assumed that the provision of the access was permitted development. Notwithstanding this, such an assumption would not have been the case as permitted development rights to form accesses onto unclassified roads, that have restricted visibility onto them, do not in any event constitute permitted development. The provision of an access across a paddock would also require the minimum of a submission of a prior notification to the Local Planning Authority; this was not submitted. As such, the access provision and the access road need retrospective consideration.
- 7.4 The Local Highway Authority has commented on the safety of the revised access and states that it has, since 2019, consistently advised both the District Council, and subsequently the applicant's Transport Consultant, that the proposals would not be supported.
- 7.5 The original, shared access to the property is located to the north, closer to the bend in Wyaston Road and at a point where, due to the lack of margin, visibility is restricted. The access that has been formed is further away from the bend but, nevertheless, is still substandard due to the alignment of Wyaston Road and the limited margins. It was previously advised by the Local Highway Authority that, unless the new access could demonstrate appropriate visibility standards, for either the posted or actual vehicle speeds of the road, the proposals would only be acceptable if the existing (original) access could be permanently closed.
- 7.6 The applicant undertook a speed survey in March 2020 which demonstrated that vehicle speeds were reduced. However, the Local Highway Authority advised that it was still apparent that the achievable sightlines were inadequate when looking in each direction at a distance of 2.4m back from the highway edge (this is the standard distance by which to measure the driver's view onto the road back from the highway edge). Whilst the applicant has put forward an argument for using a lesser 2m distance from which the visibility splays can be viewed, Wyaston Road is a classified road and provides a link into Ashbourne from the villages to the south and, as stated in the applicant's Design and Access Statement, traffic levels have increased as a result of nearby housing development. Therefore, the visibility splay 2.4m distance back from the highway edge for assessing visibility is considered to be appropriate by the Local Highway Authority.
- 7.7 The Local Highway Authority advise that the demonstrated sightlines were measured to the centre of the carriageway rather than the recommended nearside wheel track. They also advise that, with no centre line markings or physical restraint, there would be nothing to prevent approaching vehicles overtaking or passing slow moving vehicles and travelling within the nearside lane. In addition, and notwithstanding the above, they note that the applicant is not in a position to close the original access due to other landowners and vehicular access rights, and accordingly would have no control over any future use of that access.
- 7.8 It is apparent that the proposed access is substandard. However, Paragraph 111 of the National Planning Policy Framework (NPPF) advises that development should only be refused on highway safety grounds if there would be an unacceptable impact on highway safety. In this respect, it is considered by Officers that an assessment has to be made as to whether there are any advantages to creating this access. It is considered that, whilst substandard, the visibility from this access is better than that of the original access. In

addition, with the original access being less trafficked as a result of the proposed access, there is less likelihood of cars being held up within the highway by a vehicle exiting the original access at the same time. This is considered by Officers to offer some improvements to highway safety. Therefore, on balance, it is the view of Officers that the benefits of the access outweigh the harm in terms of highway safety.

Conclusion

- 7.9 Given the above, it is recommended that the application be granted contrary to the recommendations of the Local Highway Authority. Whilst it is appreciated by Officers that the visibility is substandard, it is considered that this is nevertheless an improvement on that of the original access and, therefore, it is considered the proposal is in general compliance with the aims of Paragraph 111 of the NPPF. Whilst there would be some visual impact in the rural surroundings, it is considered that, subject to the alterations put forward by the applicant, the access will more readily assimilate into the landscape. On this basis, it is recommended that planning permission be granted subject to conditions.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The access hereby approved shall be completed in accordance with the approved Amended Drawing Nos.3468-03 Rev. A and 04 Rev. A, received on 28th October 2021, within 12 months of the date of this permission.

Reason:

The works are part retrospective and to ensure the satisfactory appearance of the development to comply with the aims of policies S1, S4, S9, PD1, PD5 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

2. The landscaping detailed on the approved Amended Drawing No.3468-03 Rev. A, received on 28th October 2021, shall be provided within the 2022/2023 landscaping period.

Reason:

To ensure the satisfactory appearance of the development to comply with the aims of policies S1, S4, S9, PD1, PD5 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

3. All trees shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees 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 the aims of policies S1, S4, S9, PD1, PD5, PD6 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

4. The access shall be provided with the sightlines as detailed on Amended Drawing No.3468-03 Rev. A. There shall be no obstruction between the sightlines and the

adjacent carriageway edge exceeding 1 metre in height above the carriageway channel level (0.6m in the case of vegetation). The sightlines shall be so maintained in perpetuity to the satisfaction of the Local Planning Authority.

Reason:

In the interests of highway Safety.

NOTES TO APPLICANT:

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

2. This decision notice relates to the following documents:

Drawing Nos. 3468-01 and 02 received on 3rd September 2021

Amended Drawing Nos.3468-03 Rev. A and 04 Rev. A received on 28th October 2021

Planning, Design and Access Statement received on 3rd September 2021

Letter from Bancroft Consulting with appended highway related assessments received on 3rd September 2021

Additional information received on 28th October 2021.

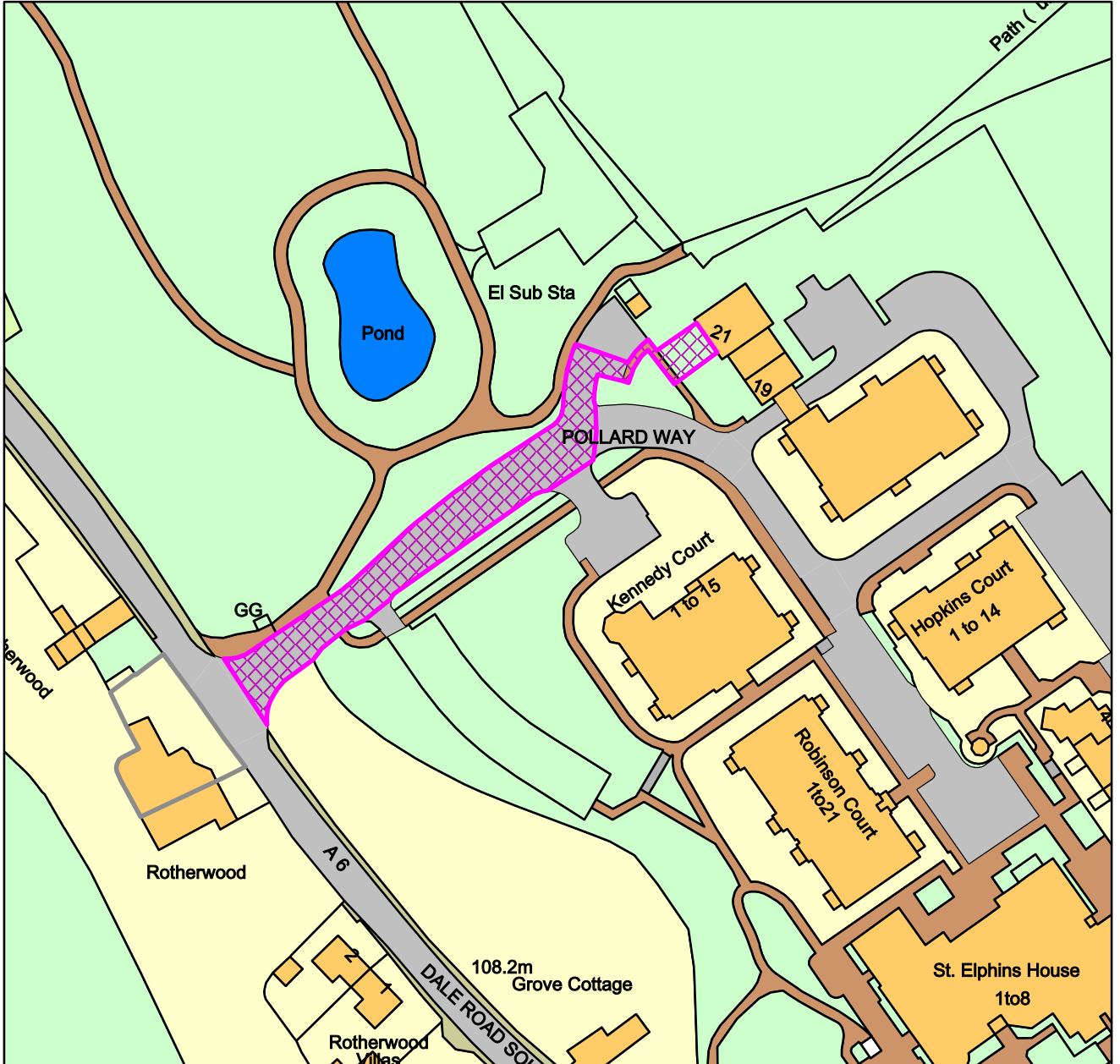
APPLICATION NUMBER		21/01146/FUL	
SITE ADDRESS:		21 Pollard Way, St. Elphin's Park, Darley Dale, Derbyshire, DE4 2RU	
DESCRIPTION OF DEVELOPMENT		Erection of porch.	
CASE OFFICER	Mr. Ecclestone	APPLICANT	Mr. Alex Hales
PARISH/TOWN	Darley Dale	AGENT	Mrs. Miranda Dettwyler
WARD MEMBER(S)	Cllr. Statham Cllr. Atkin Cllr. Salt	DETERMINATION TARGET	16 th November 2021
REASON FOR DETERMINATION BY COMMITTEE	Number of objections received.	REASON FOR SITE VISIT (IF APPLICABLE)	To get an appreciation of the proposal in the wider context.

MATERIAL PLANNING ISSUES
Impact on character and appearance of property and also on neighbouring amenity.

RECOMMENDATION
Planning permission be approved.

21/01146/FUL

21 Pollard Way, St Elphins Park, Darley Dale



Derbyshire Dales DC

1:1,250

Date: 02/12/2021

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 part of the Audley St. Elphin's Park development, situated just off the A6 between Darley Dale and Matlock. The property is situated at the north western side of the site, with open land to the north-west.



2. DETAILS OF THE APPLICATION

- 2.1 The proposal is for a new front porch. It will be centrally positioned on the front elevation, will be constructed of materials and design detailing to match the existing ground-floor and will have a parapet roof.
- 2.2 The applicants have submitted a supporting statement, which makes the following key points:
- i) The porch is to accommodate a mobility scooter, due to my medical condition and lack of space within the existing property and lack of suitable nearby accessible and weatherproof accommodation to house the scooter.
 - ii) The porch has been designed to provide easy access to the facility within the curtilage of my home.
 - iii) The proposed porch has been designed to be sympathetic to our existing home and to accommodate the mobility scooter I need to enable me to continue to enjoy a quality of life, whilst also protecting us from the weather on our corner plot.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
PD1: Design and Place Making
HC10: Extensions to Dwellings
- 3.2 Other:
National Planning Policy Framework (2021)
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

None relevant.

5. CONSULTATION RESPONSES

- 5.1 Town Council
No objection.

