



This information is available free of charge in electronic, audio, Braille and large print versions on request.

For assistance in understanding or reading this document or specific information about this Agenda or on the "Public Participation" initiative please call the Committee Team on 01629 761133 or email [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk)

04 April 2022

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday, 12 April 2022 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'.

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 11 April 2022**. 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](mailto:committee@derbyshiredales.gov.uk) of any apologies for absence and substitute arrangements.

### 2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

08 March 2022

### 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](http://www.derbyshiredales.gov.uk/attendameeting). Alternatively email: [committee@derbyshiredales.gov.uk](mailto: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.

	<b>Page No.</b>
<b>5.1 APPLICATION NO. 21/01345/FUL (Site Visit and Presentation)</b>	<b>06 - 20</b>
Erection of rear extension accommodating a swimming pool and conversion of orangery/shed into kitchen and incorporation into main dwelling and retention of timber panelled gates, hot tub canopy and hot tub at Bradley Hall, Yew Tree Lane, Bradley.	
<b>5.2 APPLICATION NO. 21/01346/LBALT (Site Visit and Presentation)</b>	<b>21 - 32</b>
Erection of rear extension accommodating a swimming pool, conversion of orangery/shed into kitchen and incorporation into main dwelling and associated internal alterations at Bradley Hall, Yew Tree Lane, Bradley.	
<b>5.3 APPLICATION NO. 21/01449/FUL (Site Visit and Presentation)</b>	<b>33 - 39</b>
Single-storey front extension at One Stop, Lime Tree Road, Matlock.	
<b>5.4 APPLICATION NO. 21/01536/VCOND (Site Visit and Presentation)</b>	<b>40 - 52</b>
Proposed variation of condition 1 (approved details) of planning application 20/00595/VCOND to allow for alterations to the approved scheme to include the addition of a rooftop sales suite and outdoor pergola and associated alterations to appearance at Land North of Knockerdown Inn, Knockerdown, Ashbourne.	
<b>5.5 APPLICATION NO. 22/00061/FUL (Site Visit and Presentation)</b>	<b>53 - 62</b>
Relevant demolition of a dwelling in a conservation area and erection of replacement dwellinghouse with associated access alterations at Chandlers West, West End, Wirksworth.	

<b>5.6</b>	<b>APPLICATION NO. 22/00087/REM (Site Visit and Presentation)</b>	<b>63 - 70</b>
	Approval of reserved matters (appearance and landscaping) for the erection of 1no. dwellinghouse (outline planning consent 21/00887/OUT) at Lakewood, Old Coach Road, Tansley.	
<b>5.7</b>	<b>APPLICATION NO. 22/00126/LBALT (Site Visit and Presentation)</b>	<b>71 - 79</b>
	Internal layout alterations at 12 Sydnop Hall, Sydnop Hill, Two Dales, Matlock.	
<b>5.8</b>	<b>APPLICATION NO. 22/00273/PIP (Site Visit and Presentation)</b>	<b>80 - 87</b>
	Permission in Principle for the erection of between 2 to 3 dwellinghouses at Land to the rear of Springfield Cottage, Main Road, Brailsford.	
<b>6.</b>	<b>APPEALS PROGRESS REPORT</b>	<b>88 - 108</b>
	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, Peter O'Brien, Garry Purdy and Peter Slack.

**Nominated Substitute Members:**

Jacqueline Allison, Paul Cruise, Helen Froggatt, Chris Furness, Andrew Statham and Colin Swindell.

**SITE VISITS**

Members are asked to convene outside Reception, at the front entrance of the Town Hall, Matlock at **09.50am prompt on Monday 11<sup>th</sup> April 2022**, before leaving (**by coach**) at 10:00am to visit the following sites.

	<b>Page No.</b>
<b>10:35am APPLICATION NO. 22/00273/PIP</b>	<b>80 - 87</b>
<b>Land To The Rear Of Springfield Cottage, Main Road, Brailsford.</b>	
<b>11:00am APPLICATION NO. 21/01345/FUL &amp; 21/01346/LBALT</b>	<b>06 - 32</b>
<b>Bradley Hall, Yew Tree Lane, Bradley.</b>	

<b>11:45am</b>	<b>APPLICATION NO. 21/01536/VCOND</b>	<b>40 - 52</b>
	<b>Land North Of Knockerdown Inn, Knockerdown, Ashbourne.</b>	
<b>12:15pm</b>	<b>APPLICATION NO. 22/00061/FUL</b>	<b>53 - 62</b>
	<b>Chandlers, West End, Wirksworth.</b>	
<b>12:40pm</b>	<b>APPLICATION NO. 22/00087/REM</b>	<b>63 - 70</b>
	<b>Lakewood, Old Coach Road, Tansley.</b>	
<b>13:10pm</b>	<b>APPLICATION NO. 22/00126/LBALT</b>	<b>71 - 79</b>
	<b>12 Sydnope Hill, Two Dales, Matlock.</b>	
<b>13:35pm</b>	<b>APPLICATION NO. 21/1449/FUL</b>	<b>33 - 39</b>
	<b>One Stop, Lime Tree Road, Matlock.</b>	

#### **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
- h) 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.

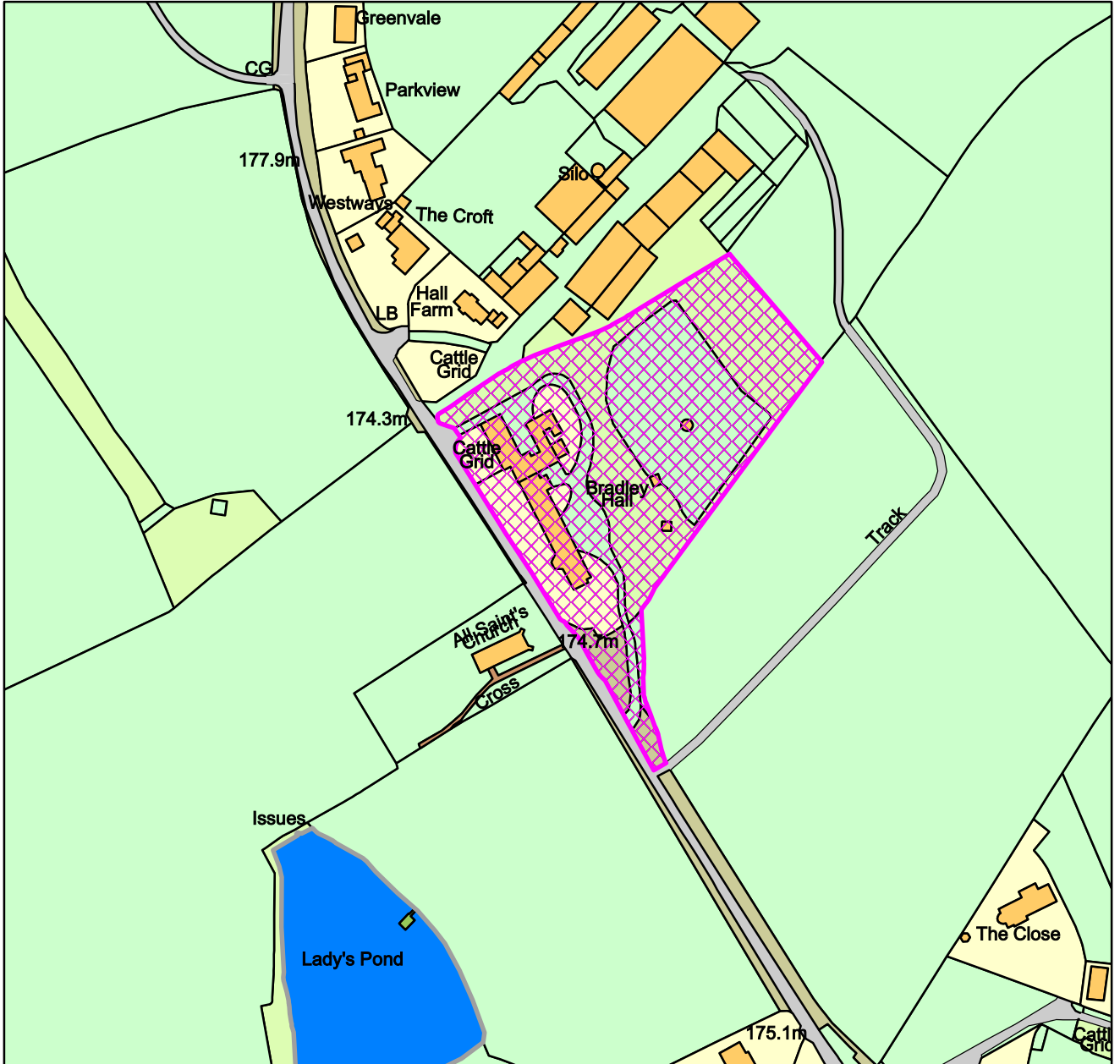
<b>APPLICATION NUMBER</b>		21/01345/FUL	
<b>SITE ADDRESS:</b>		Bradley Hall, Yew Tree Lane, Bradley, Derbyshire, DE6 1PG	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of rear extension accommodating a swimming pool and conversion of orangery/shed into kitchen and incorporation into main dwelling and retention of timber panelled gates, hot tub canopy and hot tub	
<b>CASE OFFICER</b>	Mr J Baldwin	<b>APPLICANT</b>	Mr P Staley
<b>PARISH/TOWN</b>	Bradley	<b>AGENT</b>	Mr M Hewitt
<b>WARD MEMBER(S)</b>	Cllr Shirley	<b>DETERMINATION TARGET</b>	13.04.2022
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Due to local objection	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context and the impacts to heritage assets arising from the proposal.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>- Impact on the amenity of neighbouring occupants</li> <li>- Impact upon heritage assets</li> <li>- Impacts on biodiversity and protected species</li> </ul>