6. REPRESENTATIONS RECEIVED

6 objections have been received, which can be summarised as follows:

- 6.1 This is a re-submission of a previous scheme. However, the current plans indicate the same size of structure, with only the railings being removed.
- 6.2 It will be disproportionate and goes beyond the current building line for Pollard Way. It will be visible from many properties on site and also from anyone using the North entrance to St. Elphin's.
- 6.3 Alternative scooter accommodation has not been considered.
- 6.4 If the position of the current front door suffers from the prevailing wind, then the planned position of the entrance to the porch will also suffer from the prevailing wind. If the entrance to the porch was repositioned to the side, this would provide protection from the prevailing wind.
- 6.5 The applicants state that the Derbyshire Dales Chief Planning Officer has already approved the application. This significantly undermines the planning process and is not democratic.
- 6.6 A previous planning application for a canopy at Devonshire Court was refused (17/01026/FUL) as the "*siting, scale and design would appear an incongruous addition to the apartment block and would visually jar with the architecture / appearance of the wider apartment complex.*"
- 6.7 A representation of support has also been received, which can be summarised as follows:
We can see no objection to the proposal. As a retired member of the Royal Institute of British Architects, it is my view that the proposal will give balance to the run of properties and add impact when seen from the approach road coming into St. Elphin's Park.
- 6.8 A petition has also been handed in, which has been signed by 8 neighbours in support of the application, which can be summarised as follows:
We support the application. As close neighbours, many of whom will be able to see the porch from our apartments / gardens, we can confirm that the wind and rain blow straight up the valley and hit the front door of number 21. The only 'protection' is the canopy, which means that rain pours onto the person standing outside the front door. We understand that Audley have accepted the mistake not to build a porch, as they have at the other cottages. We support the application. The porch is necessary as protection from the weather, it is entirely appropriate and aesthetically pleasing.

7. OFFICER APPRAISAL

- 7.1 Policy PD1 of the Adopted Derbyshire Dales Local Plan requires development to be of a high quality design that respects the character, identity and context of townscapes and landscapes; and requires development that contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, the relationship to adjacent buildings and incorporating well integrated car parking. Policy PD1 also requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, overshadowing, overbearing effect, noise, light pollution, or other adverse impacts on local character and amenity.
- 7.2 Policy HC10 of the Adopted Derbyshire Dales Local Plan requires that the plot size is large enough to accommodate the extension without resulting in a cramped or overdeveloped site; and that the height, scale, form and design of the extension is in keeping with the scale and character of the original dwelling and the sites wider setting and location.
- 7.3 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.
- 7.4 St. Elphin's is designed to diminish in height and grandeur as you move away from the core of the historic buildings and larger flat blocks. There is however a pleasing continuity

to the architectural language and materials.

- 7.5 In this context, any extension has to be carefully considered for the impact it will have on the architectural cohesion of the whole. The porch / store is designed to both enclose the doorway and to provide storage space for a mobility scooter. It is relatively large for this purpose and there are no other such structures in the immediate locality. Whilst it could be argued to lead to a dilution of the architectural cohesion, it has been designed to marry in with the existing details and materials. Although it will be visible at the northern entrance to the site, it will sit on an individual unit that differs in design from its neighbours and has a continuity of detail that means that it sits relatively comfortably in this context. It is not considered to set any precedent for other extensions which would need to be assessed on their merits.

Conclusion

- 7.6 The scheme is not considered to unduly directly impact on the amenity of neighbours and having due regard to the need for adaptation of this property, on balance, the scheme is considered to be acceptable.

8. RECOMMENDATION

Planning Permission be approved conditionally:

1. Condition ST02a: Time Limit on Full.

Reason:

Reason ST02a.

NOTES TO APPLICANT:

This Decision Notice relates to the following documents:

Planning application form and drawings, received by the Council on 21st September 2021.

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

APPLICATION NUMBER		21/01221/FUL	
SITE ADDRESS:		Land North Of Springfield, Riber Road, Starkholmes, Matlock	
DESCRIPTION OF DEVELOPMENT		Erection of dwellinghouse	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr Robert Evans
TOWN	Matlock St. Giles	AGENT	Evans Vettori Architects Ltd.
WARD MEMBERS	Cllr. P. Cruise Cllr. S. Flitter Cllr. D. Hughes	DETERMINATION TARGET	2 nd December 2021
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member to assess impacts on amenity and highway safety	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the development in its context.

MATERIAL PLANNING ISSUES

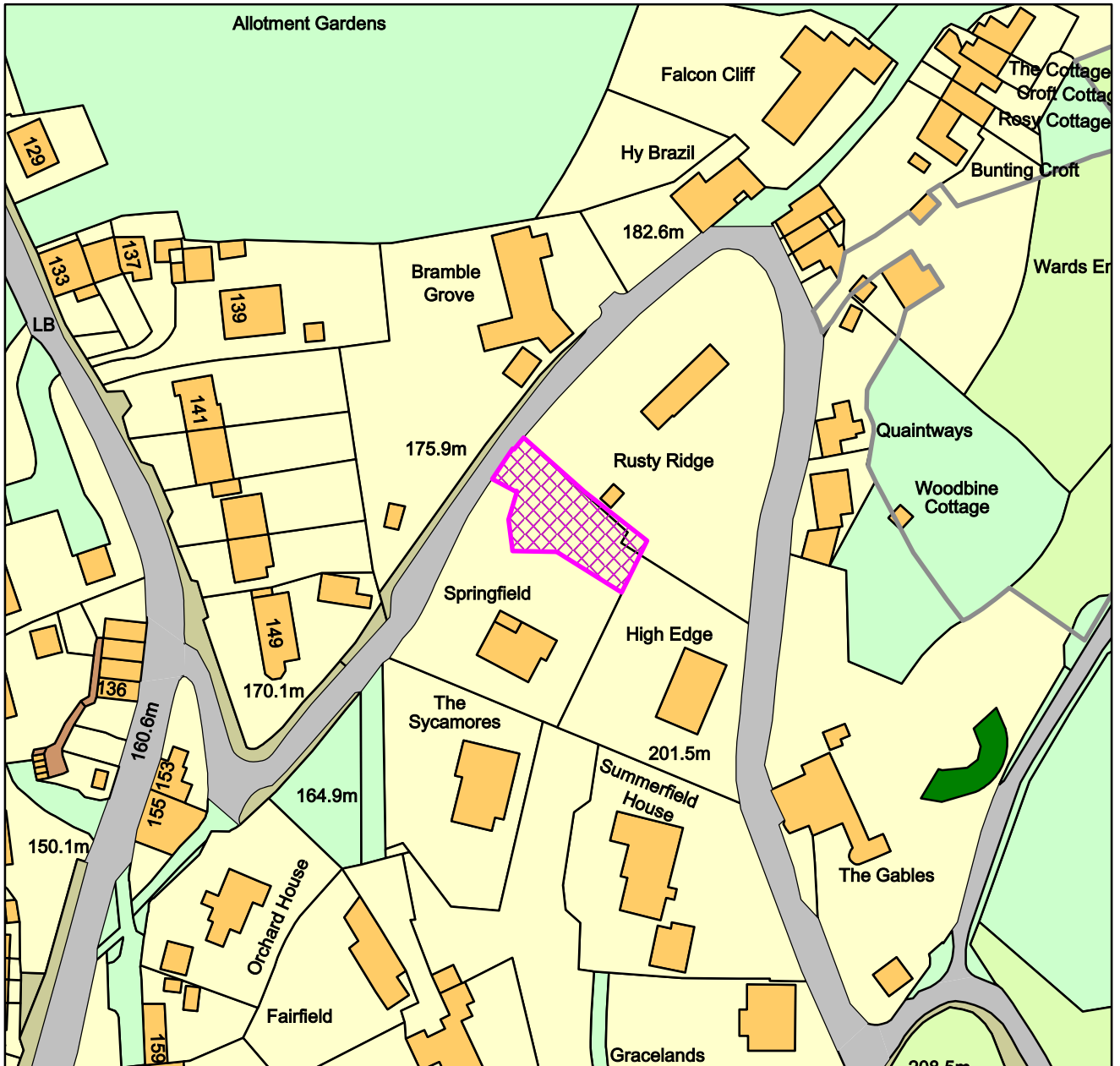
- Principle of the development
- Impact on the character and appearance of area
- Impact on amenity
- Impact on trees
- Highway safety
- Land stability
- Climate change

RECOMMENDATION

Approval

21/01221/FUL

Land North Of Springfield, Riber Road, Starkholmes



Derbyshire Dales DC

1:1,250

Date: 02/12/2021

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 within the Matlock Settlement Framework boundary, high on the hillside above Starkholmes and overlooking the Derwent Valley. The applicant advises that the site was originally a field. This was developed initially with 'Rusty Ridge' a dwellinghouse built in the 1960's and the site became part of the garden. Springfield, to which the application site is now attached, was latterly constructed in the 1980's and built using artificial stone. The sizable garden has since been cultivated to the lower slope, while the upper slope had been allowed to grow wild with multi-stemmed saplings and other undergrowth.
- 1.2 More recently, a new, 'Swiss-style' 4-bedroomed dwelling (High Edge) was constructed above 'Springfield', on part of the unused garden area which received an RIBA Award for its design in 2014.
- 1.3 The application site is steep in nature and set adjacent to a wooded area that includes several mature specimen trees, most notably a protected Ash tree (tree T4 in Tree Preservation Order No. 22) which has been allowed to be removed due to its condition and ash die-back.





2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the erection of a dwellinghouse. Previously, planning permission has been granted for a modest dwelling, as ancillary accommodation to Springfield (ref: 15/00361/FUL), on an area of land to the rear of the application site. It was proposed to be two storey (5.3m) in height and measure 6m deep by 10m wide with a slight front projection at first floor level. This planning permission has since lapsed.
- 2.2 The dwellinghouse now proposed would measure 11.3m wide by 6.3m wide and 7.3m high. It would require excavation of the land, given its relatively steeply sloping nature, and the removal of the protected Ash tree which is positioned directly on the part of the site the dwelling is proposed to be erected. The south east and north east elevations would be partially set into the ground. The roof is proposed would have a large, chalet style, oversail.
- 2.3 The building is proposed to be constructed with local gritstone walls. It is also proposed to provide timber detailing (larch) between the eaves and the ridge of the roof on the north west and south east elevations. It is proposed to have a grey, zinc roof with a 10 panel solar array attached to the south west facing roofslope. The windows and door frames are proposed to be of a grey coloured, aluminium construction. A first floor balcony is proposed

off the north west elevation, projecting some 3.6m at its widest point. This is proposed to have a frameless, glass balustrade and is proposed to be supported by timber posts. Larch screening is proposed at the widest point where the balcony can look towards Rusty Ridge. The proposed new dwelling is designed in a similar style and materials, to read as being complimentary to High Edge and Springfield. The proposed dwelling would sit on part of the 'Springfield' garden area which is currently unused. It is proposed that the frontage of the dwelling lines up with the building line at the front of Springfield.

- 2.4 The dwelling is proposed to comprise a lobby, three bedrooms, a bathroom and a wc on the ground floor and living room, kitchen/dining room and wc on the first floor. The dwelling is proposed to be served by two car parking spaces accessed perpendicular to, and directly off, Riber Road.
- 2.5 The applicant has submitted a Design and Access Statement. It is advised that the proposed dwelling has its main windows facing forwards (west) to avoid potential overlooking issues. The applicant advises that the proposed dwellinghouse is tucked into the ground, with only upper floor windows to the rear, in order that it has a minimal impact on High Edge.
- 2.6 The applicant refers to permission which has been granted for a dwelling on the opposite side of Riber Road, to the west, but considers there would be no intervisibility from the chalet due to heavy planted screening along the roadside. The applicant advises that the proposed dwelling is linear and runs along the existing contours to minimise the height at the front and reduce the amount of groundworks.
- 2.7 A terraced area of garden is proposed at the front to create useable garden space. The applicant advises that the balcony projects from the upper floor and that this is angled south westward to face towards the Heights of Abraham and a screen is proposed to the side facing towards Rusty Ridge. The applicant has advised that the neighbour at Rusty Ridge is fully aware of the proposals and content with the proposed design.
- 2.8 To the rear, a garden is proposed and will be planted with Rowan and Apple trees replacing the Lawson Cypresses which are to be removed as part of the September 2021 TPO permission (ref: T/00121/TPO). Low planted, stone gabions and drystone walls are proposed to be used along the boundary to Springfield and further enhancement of the garden area is proposed, in consultation with DDDC's Landscape Officer, who the applicant advises has also advised on the emerging landscape treatment at High Edge.
- 2.9 The proposals detail use of an existing parking bay off Riber Road. This is proposed to be enlarged to accommodate two cars with parking arranged perpendicular to the road, as previously recommended by DCC Highways in their comments on the 2015 application. The existing Springfield driveway, under the applicant's ownership, can be shared for construction access, etc.
- 2.10 In terms of seeking to mitigate against climate change, the applicant advises that the thermal performance of the house will be maximized by installing large quantities of thermal insulation, to exceed new Building Regulation Part L1A. Heating is proposed from a high-, air-source heat pump serving underfloor heating and this is proposed to be supplemented by an array of solar thermal panels on the south facing roofslope.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1 Sustainable Development Principles
 - S3 Development within Defined Settlement Boundaries
 - PD1 Design and Place Making
 - PD3 Biodiversity and the Natural Environment
 - PD6 Trees, Hedgerows and Woodlands
 - PD7 Climate Change
 - PD9 Pollution Control and Unstable Land
 - HC1 Location of Housing Development
 - HC21 Car Parking Standards
- 3.2 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)
- 3.3 National Planning Policy Framework
- 3.4 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- 4.1 17/00416/VCOND - Removal of condition 8 of planning permission 15/00361/FUL to allow unrestricted use of building as a dwellinghouse - Refused
- 4.2 15/00361/FUL – Erection of Dwelling – Granted (not implemented)
- 4.3 11/00055/FUL - Erection of detached dwellinghouse and associated access – Granted (High Tor)
- 4.4 10/00304/FUL - Erection of detached dwellinghouse and associated access – Granted
- 4.5 07/00514/FUL - Extensions and alterations to form store, garage, dining room, balcony and staircase – Granted (Springfield)

5. CONSULTATION RESPONSES

Town Council

- 5.1 - no objection.

Local Highway Authority (Derbyshire County Council)

- 5.2 - the previous proposal was for a 2-bedroom dwelling, whereas the current one is 3-bedroom however the parking requirement of 2 spaces would remain appropriate
- no conditions were recommended for securing exit visibility, although it was noted that Riber Road was non-classified and lightly trafficked with vehicle speeds low, due to the nature of the road
 - also note that the dwelling was conditioned as ancillary to Springfield
 - should the land in the blue line be sold off there would be no control over visibility in that direction – could a Grampian style condition be included to retain a sightline across land in both the red and blue lined areas?

Arboriculture and Landscape Officer (Derbyshire Dales District Council)

- 5.3 - development site is close to trees and an assessment of the potential impact of the proposals on trees, including necessary removals and protection of retained trees, is required to be submitted before a decision can be made
- the mature ash tree close to the site which was subject to Tree Preservation Order was recently removed due to ash dieback - no other trees that are currently subject to statutory protection may potentially be affected by the proposals
 - other than potential impact to trees as described above I am satisfied that the proposals would have an acceptable impact on the visual amenity of the landscape.

Councillor D. Hughes

- 5.4 - would like this application brought to a Planning Committee meeting so that Councillors can consider the impact on neighbours' amenity and the parking arrangements
- have some concern that the proposed property may be used for short-term lets in the future, which may increase the use to which the overlooking balcony is put and, having talked to the neighbour, that planting to preserve privacy may impact on the neighbour's views
 - ground works should take account of any ground water and water run off down the hill.

Councillor S. Flitter

- 5.5 - only concern is of stability of this hillside and effects of diverted flow of surface water

6. REPRESENTATIONS RECEIVED

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

Rusty Ridge

- impact of noise and privacy from the proposed upper floor balconies on Rusty Ridge
- balconies are huge - could have been included as part of the integral structure rather than separate viewing platforms
- no one is 'entitled to a view' but parents purchased their home some 40 years ago, precisely because of the view - building this large, 2 storey property with balconies/viewing decks around it, will in effect be "stealing" the view from Rusty Ridge and this surely must be a genuine consideration whilst determining this application
- the size and scale of the proposal is totally unsuitable for its location
- is far higher, wider and obtrusive than advised - told that it would be no higher than the shed in the garden and applicant put stakes by the boundary showing the height
- detrimental visual impact that the proposal would have on the outlook from Rusty Ridge
- will totally obliterate the outlook from Rusty Ridge and reduce the value of the property
- will there be windows in the property facing onto Rusty Ridge garden
- what materials are the roof and walls?
- no information on the drawing as to how the property will actually look, no details of heights, differences in ground levels or how Rusty Ridge garden will be supported.
- cross section plan is misleading - shows the length from Rusty Ridge conservatory to proposed property as 27m - the actual distance is 19m to Rusty Ridge boundary plus 1 metre to proposed property
- loss of light/overshadowing
- parking and highway safety
- visibility splay drawings show 2 car parking spaces, with little space in the driveway for turning - this makes access onto the highway dangerous as cars, in practice, will have to reverse out into the steep road which will create a danger to all road users, included Rusty Ridge as lower driveway is main one which is used
- visibility splay drawings only go as far as boundary with Rusty Ridge and there is no control of the line of sight into the highway

- are many cyclists, walkers and horses that use Riber Road, so public safety would be an issue - what is the view of the Highway Authority?
- issues relating to ground movement and water in the local area and the massive landslide at Rusty Ridge 35 years ago and potential for similar problems with proposed development
- layout and density of buildings
- design, appearance and materials
- proximity of the proposed house and how Rusty Ridge ground would be kept safe
- property is a 2 storey building and not a bungalow as had been told by the proposer
- ask that application is considered by the Planning Committee and that the site visit includes assessing the application from Rusty Ridge.

Bramble Grove

- proposed development is on an existing watercourse (ie. a spring) - concerned how the diversion of this will affect existing properties and infrastructure, particularly when there has been landslips in the vicinity such as on White Tor Road which is still closed to traffic
- highly concerned about the access and parking to the proposed dwelling - there does not seem to be any visibility splay on the drawing and no room for manoeuvring on site
- road does not have any footpaths and concerned that vehicles reversing out of the parking spaces will be a danger to pedestrians and other road users
- previous comments from Highways Development Control (letter 25 June 2015 DDD/15/00361) regarding the fronting road being lightly trafficked may be out of date as Riber Road has been increasingly busy with traffic flow, particularly with other roads in the area, such as Lea Road and White Tor Road, being closed - increase in traffic is likely to continue with the completion of the Riber Castle development
- concerned about the proposed large balcony area to the front elevation as I believe this will have overlooking issues with neighbouring properties and be disruptive regarding noise
- did not object to the planning application which was previously approved in 2015, as this was for a less imposing, small 2 bedroom dwelling which was to be built into the hillside giving an appearance of a single storey dwelling and would be more suited for the location between the existing properties.

7. OFFICER APPRAISAL

Principle of Development

- 7.1 The site is within the Settlement Framework boundary for Matlock and residential development of the site is acceptable in principle subject to other material considerations assessed below. In addition, the District Council is currently unable to demonstrate a 5 year housing land supply to meet its objectively assessed need. The National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of sustainable development and the District Council has to have regard to Paragraph 11 of the NPPF in the decision making process.
- 7.2 Paragraph 11 states that, where the Local Plan is absent on a matter (as the existing Local Plan now is given the lack of identified housing land supply), regard has to be given primarily to the National Planning Policy Framework. Paragraph 11 therefore advises that, where the Local Planning Authority cannot demonstrate that it is able to meet its objectively assessed needs for housing, there is a presumption for granting planning permission unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits against other policies within the NPPF. These are assessed below against the presumption in favour of residential development in this sustainable location.

Impact on the Character and Appearance of the Area

- 7.3 The proposed dwellinghouse is of a modern design and similar to the dwellinghouse previously approved at High Edge and also to Springfield, with its external alterations/improvements. The area is characterised by an eclectic mix of dwellinghouses and the proposal is considered to sit comfortably in that context. Nevertheless, it is considered reasonable, if planning permission were to be granted, that permitted development rights for the erection of extensions and outbuildings are removed as this could have a significant impact upon the character and appearance of the development. Given the above, it is considered that the dwellinghouse is of an acceptable design.