<b>RECOMMENDATION</b>
Approval subject to conditions.

21/01345/FUL

Bradley Hall, Yew Tree Lane, Bradley



Derbyshire Dales DC

1:2,500

Date: 29/03/2022

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

## 1.0 THE SITE AND SURROUNDINGS

1.1 Bradley Hall is a grade II listed building (listed 1952) located off the eastern side of Yew Tree Lane, toward the northern edge of Bradley. The property dates from the mid-18th century and has been subject to incremental alterations and additions which have been carried out in the 19th, 20th & 21st centuries. The property is of red brickwork construction with stone dressings/details with dual and hipped clay tiled roofs and brick chimneystacks. To the north-west of the Hall was a formerly detached, 'L' shaped stable/service building (this is listed separately, grade II – 1984). This building was subsumed, altered and extended (and con-joined) into the main Hall in the 20th century. A further, large, garaging block was added to the north-west in the early 2000s. The Hall is raised above the main road with an impressive brick retaining wall (grade II listed - 1984). Opposite the Hall is the grade II\* listed Parish Church and its associated churchyard. Bradley public footpath 17 runs to the south of the property.





## 2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for various extensions and alterations to the property. During consideration of this application the proposed plans have been amended to remove the conversion of the attic space to habitable accommodation and the various internal and external alterations proposed to accommodate this change. The internal alterations outlined on the submitted plans would not require formal planning permission and will instead be considered under the separate application for listed building consent which has been submitted concurrently with this application under application ref code 21/01346/LBALT. On this basis planning permission is sought for the following.

- Alterations to the existing lean to greenhouse to form a new kitchen with a parapet flat roof and roof lantern with bi-fold doors installed to the north east elevation.
- The removal of the lower brickwork to the existing window openings to the living (to become Games Room) and installation of new bi-fold doors.
- Alterations to the existing store and yard area to form a new pool lobby, this would include the removal of lower brickwork below and existing sash window to form a new doorway.
- A single storey rear extension, to be constructed with a parapet flat roof including two roof lanterns.