Impact on Amenity

- 7.4 The dwellinghouse is proposed to be sited to the south of Rusty Ridge and would be some 21m away (the distance from the conservatory at Rusty Ridge to the eastern boundary of the property is some 18.6m); this is not 27m away as the applicant suggests. The roofscape and partial elevation of the proposed dwellinghouse will clearly impact on the view currently enjoyed from Rusty Ridge, both from within the dwelling and within the garden. However, there is no right to protect a view and this is not a justifiable reason for refusal of planning permission. In addition, and given the relative distance, whilst the first floor part of the elevation and the roof would project above the garden level at Rusty Ridge, it is considered that the proposed dwelling will not create such a loss of light or outlook to Rusty Ridge that could justify a reasonable reason for refusal of planning permission.
- 7.5 From the drawings submitted, there is some concern with respect to looking into the neighbour's garden at Rusty Ridge, and into the conservatory, from the proposed balcony. It is understandable that the neighbour may consider that the development would be encroaching; such an impact was deemed to be less so with the previously approved development which was offset from the current proposed development's location.
- 7.6 To this end, the applicant has proposed a screen at the north eastern end of the balcony. The applicant also advises that the neighbour at Rusty Ridge has indicated that she would prefer to omit the screening, which the applicant would be happy to do if preferred. However, given the proximity, it is considered by Officers that some screening should be applied. It is considered that the larch posts proposed as a screen can be spaced, and aligned in such a way, to direct any outlook away from Rusty Ridge by creating an overlapping effect; details of this would be required as a condition of any planning permission that these are submitted for approval and installed prior to the occupation of the dwelling. This would be to establish the effectiveness and visual impact of the screen. With regard to Bramble Grove, the proposed balcony would be some 13m away from the boundary and there is an intervening hedge to that neighbouring property that would limit any loss of amenity.
- 7.7 Concern has been raised that the dwellinghouse could be used as a holiday let (Air B&B). The applicant has advised that there is no intention to use the new house for short-term lets and that it is proposed to enable the son, who it is advised currently commutes from Sheffield, to return to Matlock. Whilst there is no suggestion that the proposed dwelling would be used as such, it is appreciated that this could be the case in the future. Nevertheless, most dwellings within the area could be used in such a manner without the need for planning permission. If there was to be any nuisance caused as a result of the occupation of the dwelling as a house or holiday let, this would be a matter to be addressed by other authorities and is not a substantive reason to attach a condition on the occupancy of the proposed dwelling.

Impact on Trees

- 7.8 A protected Ash tree was approved for felling further to inspection by the District Council's Arboriculture and Landscape Officer. This essentially frees up the site for potential development. Whilst there is some concern that the development site is close to other trees, permission has been previously granted on the nearby site subject to conditions. It is therefore considered that the matter of tree protection can again be addressed through an appropriately worded condition on any grant of planning permission.

Land Stability

- 7.9 The dwellinghouse is proposed to be sited on steeply sloping land and will require a significant degree of engineering works to create a level platform on which to construct the building. Further engineering works would also be required to form the car parking spaces perpendicular to Riber Road.
- 7.10 It has been advised by the neighbour that there has previously been land slippage at Rusty Ridge. The applicant has advised that they appreciate that the will be engineered by an experienced local engineer and built by a contractor who has previously worked extensively on this part of Riber hillside. It is also advised that the previous failure to the slope referred to, was due to excavation behind Rusty Ridge, on the steep slope adjoining the road, where the underlying shale strata sloped down the hill causing a slip-plane.
- 7.11 The applicant advises that Springfield does have ground water which periodically trickles onto Riber Road, so the new house is designed to have an engineered retaining wall with proper land drainage to catch run-off on the hillside, similar to High Edge. It is advised that the new land drain will improve the drainage of the whole site and, hopefully, reduce spillage onto Riber Road in future. To this end, it is advised that the applicant's engineer will carry out a full structural investigation, appraisal and design for Building Regulations approval and construction should the application be approved.
- 7.12 Given the above, it is considered reasonable to require a method statement by a qualified engineer detailing how the land will be stabilised throughout the construction process and for the life of the development should planning permission be granted.

Highway Safety

- 7.13 The Local Highway Authority has advised of no objection in principle to the proposed development. The applicant advises that occupiers of the proposed dwelling would reverse in and manoeuvre out forwards of the parking bay as neighbours do now. The area of ground to the north, within the application site, is proposed to be reduced in level to improve visibility, and some reduction of foliage on the Springfield side is proposed. The applicant also advises that cars move very slowly down this stretch of Riber Road.
- 7.14 Officers raised some concern with the three parking spaces initially proposed and the limited visibility along Riber Road with the Local Highway Authority. The previous proposal was for a 2-bedroom dwelling, whereas the current one is 3-bedroom. However, the Local Highway Authority has advised that the parking requirement of 2 spaces would remain appropriate; the applicant has amended the drawings to detail this. In granting the previous planning permission, no conditions were recommended by the Local Highway Authority for securing exit visibility, although it was noted that Riber Road was non-classified and lightly trafficked with vehicle speeds low, due to the nature of the road. It was also noted that the dwelling was conditioned as ancillary to Springfield
- 7.15 In this regard, it is advised that, should the land in the blue edged line be sold off, there would be no control over visibility in that direction and ask whether a Grampian style condition could be included to retain a sightline across land in both the red and blue lined areas; this is considered a reasonable request to safeguard the visibility splay and it is also

considered reasonable to require conditions with regard to site storage, etc. being detailed during the construction process and details of where bins will be stored.

Climate Change

7.16 The applicant advises that, in terms of seeking to mitigate against climate change, that the thermal performance of the house will be maximized by installing large quantities of thermal insulation, to exceed new Building Regulation Part L1A. Heating is proposed from a high-, air-source heat pump serving underfloor heating and this is proposed to be supplemented by an array of solar thermal panels on the south facing roofslope. This is considered by Officers to meet with the aims of policy PD7 of the Adopted Local Plan (2017) and with the District Council's climate change supplementary planning document.

Conclusion

7.17 The District Council is unable to demonstrate the provision of an adequate 5 year land supply for dwellings within the District. In this respect, Paragraph 11 of the NPPF advises of allowing for such development unless doing so would lead to significant and demonstrable harm. In this regard, it is not considered that the impact on amenity of the neighbouring properties at Rusty Ridge or Bramble Grove would justify a reason for refusal of planning permission and, in any event, is not be regarded as outweighing the requirements for residential development in accordance with Paragraph 11 of the NPPF.

7.18 It is recommended that planning permission be granted. This would be subject to conditions with regard to materials, highway matters, including the car parking provision, boundary treatments/landscaping and the removal of permitted development rights that may allow for development that could lead to a cramped form of development on the site and impact on amenity.

8. RECOMMENDATION

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

1. Condition ST02a Time Limit on Full

Reason:

Reason ST02A

2. Notwithstanding the submitted details, prior to the building being faced, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- facing and roofing materials
- window and door frames, including depth of recess in the openings;
- rooflight;
- timber supports to the balcony;
- balcony glazing;
- guttering and pipework;
- the positioning and finish of any meter boxes;
- solar panels;
- the air source heat pump and its proposed location; and
- details of all hard landscaping materials.

The development shall thereafter be provided in accordance with the approved details prior to the occupation of the dwellinghouse.

Reason:

To ensure the satisfactory appearance of the development and the installation of climate change mitigation measures to comply with policies S1, S3, PD1 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

3. Notwithstanding the details on the approved drawings, prior to the dwellinghouse first being occupied, details of the screening on the balcony shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be installed in accordance with the approved details prior to the occupation of the dwellinghouse.

Reason:

In the interests of amenity to comply with policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

4. Before any works of site excavation, other than for the purposes of site investigation, a method statement shall be submitted to the Local Planning Authority detailing how the land will be stabilised throughout the construction process and for the life of the development. The method statement shall be agreed in writing by the Local Planning Authority and the works shall thereafter be undertaken in accordance with the agreed method statement unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the land is capable of being stabilised and the development can be undertaken without detriment to the proposed dwellinghouse, or neighbouring property, to comply with policies S1, S3, PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

5. Before any works of site excavation, other than for the purposes of site investigation, details of the retaining wall facings, the proposed boundary treatments and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The walls and boundary treatments shall be provided prior to the occupation of the dwelling and the landscaping provided within the first planting season after the dwellinghouse is first occupied. 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 and the installation of climate change mitigation measures to comply with policies S1, S3, PD1 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

6. Before any other operations are commenced, (excluding demolition/site clearance) space shall be provided within the site curtilage, or the applicants adjoining property, for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring for site operatives and visitors' vehicles, all laid out and constructed in accordance with designs first submitted to and approved in writing by the Local Planning Authority, and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason:

In the interests of highway safety.

7. Prior to the occupation of the dwellinghouse, visibility splays shall be provided in accordance with vision splay study drawing (1:100) received on 11th November 2021 and shall thereafter be retained and maintained as such for the life of the development.

Reason:

In the interests of highway safety.

8. Prior to the occupation of the dwellinghouse, adequate bin storage and a bin dwell area for use on refuse collection days shall be provided clear of the public highway, within the site curtilage, clear of all access and parking and turning provision and retained thereafter free from impediment to the designated use in accordance with details to be submitted to and approved in writing by the Local Planning Authority..

Reason:

In the interests of highway safety.

9. Before any works of site excavation, other than for the purposes of site investigation, an Arboricultural Impact Assessment, prepared to the guidelines of BS5837:2012, to include a tree schedule, tree constraints plan, tree removals and retentions plan and a scheme of appropriate temporary tree protection for retained trees, shall be submitted to and approved in writing by the Local Planning Authority. In addition, an Arboricultural Method Statement, to demonstrate how any required works (including ground works, installation of underground services, site activities, construction works, landscaping) within root protection areas of retained trees would be undertaken, shall also be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be undertaken in accordance with the approved details.

Reason:

In the interests of amenity and to safeguard trees that are to be retained trees ensure the satisfactory appearance of the development to comply with policies S1, S3 and PD1 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

In the interests of amenity to comply with policies S1, S3 and PD1 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 the submission of additional information with regard to highway safety matters and with regard to the context of the proposed dwellinghouse to neighbouring properties which overcame initial concerns with the application.
3. This decision notice relates to the following documents:

Location Plan (1:2500) received on 7^h October 2021

Block Plan (1:500) received on 5th October 2021

Drawing No. 267_ P01 received on 5th October 2021

Design and Access Statement received on 5th October 2021

Vision splay study drawing (1:100) received on 11th November 2021

Additional Information received on 3rd December 2021.