2.2 The application also seeks retrospective planning permission for the replacement of a set of double gates and the installation of two hot tubs within the curtilage of the property. One hot tub has been installed with an associated timber canopy structure to the northern (side) of the property. The structure is 4.6m (width) x 3.4m (depth) x 3.6m (height) and is sited approximately 1.5m from the boundary with the neighbouring property to the north. The structure is timber framed with horizontal timber lath screening with a slate roof. The second hot tub is located to the north west of the dwelling.

## 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
  - S4: Development in the Countryside
  - PD1: Design and Place Making
  - PD2: Protecting the Historic Environment
  - PD3: Biodiversity and the Natural Environment
  - PD7: Climate Change
  - HC10: Extensions to Dwellings
2. National Planning Policy Framework (2021)
  - National Planning Practice Guidance

## 4.0 RELEVANT PLANNING HISTORY:

12/00486/LBALT	Alterations to listed building - Replacement floorboards to drawing room with side room	PERC	02/11/2012
12/00431/LBALT	Alterations to listed building - Insertion of 3 flue pipes in roof to outbuilding to serve biomass boiler	PERC	04/09/2012
09/00563/FUL	Erection of single storey implement shed	PERC	03/12/2009

03/11/0923	Change of use of part of garage block into offices and two self-contained flats with associated car parking	R	22/01/2004
02/03/0166	Alterations to listed building - Erection of garage block (amendments to consent WED/0393/0194)	A	12/12/2002
02/03/0165	Extension to dwelling - erection of garage block (amendments to planning permission WED/0393/0193)	A	12/12/2002
1196/0777	Retention of gazebo	A	07/01/1997
1196/0776	Retention of summer house	R	16/01/1997

## 5.0 CONSULTATION RESPONSES

### Bradley Parish Council

- 5.1 Bradley Parish Council wish to submit an objection to the application on the grounds of a large scale holiday let being unsuitable for a quiet rural area with limited sewerage and particular reference to outdoor noise being an issue, along with potential drainage issues for the swimming pool.

### Derbyshire Wildlife Trust

- 5.2 I have reviewed the Bat Survey Report (Middleton Bell Ecology, March 2022) and acknowledge the changes to the application, which comprise removing the loft conversion element. Works now only include the removal of the orangery and extension works to affect several existing walls. I do note that the title of the application still includes the following "Proposed loft conversion to create habitable rooms with addition of roof lights..." and advise that this is amended for the avoidance of doubt.

The conclusions reached within the report are considered reasonable and whilst it is evident that a brown long-eared maternity bat roost is present in the roof space of B1, no impacts to this area of the building will result from the new proposals. In addition, no impacts to other recorded features with low-moderate bat roost potential are anticipated. As such, no further nocturnal survey is necessary and no licence will be required for works to proceed.

The council must ensure that any permission granted does not allow works to Building 1 and only includes the removal of the orangery and the specified extensions. No new lighting should be permitted that would spill onto B1. Should any future works be required at the hall, an update building inspection will be required and subsequent nocturnal surveys dependent on the nature of the proposed works.

We advise that a condition is attached to secure the nesting bird brick detailed in Section 6.3.3 to provide an enhancement. More than one brick could be provided.

We also advise that an informative is added to any permission, as follows: *A bat roost has been identified in the main Grade II listed Bradley Hall building, with full details provided in the Bat Survey Report (Middleton Bell Ecology, March 2022). Whilst the roost will not be impacted by the consented works, its presence should be understood by the site owner and contractors. Due to the presence of bats on site, all building works should proceed with caution and vigilance for unexpected bat presence. If bats are subsequently discovered, work should cease, and further advice be sought from a suitably qualified ecologist or organisation without delay.*