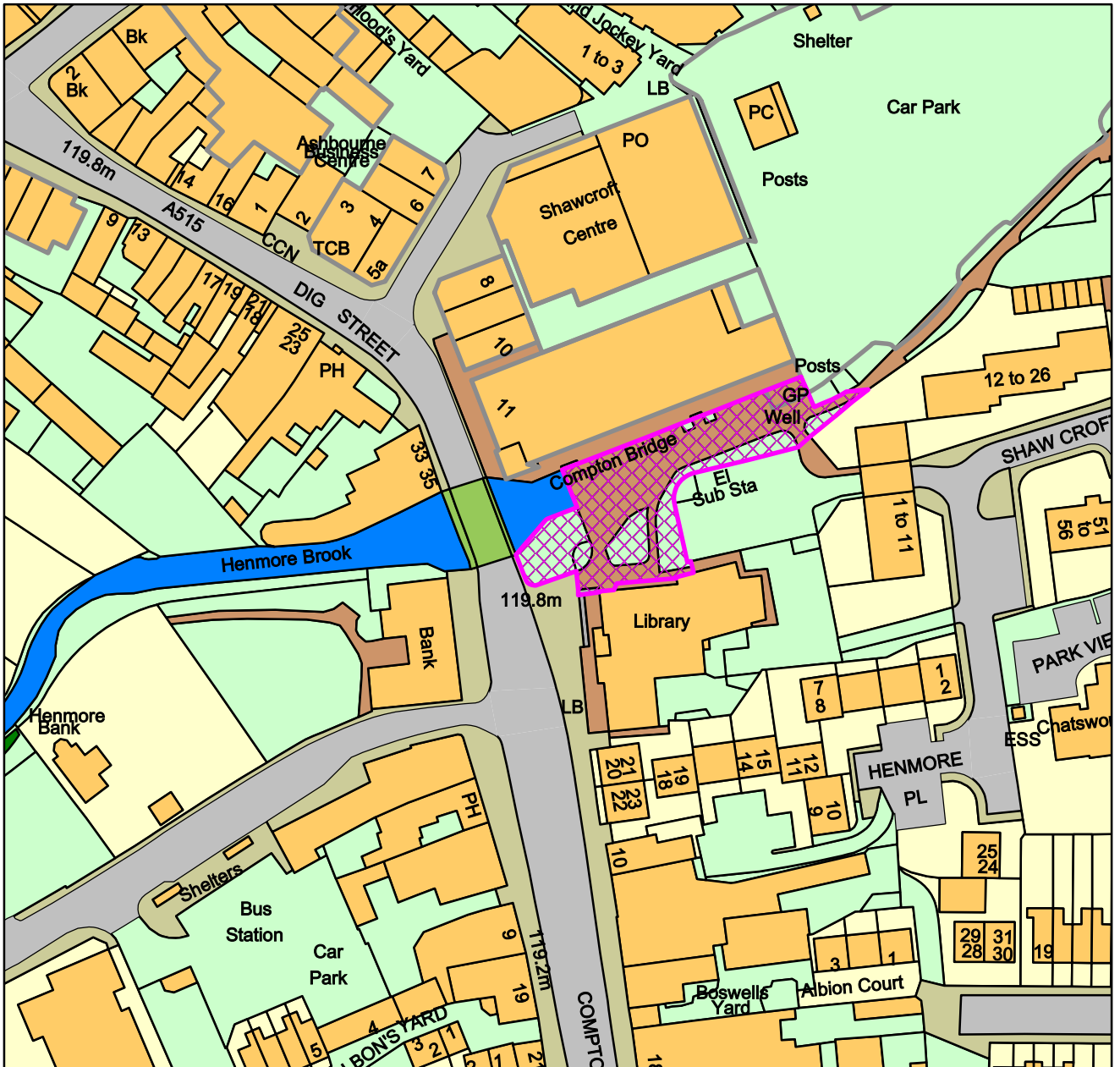
APPLICATION NUMBER		21/01178/FUL	
SITE ADDRESS:		Land North Of Health Centre, Compton, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Community garden and associated resurfacing of existing walkway	
CASE OFFICER	Mr Joseph Baldwin	APPLICANT	Norman Harris
PARISH/TOWN	Ashbourne	AGENT	Mr Paul Stanton (Guy Taylor Associates)
WARD MEMBER(S)	Cllrs. Donnelly and Archer	DETERMINATION TARGET	16 th December 2021
REASON FOR DETERMINATION BY COMMITTEE	License being considered by the District Council and funding being provided to carry out the development on land it owns	REASON FOR SITE VISIT (IF APPLICABLE)	n/a

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Whether the development respects the character, identity and context of this part of the town; • is well designed, safe, attractive, compliments existing built form and provides for the retention of significant landscape features such as mature trees, and; • is acceptable from a flood risk, access and highway safety perspective.

RECOMMENDATION
That the application be approved with conditions

21/01178/FUL

Land North Of Health Centre, Compton, Ashbourne



Derbyshire Dales DC

1:1,250

Date: 02/12/2021

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 site comprises a pedestrian thoroughfare / area of public open space between Ashbourne Library / Health Centre and Bargain Buys, which links Shawcroft Car Park and Dig Street, within Ashbourne Town Centre. The site lies to the east of Ashbourne Conservation Area. On the opposite side of Dig Street, is the former Lloyds Bank Premises, a Grade II Listed Building. The site covers over the Henmore Brook. It is mainly surfaced in tarmac, with a grassed island and verges, raised planters and a retained grassed area and planted margin where the site meets Dig Street. On the retained land and along the grass verges are a series of established trees (see photographs below). The site is bound by a mixture of brick and stone walls and railings.



2. THE APPLICATION

- 2.1 This application seeks planning permission to form a community garden and to resurface the existing walkway. A new community garden is to be formed on the retained area of land, through a Corten steel archway depicting the Shrovetide football game. A spiral path will provide access to further sculptural silhouettes and seating. New paving is proposed for the remainder of the site, with a new 'heart space' within the open part of the site comprising a dial representing elements of Shrovetide football. The outer ring will contain the names of the opposing teams, the 'Up'ards' and the 'Down'ards'. The second ring will contain the handprints of previous goal scorers and within the centre circle will be Ashbourne's logo.

- 2.2 Two different types of paving is proposed. The spiral path within the community garden and main pedestrian route through the site, which will wrap around the dial is to be surfaced in a different material to an outer paved area. The scheme indicates the retention of the trees and planted margin along the southern boundary. The raised planters to the south of Bargain Buys are also to be retained. The planting (although indicated to be naturalistic) and paving materials are to be confirmed.
- 2.3 The development is presented in two phases. Phase 1 includes the community garden and the 'heart space' / dial and phase 2 includes the hard and soft landscaping of the northern part of the site up to Shawcroft Car Park.

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

- 3.1 Adopted Derbyshire Dales Local Plan 2017:
 S3: Development within Defined Settlement Boundaries
 S8: Ashbourne Development Strategy
 PD1: Design and Place Making
 PD6: Trees, Hedgerows and Woodlands
 PD8: Flood Risk Management and Water Quality
 HC19: Accessibility and Transport
- 3.2 National Planning Policy Framework (2021)
 Ashbourne Neighbourhood Plan (2021)
 National Planning Practice Guidance

4. **RELEVANT PLANNING HISTORY**

20/00934/FUL	Replacement Shrovetide plinth – Granted
19/00780/FUL	Demolish and replace shrovetide plinth – Granted
18/00233/FUL	Demolish and replace Shrovetide plinth – Granted
15/00450/FUL	Re-surfacing works and re-positioning of ticket machines – Granted

5. **CONSULTATION RESPONSES**

5.1 Local Highway Authority:

No objections subject to no impact on adjacent highway structure.

5.2 Ashbourne Town Council:

No objection.

5.3 Environmental Health (DDDC):

Raise no objections to this application in principle from a public health and housing perspective.

5.4 Trees and Landscape Officer (DDDC):

It is not clear from the submitted materials which existing trees would be retained.

I recommend that all existing trees be retained in the interests of visual amenity, shade provision and biodiversity, unless they are shown to present unacceptable risk or are seriously diseased. They should be incorporated into the proposals.

The roots of existing trees which are located within the site and surrounding the site will occupy parts of the site and in these areas it is important that the roots are not damaged or severed as a result of the proposed development. Damage to tree roots can result from general site operations, ground works (including changing of levels/excavations), from removal of existing surfacing and from installation of new surfacing. Damage to tree roots can lead to disease, death and/or instability of trees.

Similarly, it is important that the branches and stems of the existing trees are not damaged as a result of the proposed development. Branches should be pruned only where necessary in order to ensure adequate ground clearance.

Considering the above points, the applicant should submit for approval:

1. scale plans to identify any trees that would be removed to facilitate the proposals,
2. scale plans to show the root protection areas (according to BS5837:2012) on a proposed layout plan,
3. details of how works will be undertaken to avoid harm to retained trees roots, branches and stems,
4. details of any necessary pruning of tree branches.

The planting scheme should not include any plants which are poisonous to people or animals and are appropriate to the use of the space, ie. not allergenic, not spikey or sharp, etc. I assume that the plants will be supplied and maintained by DDDC Clean and Green Team who would be appropriately qualified and experienced to select appropriate species. If this assumption is incorrect then a planting specification should be submitted for approval.

There are currently no Tree Preservation Orders or conservation area at the site or immediately adjacent to it.

6. REPRESENTATIONS

6.1 None.

7. OFFICER APPRAISAL

7.1 Section 70(2) of the Town and Country Planning Act 1990 and 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 the Act is the Adopted Derbyshire Dales Local Plan (2017) and Ashbourne Neighbourhood Plan (2021). The National Planning Policy Framework (2021) is also a material consideration in respect of this application.

7.2 Having regard to the relevant provisions of the development plan and material considerations, the main issues to assess are:

- Whether the development respects the character, identity and context of this part of the town;
- Is well designed, safe, attractive, compliments existing built form and provides for the retention of significant landscape features such as mature trees, and;
- Is acceptable from a flood risk and an access and highway safety perspective.

These matters are considered below.

Whether the development respects the character, identity and context of this part of the town

- 7.3 The site comprises an area of open space, which other than the established tree planting, raised planters and a margin within the retained land to the west is of limited value as an area of public amenity space. It currently provides a functional pedestrian route between Shawcroft Car Park and Dig Street. The proposals seek to enhance the environment, through hard and soft landscaping, which will incorporate sculptures to reflect the Ashbourne Royal Shrovetide medieval football game.
- 7.4 Ashbourne Neighbourhood Plan (2021) recognises the need to respect the identity of the historic market town. Ashbourne is well known for the Ashbourne Royal Shrovetide medieval football game and the emergence of a Shrovetide environmental protection planning policy, which seeks to protect important open spaces in the town is cited as a remarkable achievement in the Neighbourhood Plan. The development in this case would not prejudice an important space. Instead it will enhance the appearance of an existing open area of land so that it can be enjoyed by the local community and visitors to the town.
- 7.5 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. The Policy also requires that development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features. The community garden and improvements to the landscaping in this area, which includes references the Ashbourne Royal Shrovetide medieval football game would respect the character and identity of the town and make a positive contribution to its history and identity. The development would therefore satisfy these elements of Policy PD1.

Whether the development is well designed, safe, attractive, compliments existing built form and provides for the retention of significant landscape features such as mature trees

- 7.6 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that public and private spaces are well-designed, safe, attractive, complement the built form and provide for the retention of significant landscape features such as mature trees. The community garden would be located within an area of retained land to the east of Dig Street. This and the main pedestrian route which incorporates the dial are lit by street lights and the main garden would benefit from some public surveillance.
- 7.7 As can be seen in the consultation comments received from the Councils Trees and Landscape Officer the existing trees on the site are of public amenity value and should be retained and afforded appropriate protection where they do not pose a risk or are diseased. It will be necessary to secure a hard and soft landscaping scheme to ensure the retention of existing trees and the delivery of appropriate new planting, sculptures and hard surfacing materials to ensure that the development protects existing landscape feature and compliments the area.
- 7.8 The community garden and hard and soft landscaping proposals, subject to appropriate planting, structures and hard surfacing materials are well designed and would enhance the appearance of this part of the town.

Flood risk and highway safety / access considerations

- 7.9 The site is located within an area benefiting from flood defences and is therefore less vulnerable to a flooding event. Notwithstanding this, the nature of the development is such

that it would not materially increase the amount of surface run-off from the site or result in the displacement of flood water.