## Design and Conservation Officer (Derbyshire Dales)

### 5.3 The proposals are as follows –

- i. Alterations to 2No. existing arched window openings to the existing ‘Living Room’ (to be a Games Room) by removal of window frames & brick bases and installation of new bi-fold doors;
- ii. Alterations to the existing lean-to ‘greenhouse’ to form a new kitchen (with new parapetted flat roof & lantern and bi-fold doors to the north-east elevation) including removal of part of existing (external) wall, at ground level to form doorway;
- iii. Alterations to existing store, w/c and yard area (adjacent to existing ‘greenhouse’) to form a pool lobby, jacuzzi and changing room (with new flat roof over and four roof lights) and including formation of an existing sash window into an access doorway;
- iv. Construction of new, rectangular, single-storey, swimming pool building onto the north-east elevation with parapetted flat roof and 2No. roof lanterns;
- v. Retention and alterations to ‘timber framed canopy’;
- vi. Retention of existing double gates.

The following comments are made on the above list of proposed works -

- i. These architectural features form a significant part of the listed (former) stable block to the Hall. If these were, originally, intended to be open archways to the building and the current window frames and brick bases are later infills, then there would be a justification to re-open them and fully glaze them. If, however, the current window frame and/or brick bases are part of the original design concept for these openings then they should remain as they currently are. Further analysis is required and details via a condition.
- ii. The existing flank walls to this structure are to be retained as they are (with the exception of the doorway in the south-east elevation being blocked). This is currently a multi-paned glazed & panelled timber door with a fanlight over and a stone lintel. The door appears relatively modern. It is considered that the structural doorway opening could be blocked but the stone lintel should remain in-situ and the (matching) brickwork infill should be recessed (approx. 50mm) in order to retain the ‘archaeological’ presence of this doorway on the elevation. The current shallow, lean-to, glazed roof is to be replaced with a solid flat roof with a pitched central lantern. The proposed roof replacement is considered to be an acceptable alteration (however, no flat roof constructional details, or details of the abutments or lantern, have been submitted and these should be required via a condition on any approval). The north-east elevation of the current structure has a series of window frames above a brick plinth which has, externally, a row of cloches. The cloches and window frames are to be removed and the brickwork plinth and replaced with (5-light) bi-folding doors with a new lintel over. This is considered to be acceptable, however, full constructional details of the new bi-fold doors and the (stone?) lintel over (its type, material, finish etc.) should be required via a condition on any approval.

The former (external) wall of this part of the building is to be breached with the insertion of a standard sized pedestrian doorway (to give access between the new kitchen and games room). Subject to its proposed detailing (via condition) this alteration is considered to be acceptable.

- iii. The general alterations to this part of the listed building are considered to be acceptable. However, the following comments are made –
  - It appears that an existing 8 over 8 sash window (with brick lintel & keystone and stone cill) is to be removed and the brickwork & cill below it removed to

form a new access doorway. This element is part of the original 'stable' block to the Hall and is a separately listed building. The proposed alterations may be acceptable, however, this would be strictly subject to approval of details via a condition.

- No details (sections etc.) have been submitted indicating how the proposed new flat roofs will be accommodated into this area (i.e. in relation to existing pitched roof eaves and rainwater goods etc.). In this regard, full constructional and abutment details, sections & elevations should be required via a condition on any approval.
- iv. The proposed new swimming pool building is to be attached to the north-eastern side of the 'plant room' and 'store'. It is to be single-storey with a plain parapetted flat roof with two pitched roof lanterns. The south-east elevation is to have 6-light bi-folding doors, the north-east elevation is to have 2x large sets of sliding glass doors and the north-west elevation is to be blank. It is to be built in matching brickwork with stonework details. In terms of its general form, scale and location it is considered that the building complex forming Bradley Hall could subsume such a new extension without compromising the overall significance, character and appearance of the designated heritage assets. However, the following comments are made relating to the proposals –
- The drawings depict a projecting & chamfered plinth course to the new swimming pool building. This architectural element does not appear to feature on other existing buildings within the vicinity of the new pool building and it is considered that, in this regard, it introduces an architectural detail/element that is un-warranted and inappropriate in this location & context. This detail should, therefore, be omitted.
  - The drawings indicate that the large glazed openings (south & east elevations) have no lintels over. Due to the size of the structural openings this is likely to appear visually & physically odd. In this regard, it is considered that stone lintels should be included and in order to be convincing, in size and form, it is considered that the large opening on the south elevation should be split with a central brickwork pier/column and that both the large openings on the east elevation should also be split/divided into two with a brickwork pier/column. Such a proposal will allow convincing stone lintels to be installed and the proportion/scale of the large glazed openings appropriately altered.
  - Full constructional details of the new swimming pool building, its flat roof, parapet, lanterns, detailing, abutment details and its glazing etc. should be required via a condition on any approval.
- v. On the northern side of the property (on the northern side of the north driveway) it is proposed to retain and alter a free-standing, pitched roof, canopy structure (for a hot tub). This is to be open on two sides with timber lath screening to the other two sides and a slated roof. In its scale, form and location the timber-framed canopy structure is relatively well concealed. It is considered, however, that the timber work to the entire structure (including the lath screening) is painted/opaque stained a dark recessive colour.
- vi. A new pair of double gates has been installed. These appear to be of box-section metal framed construction with brown stained, vertical, timber panels, a solid metal base and a curved and decorative metalwork top. It is considered that in their construction, design, and detailing that they are inappropriate introductions/elements within the setting of the listed building. Any new gates should be of traditional design and detailing.

Subject to the above (and via conditions) it is considered that the proposed alteration works and extensions etc. (excluding item vi.) to the property would be acceptable and would not adversely harm the overall significance of the listed building or its setting/context.

## 6.0 REPRESENTATIONS RECEIVED

6.1 A total of 31 representations have been received in relation to the proposed development. A summary of the representations is outlined below:

- The works are not sympathetic to the Grade II listed building and will damage the historic character and internal fabric.
- Concerns regarding the applicants business interests. The applicant currently runs holiday lets in the village which cause significant distress to the residents in Bradley.
- The noise levels, traffic and rubbish in the village have increased.
- If the application is to be approved it is requested a condition is attached to prevent use a holiday accommodation.
- The proposed alterations are significant and would have a major effect on the buildings character.
- The installation of 11 conservation roof lights is excessive. The roof should be protected from any major alterations except for essential repair and maintenance.
- The modern design of the swimming pool building is obtrusive and not in keeping with the character of Bradley Hall.
- Request more details on how water from the swimming pool would be drained as this could affect the biodiversity of the area.
- The boundary of the site plan is incorrect.
- No bat surveys have been carried out which is concerning given the extensive alterations to the attic space.
- There are discrepancies within the proposed plans regarding a number of windows.
- Concerns regarding the number of enforcement cases which are active both at this site and sites which the applicant has previously been involved in.
- Large areas of the building have not been surveyed.
- The increased traffic from the existing holiday lets has already impacted the village.
- Police monitoring has been required with a number of occupants of the holiday lets.
- The introduction of hot tubs has increased the noise levels from the site.
- Concerns regarding overlooking from new staircase to northern elevation
- Request a condition that the swimming pool is solely for the use of the occupants of Bradley Hall.
- Concerns regarding additional sewage.
- There would be far fewer concerns if there as a degree of certainty that the building would not be used for expanding a holiday let enterprise.
- The main drain from the hot tub building flows onto neighbouring land.
- The District Council have notified two attached properties of the application however both properties are under the applicant's ownership.
- There is no reason a private dwelling would require several kitchens.
- Concerns that the property due to its scale would be unsaleable as a private home and would only lend itself to use as a commercial property.
- Historic England recommend with regards to changes to Grade II listed building is that they are capable of being reversed, so as to minimise the impact of the work on historic material and will ensure the original plan, form or appearance of the building isn't lost forever. The plans proposed contravene this recommendation.
- Following the submission of amended plans the discrepancy regarding the boundary on the submitted plans has not been resolved.
- Following the submission of amended plans no additional detail has been provided to justify the additional staircase to the holiday lets.
- This amended application does not resolve the major problem associated with it, which is the likely impact on residents living near to Bradley Hall of a large "party house".

- 6.2 In addition to the above, a petition has been received in objections to the application which has been signed by 85 residents.