7.10 The Local Highway Authority have raised no objections to the development. The proposals would continue to provide pedestrian access to Dig Street from Shawcroft Car Park. Such access would make provision for disabled persons. A series of steps is shown up to the community garden area. This will need consideration as part of a hard and soft landscaping scheme to ensure that the garden is accessible to all users of and visitors to this space.

Summary

7.11 Subject to the retention and protection of existing tree planting, appropriate new planting, public artwork / structures and the use and treatment of hard surfacing materials, the proposed development would enhance this currently underutilised area of open space to the benefit of the local community and the character, history and context of this part of the town. The development does not present any flood risks or highway safety concerns. The relevant provisions of the development plan would therefore be satisfied and a recommendation of approval is put forward on this basis.

8. RECOMMENDATION

8.1 That planning permission be granted subject to 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. Prior to any hard or soft landscaping works being undertaken on site a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, which shall include and make provision for the following:
 - a) Retention of all existing trees on site, unless they are diseased or pose a risk;
 - b) measures for the protection of retained trees during the course of development;
 - c) all new plant species, planting sizes, planting densities and the number of each species to be planted and plant protection;
 - d) finished site levels and contours, which should make provision for access to the community garden by all users;
 - e) any retaining walls (including details of their height and material);
 - f) hard surfacing materials;
 - g) minor artefacts and structures (e.g. any sculptures, street furniture, signs, lighting etc);
 - h) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc. indicating lines, manholes, supports etc), and;
 - i) details of the phasing of the development and a programme for completion of all hard landscaping.

All soft landscaping comprised in the approved details of landscaping for each phase of the development shall be carried out in the first planting and seeding season, following completion of the hardsurfacing within that phase unless otherwise agreed in writing by the Local Planning Authority. All shrub and, tree planting shall be maintained free from weeds and shall be protected from damage. 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 timeframe agreed in respect of i).

Reason:

To ensure a satisfactory standard of landscaping which makes provision for the retention of existing trees and all users of the space in accordance with the aims of Policies S3, PD1 and PD6 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2021).

NOTES TO APPLICANT:

1. The Local Planning Authority considered the application, with the additional information 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 problems with the application and consent was granted without negotiation.
2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.
3. This Decision Notice relates to the following documents:
 - 1:1250 Scale Site Location Plan numbered (08) 001 Rev A;
 - 1:500 Scale Block Plan numbered (08) 002 Rev A;
 - Design and Access Statement Incorporating Heritage Statement by Guy Taylor Associates;
 - 1:200 Scale, Existing and Proposed Site Layout and Phasing Plans numbered (08) 003 Rev A, 004 Rev C and 005 Rev C received by the District Council on the 23rd September 2021.

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	Notice Issued
ENF/20/00055	Unauthorised engineering works to facilitate a vehicular access and parking space onto a classified road, 23 Buxton Road, Ashbourne.	23 Buxton Road Ashbourne Derbyshire DE6 1EX	Pending Consideration
ENF/21/00120	Change of use to flat	Second Floor 34 St John Street Ashbourne Derbyshire DE6 1GH	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	Without planning permissiona) unauthorised building and engineering operations comprising a wider access, hard surfaced track to a newly created hardstanding area, the formation of a raised deck area and surfacing upon which children's play equipment has been sited on the land edged blueb) the material change of use of the land edged blue from agricultural to recreational use andc) the use of the land edged red as a caravan and camping site	Land North West Side Of Manystones Lane Brassington Derbyshire	Pending Consideration
ENF/21/00042	the unauthorised change of use of land for the siting of a tent with associated log burner, and storage of vehicles	Land North Of Knockerdown Inn Knockerdown Ashbourne Derbyshire	Pending Consideration

Clifton And Bradley

ENF/19/00151	Alterations to bridleway including resurfacing to create access track, recessing of gateway and tarmac of entrance onto Sides Lane	Snelston BW 3 Sides Lane Snelston Derbyshire	Pending Consideration
ENF/19/00159	Formation of a new access off a Classified Road	The Flatts Wyaston Road Ashbourne Derbyshire	Pending Consideration
ENF/20/00005	Clearance of hedgerow at 'The Firs' residential development and erection of fence - Related planning applications 16/00340/OUT and 18/00699/REM	Land At The Firs Main Road Wyaston Derbyshire DE6 2DR	Pending Consideration
ENF/20/00141	Siting of static caravans	Cloud Barn Clifton Road Clifton Derbyshire DE6 2DH	Pending Consideration
ENF/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/17/00139	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	Notice Issued
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

Dovedale And Parwich

ENF/21/00113	the material change of use of the Land to use for storage of vehicles and other related materials, unauthorised extension to an agricultural building and unauthorised engineering works	Dove Mount Spend Lane Sandybrook Ashbourne Derbyshire DE6 2AR	Notice Issued
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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	Notice Issued
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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
ENF/21/00162	Dwelling being let out as holiday accommodation for larger groups	65 Cavendish Road Matlock Derbyshire DE4 3HD	Pending Consideration

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

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
ENF/21/00181	Change of use to pet shop (Use Class E)	Outbuildings At Long Chimneys Farm Darley Moor Ashbourne Derbyshire DE6 2ET	Pending Consideration

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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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
ENF/21/00017	Without planning permission the change of use of the agricultural building and associated land to HGV and vehicle repair workshop (Use Class B2) use unconnected to agriculture.	Arm Lees Farm Ryder Point Road Wirksworth Derbyshire DE4 4HE	Pending Consideration

Total Open Cases

83

Enforcement Investigations Closed

In the Month Prior to 30/11/2021



Ashbourne North

ENF/21/00187	Site of 19/00687/FUL causing significant volumes of surface water and mud to discharge onto the road.	The Green Hall Ashbourne Green Ashbourne Derbyshire DE6 1JB	Complaint Unfounded	17/11/2021
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Clifton And Bradley

ENF/21/00043	Change of use to holiday let and privacy of build.	Henmore Cottage 5 Church View Clifton Derbyshire DE6 2GL	Not in the Public interest to pursue	12/11/2021
ENF/21/00201	Brewery Lorry knocked over gate post and wall. On rebuilding they have used modern light coloured bricks that don't match the existing.	Saracens Head Church Lane Shirley Derbyshire DE6 3AS	Not in the Public interest to pursue	26/11/2021

Darley Dale

ENF/21/00094	Erection of a timber structure to the rear of the property	3 Hillside Gardens Matlock Derbyshire DE4 3SH	Planning Application Received	18/11/2021
ENF/21/00199	Vehicles using emergency exit driveway from the site. Signage faded and in need of replacement.	Valley Lodge Nursing Home Bakewell Road Matlock Derbyshire DE4 3BN	Complaint Unfounded	15/11/2021

Doveridge And Sudbury

ENF/21/00161	Catering trailer set up in the back garden, resulting traffic is blocking the Main road	Aston Farm North Aston Lane Sudbury Derbyshire DE6 5HG	Complaint Unfounded	04/11/2021
ENF/21/00196	Dormer windows on the first floor extension that do not appear on the approved plans.	The Woodyard Pump Lane Doveridge Derbyshire DE6 5LX	Complaint Unfounded	12/11/2021
ENF/21/00197	Agricultural building being used as accomodation. Suspected building of a new barn.Caravan present on site as accomodation.	Barn North East Of Holmlea Farm Bungalow Marston Lane Doveridge Derbyshire	Complaint Unfounded	12/11/2021

Hulland

ENF/21/00173	Obstruction of Path By a Barbed Wire Fence and Considerable Earth Works For A Possible Access Route.	Footpath 8 Hulland Ward SK 249 470	Complaint Unfounded	26/11/2021
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Masson

ENF/19/00138	Siting of shipping containers that are being used as hotel accommodation	Gullivers Kingdom Temple Road Matlock Bath Derbyshire DE4 3PG	Not in the Public interest to pursue	24/11/2021
ENF/21/00180	Roof Terrace directly outside the front door/lounge window has been rejuvenated and has a significant impact on Neighbours	1 Rock View Cottages Temple Walk Matlock Bath Derbyshire DE4 3PG	Complaint Unfounded	02/11/2021

Matlock St Giles

ENF/21/00185	Conversion of garage may not be compliant with conditions of 19/00077/FUL and query regarding drainage	Park House Matlock Green Matlock Derbyshire DE4 3BX	Complaint Unfounded	29/11/2021
ENF/21/00186	Exterior Lights Installed on Grade 2 Listed Property	7 Knowleston Place Matlock Derbyshire DE4 3BU	Complaint Unfounded	08/11/2021
ENF/21/00192	Large Wooden Building Erected Forward of The Main Residence, Taller Than The Permitted 300mm and On Stilts.	Green Gates Alfreton Road The Cliff Tansley Derbyshire DE4 5FY	Duplicated Case	04/11/2021

Total Closed Cases **14**

NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 9th November 2021

PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
18/00662/LBALT	Brook Cottage, Pethills Lane, Kniveton	WR	Appeal being processed
ENF/20/00006	Land east of Grove Lane, Somersal Herbert	IH	Appeal Allowed – Copy of appeal decision attached
20/99972/FUL	87 Belper Road, Ashbourne	WR	Appeal being processed
19/01213/FUL	Four Lane Ends, Gibfield Lane, Hulland ward	WR	Appeal being processed
20/01289/FUL	Agnes Meadow Farm, Agnes Meadow Lane, Kniveton	WR	Appeal being processed
20/01073/LBALT	Agnes Meadow Farm, Agnes Meadow Lane, Kniveton	WR	Appeal being processed
ENF/21/00025	Land north west side of Manystones Lane, Brassington	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
ENF/20/00164	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed

20/01247/CLEUD	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed
20/01275/FUL	158 Derby Road, Cromford	HOUSE	Appeal being processed
21/00303/FUL	27 Rise End, Middleton	WR	Appeal Dismissed – Copy of Appeal Decision Attached
20/00854/FUL	Darley Hillside Methodist Church, Moor Lane, Darley Dale	WR	Appeal being processed
20/01332/FUL	8-10 Snitterton Road, Matlock	WR	Appeal being processed
21/00441/FUL	Derwent Reach, Aston Lane, Oker, Matlock	HH	Appeal being processed
ENF/21/00017	Armlees Farm, Ryder Point Road, Wirksworth	IH	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 19 October 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2021

Appeal Ref: APP/P1045/W/21/3277234

27 Rise End, Middleton By Wirksworth, Derbyshire DE4 4LS

- 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 Mrs and Mr Alice and Peter McNeil against the decision of Derbyshire Dales District Council.
 - The application Ref 21/00303/FUL, dated 4 March 2021, was refused by notice dated 29 April 2021.
 - The development proposed is erection of timber garden office to enable working from home.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Middleton Conservation Area.