## 7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Impact on amenity of neighbouring occupants.
- Impact on the character, appearance and fabric of the Grade II listed building and setting of adjacent heritage assets.
- Impacts on biodiversity and protected species

### Impact on amenity of neighbouring occupants

- 7.1 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) states that the Local Planning Authority will require development proposals to achieve “a satisfactory relationship to adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity”.
- 7.2 Following the amendments to the scheme which have been received during the consideration of this application, the proposal no longer includes the proposal to convert the attic space into habitable accommodation. The amendments are now largely contained to the ground floor of the property with the exception of the additional external staircase to the northern elevation of the building which would provide access to the first floor.
- 7.3 Concerns have been raised by neighbouring residents with regard to potential overlooking from the new staircase to the northern elevation. Whilst these concerns are noted, there is existing intervening mature tree planting between the northern elevation of the property and the boundary with the neighbouring property to the north. There is also an existing first floor window to this elevation of the property. Overall there is not considered to be any significant increase or additional overlooking/loss of privacy to the neighbouring occupants as a result of the new staircase.
- 7.4 The extensions and alterations to the rear of the property are all single storey in nature and set a considerable distance from the boundary of the site. These elements of the proposed development are not considered to result in any loss of privacy or overbearing/overshadowing of neighbouring occupants.
- 7.5 Retrospective permission is sought as part of this application for the installation of two hot tubs and associated structures, one of which is installed to the front of the property and one to the northern side of the property adjacent to the boundary with Hall Farm. Significant concerns have been raised by neighbouring occupants regarding noise emanating from the use of the hot tubs. The District Council consider that the siting of the building and the operation of the hot tub would not result in significant noise pollution of the area which would warrant the refusal of planning permission in this case. It is acknowledged that there could be some disturbance/nuisance from users of the hot tubs but this is not inevitable and this would be addressed by Environmental Health Regulations should it be required.
- 7.6 The Local Planning Authority consider that overall, the proposed development would achieve a satisfactory relationship with surrounding properties and would be in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.

### Impact on the character, and appearance of the Grade II listed building and setting of adjacent heritage assets.

- 7.7 As well as the Grade II listed Bradley Hall and the associated Grade II listed stable building, retaining wall and water tower within the rear garden there are a number of heritage assets within close proximity to the site including the Grade II\* listed All Saints Church to the west and Grade II listed Wayside to the south.
- 7.8 The conversion of the attic space has been removed from this application. Any internal alterations proposed would not require planning permission and would instead be considered under the associated application for listed building consent (ref code 21/001346/LBALT).
- 7.9 Concerns have been raised by neighbouring occupants with regard to the impact of the proposed development on the character and appearance of the existing Grade II listed building and the setting of adjacent heritage assets. The works to the Grade II listed building, with the exception of the new staircase to the northern elevation are contained to the rear elevation of the property and would therefore not be prominent in views from Yew Tree Lane.
- 7.10 The proposed formation of larger openings to the southern elevation of the existing "living room" appears to return the openings back to their original form. The brickwork to be removed is inset within the openings indicating that these may have originally been openings which extended to the floor. On this basis, subject to appropriate frame/door details to be secured by condition, the proposed alteration is considered to be acceptable. Similarly, the formation of bi-folding doors to the eastern elevation of the greenhouse/orangery, which is currently, largely glazed due to the nature of its existing use, would be acceptable. The footprint of the greenhouse/orangery would be retained and as a result, the existing external walls can be retained. The proposed new flat roof with roof lantern would replace an existing lean to roof however, this would be screened by the parapet, with only a small portion of the lantern projecting above the coping of the parapet, and as a result would have minimal visual impact. As highlighted by the Design and Conservation Officer, details of the abutment of the new roof to the Grade II listed building and details of the lantern would be required by condition.
- 7.11 The proposed new external staircase would be installed to the northern elevation of a relatively modern extension to the property. Whilst there would be passing views of the new staircase it would not be a prominent feature of the property due to the scale of the staircase and existing boundary planting. Subject to full constructional details of the staircase there is not considered to be any adverse impacts on the character and appearance of the property following the construction of this new staircase.
- 7.12 The proposed extension to accommodate the new swimming pool is of significant scale however, given the scale of Bradley Hall and the surrounding land, this is not considered to appear out of scale and can be accommodated by the site and building without overwhelming the property or resulting in a site which appears overdeveloped. The contemporary design of the extension has been raised by neighbouring residents as appearing out of character with the historic building however it is considered in this case, particularly given the scale of the extension, a contemporary extension which has a simple design and form would be appropriate in this context. Subject to design details being secured by condition, the proposed extension would be acceptable.
- 7.13 Whilst there are views of the structure surrounding the hot tub from Yew Tree Lane, this structure is partially screened from views by existing planting. The scale of the structure is relatively modest and given the timber frame and timber clad construction, has a relatively ephemeral appearance. Subject to an appropriate dark and recessive stain colour being applied to the structure, there is not considered to be any harm to the setting of the Grade II listed building.