Reasons

3. The appeal site forms part of the terraced garden area to a historic 19th century cottage and is within the Conservation Area of Middleton (CA). The site is positioned on relatively steep rising ground with an open field adjacent and the Rising Sun Public House towards the south at a lower level.
4. The key characteristics of the CA are set out within 'The Conservation Area Appraisal'¹ (CAA) including that its high, upland location provides panoramic views over a wider area. The CAA identifies the appeal site falling within 'Rise End', a small hamlet, located at the junction of two major roads. The landmark of the Rising Sun public house and the triangle of land in front of the pub are a pivotal point within the hamlet. Within Rise End there are focal points from a number of angles and views, with glimpses and principal views from the surrounding CA which incorporate the appeal site.
5. The proposed outbuilding would be located on the highest part of the terraced garden. It would be some distance from the property itself, which sits at a lower level than the garden area. This part of the terraced garden has been flattened to accommodate the proposal and therefore would exacerbate its visual and physical presence within the hillside. It would not be sympathetic to the local area or wider landscape. There would be significant public views of the

¹ Middleton-by-Wirksworth, Conservation Area Appraisal, 2009

- proposed outbuilding on approach from the B5035, the area in front of the public house and from anybody accessing and using the beer garden.
6. Given its contemporary design, size and position it would not blend into the landscape, and there is limited vegetation or screening in this part of the garden and immediate hillside where it would be sited. Existing trees, and vegetation are located some distance further up the hill and would offer limited protection from the openness of the hillside and the surrounding views that would be afforded by the presence of the proposal. Resulting in it being seen as a prominent and visually isolated timber structure to the detriment of the character and appearance of the immediate and wider CA.
 7. As such, the overall design, appearance and siting would be unacceptable, resulting in an incongruous built form within the CA, it would therefore cause harm and fail to preserve or enhance the character or appearance of the immediate and wider setting of the CA.
 8. I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons given, I conclude that the proposed development would harm the character and appearance of the CA and fail to preserve it. Whilst the harm would be less than substantial, I must nonetheless give this considerable importance and weight in the context of a duty to favour preservation or enhancement.
 9. Paragraph 202 of the National Planning Policy Framework (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 of the proposal including, where appropriate, securing its optimum viable use. From the evidence before me, there would be limited public benefits resulting from the proposal.
 10. The proposal would only benefit that of the appellant in terms of home working. I do not consider the contention that a home office is promoting sustainable ways of working, strengthening the economy and climate change initiatives in these circumstances. Although, I accept that it would likely limit journeys to and from a workplace, and there would be no harm to the living conditions of neighbouring occupiers. However, this does not outweigh the harm found to the significance and the weight to be given to the conservation of this heritage asset.
 11. Therefore, for the reasons given above, I find that the proposed development would be contrary to Policies PD1 and PD2 of the Derbyshire Dales Local Plan, 2017. Taken together these policies require development to be of a high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes; contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials; and conserve heritage assets in a manner appropriate to their significance and take into account the desirability of sustaining or enhancing their significance.
 12. It would also be in conflict with Section 16 of the Framework as it would not conserve the heritage asset in a manner appropriate to its significance, or positively contribute to local character or distinctiveness.

Other Matters

13. I have had regard to the other outbuildings and timber structures in the area that have been drawn to my attention by the appellant. Whilst I accept there is variation of style between those structures and the proposal, I have limited evidence on the circumstances that led to these proposals being accepted so cannot be sure that they represent a direct parallel to the appeal proposal.
14. Furthermore, I observed at the time of the site visit the outbuilding further up the hill differs from this appeal proposal in respect of design, building form/shape, screening, position and location. In any event, those that I saw served to confirm that such outbuildings are significantly visible within the hillside from views in and around the CA, to the detriment of the character and appearance of the area. Moreover, these matters do not diminish the concerns I have identified in relation to the proposal in the context of the appeal site nor the harm I have identified in respect of the main issue. In any case, I must consider the appeal on its own merits.

Conclusion

15. The proposed development would fail to preserve the character or appearance of the CA and as a result would be contrary to the development plan taken as a whole. There are no material considerations that indicate that the application should be determined other than in accordance with the development plan.
16. For the reasons given above, I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR



Appeal Decisions

Hearing Held on 2 September 2021

Site visit made on 7 September 2021

by Roy Merrett Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2021

Appeal A: APP/P1045/C/20/3255861

Land east of Grove Lane, Somersal Herbert, Derbyshire

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr John Varey against an enforcement notice issued by Derbyshire Dales District Council.
- The enforcement notice was issued on 17 June 2020.
- The breach of planning control as alleged in the notice is 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.
- The requirements of the notice are a) Permanently cease use of the site for siting of residential caravans; b) Permanently remove all caravans, associated buildings, hardstanding and fencing from this land and reinstate the land to its former condition as grassland.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B: APP/P1045/W/20/3255859

Land east of Grove Lane, Somersal Herbert, Derbyshire

- 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 John Varey against the decision of Derbyshire Dales District Council.
- The application Ref 19/01005/FUL, dated 26 August 2019, was refused by notice dated 16 January 2020.
- The development proposed is Change of use of land to use as a residential gypsy caravan site, including the stationing of 13 caravans, of which no more than 5 shall be static caravans, laying of hardstanding, erection of 4 No. amenity buildings and, construction of boundary fencing.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Preliminary Matters

1. The appellant confirmed at the Hearing that he intended to modify the proposed development, reducing the number of caravans such that there would be a maximum of one static caravan and one touring caravan sited on each of

the four pitches. I am satisfied that I may deal with this modification without any risk of prejudice being caused to the parties.

2. Prior to the Hearing the appellant submitted a Transport and Highways Technical Note (TN). This note sets out the findings of a traffic survey of vehicle numbers and speeds in relation to Grove Lane. It concluded that Grove Lane is lightly trafficked and that vehicles tend to travel significantly below the national speed limit. It found that visibility splays of some 63 metres in both directions along Grove Lane at the site entrance would be required and were achievable over land controlled either by the appellant or highway authority.
3. The Council confirmed at the Hearing that it accepted the findings of the TN and consequently was able to withdraw its objections to the development on highway safety grounds. I have no reason to take the view that highway safety should be treated as a main issue in this case.

Appeal A on ground (a) (that planning permission should be granted) and Appeal B

Main Issues

4. In light of the Council's concession regarding highway safety concerns the main issues are (i) the need for and availability of gypsy and traveller sites ; (ii) whether the site is in a sustainable location; (iii) the effect of the development on the character and appearance of the surrounding area; (iv) the effect of road traffic noise on the living conditions of site occupiers and (v) the personal circumstances of the appellant.

Reasons

Need for gypsy and traveller sites

5. The Government's Planning Policy for Traveller Sites (PPTS) states that local planning authorities should identify, and update annually, a 5-year supply of specific deliverable sites. Paragraph 7(b) of the PPTS states that local planning authorities should prepare and maintain an up-to-date understanding of the likely accommodation needs of their areas over the lifespan of the development plan.
6. The Council accepts that it is unable to demonstrate a 5-year supply of deliverable sites, acknowledging that a local plan allocated site is not deliverable at present. Furthermore it accepts that there is an unmet need for new pitches within the District. Policy HC6 of the Derbyshire Dales Local Plan 2017 (LP) identifies a need for a minimum of nine additional pitches until 2033.
7. The Council has not been able to identify any suitable and available alternative sites for the appellant within the District or the wider area, a further indication that there is an immediate need for sites in the District. These considerations therefore weigh significantly in favour of the development.

Sustainable Location

8. The PPTS states that local planning authorities should very strictly limit new traveller site development in the open countryside that is 'away from' existing settlements or outside areas allocated in the development plan. Policy HC6 of the LP sets out a range of criteria that will be taken into account in the determination of applications for gypsy and traveller sites. These include that

- the site should be situated in a suitable location in terms of local amenities and services to allow access by sustainable means.
9. In terms of the nearest settlements, Doveridge to the west of the site is some 1.7 kilometres away (to the edge of the settlement) by road. Here there is a limited range of facilities, including a shop and primary school. The hamlet of Somersal Herbert is a similar distance along Grove Lane to the north of the site, although I am not aware of any significant presence of services there. Travel to Uttoxeter, the centre of which is in excess of 6 kilometres from the site, would likely be necessary in order to access a full range of services and facilities.
 10. With regard to physical separation, even when considering limited information available to me regarding a more direct right of way to Doveridge across nearby fields, I conclude that the site is in the open countryside away from existing settlements. In arriving at this conclusion I have had regard to the findings in previous appeal cases that have been referred to me by the appellant¹. However it seems to me that the sites in those cases were located nearer to settlements.
 11. I am mindful that the Framework states that the development of isolated homes in the countryside should, subject to certain limited exceptions, be avoided. However, Grove Lane to the north of the appeal site is characterised by a sporadic linear development pattern, on the west side of the road, which consists of a mixture of commercial, agricultural, and residential uses. Whilst these developments are relatively small in scale the site is close to this arrangement of development. It is also only a short distance away from the buildings associated with Palmer Moor Farm to the south. Therefore, when considered in the round I do not regard the site as being in a physically isolated or remote location.
 12. With regard to connectivity, Grove Lane is unlit, of single lane width and does not incorporate footways. It is undisputed that a bus route between Uttoxeter and Burton, via Doveridge, with a number of daily services, operates along Derby Road, with the nearest stop some 350 metres walking distance from the site (approximately five minutes away). I also agree with the appellant that the appeal site is within reasonable cycling distance of Doveridge. It would, however, be realistic to conclude that for convenience and distance reasons, and safety during hours of darkness, there would be significant reliance on the private car in order to gain access to services and facilities.
 13. Notwithstanding this, the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Despite the likelihood of a very high degree of reliance on the private car it seems to me that there would still be realistic opportunities to gain access to services and facilities by sustainable means of travel. Furthermore I consider that the length and duration of journeys necessary to access essential services and facilities, even if taken by car, would not be excessive for a rural location.
 14. For the aforementioned reasons I consider the site has reasonable access to key services and facilities and is in a reasonably sustainable location. It is apparent that in order to safeguard their continuity of education in a stable and

¹ Refs APP/L3245/A/14/2215836; APP/R0660/W/15/3137298 & APP/J0405/C/13/2193601

familiar environment, the children who would occupy the site attend a school that is not within the nearest settlements. However it is potential connectivity with services, rather than the specific circumstances of the site occupiers, that bears on the consideration of whether the site should be regarded as in a sustainable location.

15. Drawing the above considerations together I conclude that the development is in conflict with the PPTS in terms of being 'away from' existing settlements. However I conclude that the development would not be in conflict with Policies S1 and HC6 of the LP or with the Framework insofar as they seek to reduce reliance on car travel and gypsy and traveller sites to be in a suitable location in terms of local amenities and services to allow access by sustainable means. This therefore limits the weight that I attach to the harm identified in this case.

Character and Appearance

16. The site consists of four relatively spacious pitches, divided by close boarded fencing, with taller fencing around the site perimeter and surfaced with permeable stone. The pitches contain a mixture of development including mobile homes and storage and amenity sheds.
17. The appeal site is broadly triangular in shape, bounded to the north by the route of the A50 dual carriageway and to the west by Grove Lane. Both of these boundaries are characterised by dense mature planting which serves to significantly screen the site from these directions. The landscape is generally undulating and agricultural, with mature field boundaries.
18. The route of the east-west oriented public right of way, known as Footpath 11, passes a little way to the south of the site. Having walked this route during my visit it was apparent that the upper parts of some of the buildings on the site are visible from the south. Further along the path to the south east of the site, the visibility of buildings is greater, as the existing intervening planting thins and therefore becomes less effective on the eastern side of the site.
19. The buildings, however, are viewed against the solid barrier of planting along the northern and western boundaries of the site. This helps to mitigate the sense of intrusion of the development into the surrounding landscape. Furthermore, because of the noise from traffic on the nearby dual carriageway, there is not the sense that the development is intruding into a landscape of tranquil rural character. When considering the position and height (some 2.4 metres) of the proposed acoustic barrier I agree with the appellant that this feature would not be obtrusive in its surroundings.
20. I am also mindful that it would be possible to impose a planning condition requiring additional boundary planting in order to help further assimilate the development into its surroundings. I therefore conclude that although the site at presents results in a limited degree of visual harm, subject to conditions the development would not result in harm to the character and appearance of the surrounding area. Accordingly it would accord with Policies HC6, S4, PD1 and PD5 of the LP insofar as they seek to promote high quality design that protects the character, appearance and distinctiveness of the landscape.

Living Conditions of Site Occupiers

21. The site lies immediately adjacent to the A50 road. The appellant has submitted a noise assessment in support of the development. Having regard to

- guidance set out in BS 8233:2014 (Guidance on sound insulation and noise reduction for buildings), there is no dispute that traffic noise experienced within the site, without any mitigation measures, would exceed guidelines regarding acceptable daytime and night time levels inside a number of the residential structures.
22. In terms of mitigation, an acoustic bund and fence is proposed along the site boundary adjacent to the main road. It is also proposed that static caravans would be designed to achieve high levels of sound insulation, in accordance with BS 3632:2015 (Residential Park Homes Specification), to bring them in line with the aforementioned maximum noise level guidance. There is no dispute that with mitigation in place, the internal noise environment, in respect of both the mobile homes and day rooms can be made acceptable, being commensurate with the guidance in BS 8233:2014. I have no reason to take a contrary view.
23. The Council's concerns are limited to the impact of traffic noise on the external environment of the site. Guidance in BS 8233:2014 indicates that for external amenity spaces in noisier environments, noise levels should ideally not be above 55dB LAeq. It recognises however that this standard may not always be achievable and that a compromise with competing factors such as the need for the development may be appropriate. Accordingly the site should be designed to achieve the lowest practicable noise levels. In this regard the guidance states that consideration should be given to protecting areas used for relaxation.
24. The noise assessment finds that with mitigation in place, a significant proportion of the external part of the site would still exceed the ideal standard referred to above and to varying degrees. However it is undisputed that the layout could be designed such that the proposed day rooms provided on each of the pitches, with external doors open, would provide attenuation to below ideal noise levels. It seems to me that this would allow for an acceptable refuge area for quieter relaxation whilst also allowing for ventilation during warmer weather and serving to offset any potential significant adverse health impacts.
25. Whilst I acknowledge that this is not an ideal solution, and not one that is supported by the Council, when balanced against the acknowledged need for the development and the lack of identifiable alternative sites I find that the proposal would accord with guidance in the British Standard and under the circumstances would satisfactorily compensate for the effects on the external environment. It would also accord with Policies PD1 and HC6 of the LP insofar as they seek development to achieve a satisfactory relationship with adjacent development and to avoid nuisances to site occupiers; also with the Framework insofar as it seeks to avoid noise giving rise to significant adverse impacts on health and the quality of life. Drawing the above considerations together I find that the living conditions of site occupiers would not be harmed by way of noise.

Personal circumstances

26. Article 8 of the Human Rights Act 1998 states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial.

27. I am also mindful that Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children.
28. Furthermore in exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity. The Act recognises that race constitutes a relevant protected characteristic for the purposes of PSED. Romany Gypsies and Irish Travellers are ethnic minorities and thus have the protected characteristic of race.
29. It is apparent from the evidence given that the four households who would occupy the site are part of an extended gypsy family. Between the households there are a significant number of children present who are of school age.
30. There can be no doubt that if the appeal was unsuccessful it would take away a settled base for these households, who may potentially need to resort to living on the roadside, which would very likely mean disruption to the children's educational provision as a result. I am mindful that it may be difficult to enrol children in school and /or maintain the children's attendance if they have no fixed address.
31. The appellant's representative explained at the Hearing that the children continue to attend the school they were going to prior to relocating to the present site, on the basis of advice from the headteacher regarding the benefits of maintaining a familiar and stable learning environment. This is not disputed by the Council and I consider that because there would be a clear benefit to the children of remaining on site, as part of a settled base, that this should attract significant weight in the planning balance.

Other Matters

32. Somersal Herbert Parish Council has raised concerns about the proximity of the appeal site to the Somersal Herbert Conservation Area and to Somersal Herbert Hall, which is Grade I listed. Having visited the site it is clear that it is a significant distance away from both, with a lack of intervisibility between the site and these heritage features. I therefore find that the development would not result in harm in this regard. Having regard to guidance in the PPTS, I am not persuaded that the scale of development is such that it would dominate or unacceptably harm the nearest settled community or that it would be out of proportion to the surrounding area.
33. I have had regard to the findings of the aforementioned TN, including no record of accidents having occurred recently in the vicinity of the site which would encompass the time that the site has been in its current use. I have also considered the comments received from the Derbyshire Dales Ramblers in respect of the possible need for additional rights of way signage and speed restriction limits. However having regard to the limited flows of traffic and speeds in this location, from observations during my visit, and despite the single vehicle width nature of the lane I am not persuaded of the need for any additional signage or speed restriction. I conclude that the development does not result in harm to highway and pedestrian safety.

34. Reference has been made to the secretive nature of the development. I have not been provided with any further details in this regard. However I am mindful that the Act makes provision for the grant of retrospective permission and there is nothing in the evidence before me that leads me to conclude that this should be a factor that would count against the development.

Planning Balance

35. I have concluded that the site is in a location 'away from' a settlement however is not too remote from services and facilities. I therefore attach only moderate weight to the locational harm.

36. Subject to conditions, the development would cause no unacceptable harm to highway and pedestrian safety. Nor, subject to conditions, would the development result in harm to the character and appearance of the area or to the living conditions of residents by way of noise.

37. There are considerations which weigh positively in favour of the appeal. I attach significant weight to the need for and under-supply of gypsy sites in the District, including the lack of any available, suitable alternative site. I also attach significant weight to the personal circumstances of the site occupiers.

38. I consider that, because of the amount of weight attached to need, the balance is in favour of granting planning permission irrespective of the additional weight of personal circumstances.

Conditions

39. I have considered the conditions suggested by the Council and discussed with the parties at the Hearing. A condition confirming that planning permission is restricted for residential use by gypsies and travellers is required in order to safeguard the supply of the site for this purpose. A condition confirming the approved plans is necessary in the interests of certainty.

40. A condition limiting the number of pitches and caravans stationed is needed in order to protect the character and appearance of the area. Conditions limiting the size of vehicles parked and preventing commercial activity on the site are required in the interests of helping to safeguard the character and appearance of the area and the living conditions of residents.

41. A condition requiring the static caravans to be adequately insulated against traffic noise is required in the interest of the living conditions of the site occupiers. A condition requiring the retention of suitable visibility splays is required in the interests of highway safety.

42. A condition confirming the loss of the permission unless details are submitted for approval (including a timetable for implementation) concerning the appearance and siting of the utility buildings, the appearance of the mobile homes, soft landscaping works, external lighting and noise attenuation measures is required in order to help safeguard the character and appearance of the area and the living conditions of the site occupiers.

Conclusion

Appeal A

43. For the reasons given above I conclude that the appeal should succeed on ground (a) and I will grant planning permission in accordance with the application deemed to have been made under section 177(5) of the 1990 Act as amended.
44. The appeal on ground (g) does not therefore need to be considered.

Appeal B

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

Formal Decisions

Appeal A

46. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely 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 at Land east of Grove Lane, Somersal Herbert, Derbyshire as shown on the plan attached to the notice and subject to the conditions in the schedule below.

Appeal B

47. The appeal is allowed and planning permission is granted for Change of use of land to use as a residential gypsy caravan site, including the stationing of caravans, laying of hardstanding, erection of 4 No. amenity buildings and, construction of boundary fencing at Land east of Grove Lane, Somersal Herbert, Derbyshire in accordance with the terms of the application, 19/01005/FUL, dated 26 August 2019, subject to the conditions in the schedule below.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Subject to any restrictions imposed by other planning conditions the development hereby permitted shall be carried out in accordance with the following approved plans: 219-49.01 Existing Site Plan and Location Plan; 219-49.02 Proposed Site Plan; 219-49.03 Proposed Day Rooms.
- 2) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
- 3) There shall be no more than four pitches on the site. Each pitch shall comprise no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, stationed on the site at any time (of which no more than one shall be a static caravan).
- 4) No commercial or industrial activities, including storage of vehicles, equipment and materials, shall take place on the land, and no vehicles above 3.5 tonnes in weight shall be parked on the site.
- 5) Any static caravan shall comply with BS 3632:2015 in relation to sound insulation and ventilation requirements.
- 6) Visibility splays providing clear visibility of the nearside carriageway edge 63 metres to the north and south, when measured 2.4 metres back from the carriageway at the centre of the access road shall be retained at the junction of the access road with the highway for the lifetime of the development.
- 7) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within **two months** of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within **three months** of the date of this decision a scheme for the siting and external materials for the day room buildings; the appearance of and external materials for the static mobile homes; the soft landscaping works including details of the species, positions and planted heights of proposed trees together with details of the position and condition of any existing trees and hedgerows to be retained; external lighting arrangements; noise attenuation measures (hereafter referred to as the 'site development scheme') shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation;
 - ii) If within **eleven months** of the date of this decision the local planning authority refuse to approve the site development scheme or fail to give a decision within the prescribed period, a valid appeal shall have been made to the Secretary of State;
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State;

- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable and shall thereafter be retained for the lifetime of the development.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

END OF SCHEDULE OF CONDITIONS

APPEARANCES

FOR THE APPELLANT:

Philip Brown – Agent
Thomas Varey – Site occupier
William Varey - Site occupier
George Bowman - Site occupier

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Stock – Senior Planning Officer
Chris Whitmore – Principal Planning Officer

Documents submitted at the Hearing:

1. Appeal Decision APP/C3105/W/18/3219199

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.