- 7.14 Whilst there is no objection in principle to the installation of new gates to the northern driveway of the property, the double gates proposed as part of this application are considered to be inappropriate for the setting of a listed building. A revised design for the gates will be sought via condition.
- 7.15 The extensions and alterations are not considered to harm the character, appearance or setting of the Grade II listed building. There is also considered to be no harm caused to the setting of the adjacent listed buildings as a result of the proposed development.
- 7.16 Paragraph 202 of the National Planning Policy Framework states “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”. It is considered that in this case however, subject to conditions, the proposed development would not result in any harm to the significance of the Grade II listed building and would instead have a neutral impact. There would therefore be no requirement to weigh impacts of the proposal against any public benefits to be derived and the development would therefore comply with policy S4, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) with regard to its impact on the character and appearance of designated heritage assets.

#### Impact on biodiversity and protected species

- 7.17 The applicant has carried out a preliminary bat survey which has identified the likely presence of a brown long-eared bat maternity roost within the attic space of the main part of Bradley Hall. The applicant has since removed the conversion of this attic space from the application and having regard to the consultation response received from Derbyshire Wildlife Trust, the proposed development would not impact on this roost.
- 7.18 The survey provided by the applicants does recommend the installation of a Swift brick as an opportunity for biodiversity enhancement at the site. This will be secured by condition.

#### Other Issues

- 7.19 A large number of concerns have been raised regarding existing and historic enforcement cases which have involved the applicant and various incidents within the village which have allegedly occurred due to occupants of the holiday lets which the applicant owns. Whilst the concerns are acknowledged, they are not material planning considerations which can form part of the consideration of this application. References have also been made to inaccuracies on plans relating to land ownership and drainage of rainwater onto neighbouring land, these concerns are considered to be civil matters which again, cannot be controlled or considered as part of this planning application.
- 7.20 It has also been requested that a condition be attached to prevent the property being used as a holiday let. In this regard, the building can currently be operated as a holiday let provided that the tenants of the building are occupying the building as a single household. The District Council would not be able to retrospectively control the use of the building in this way. If however the building were to be occupied by numerous different, unrelated groups of occupants, this would constitute a material change of use of the building which would require a separate grant of planning permission.

#### Conclusion



7.21 Whilst the significant number of representations received in objection to this proposal, the Local Planning Authority can only have regard to the material planning issues set out above in the consideration of this application. Having regard to the above, and subject to conditions, it is considered that the development, as amended, would satisfy the relevant provisions of the Adopted Derbyshire Dales Local Plan (2017) and the guidance contained with the National Planning Policy Framework (2021).

7.22 A recommendation of approval is put forward on this basis.

## 8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason:

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

2. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority on the 25/02/2022 numbered 201 – Site Plan as Proposed, 202 – Ground Floor as Proposed, 206 – Elevations as Proposed, 207 - Roof Plan as Proposed, 208 – Elevations as Proposed, 302 – Ground Floor as Proposed, 303 - Roof Plan as Proposed

Reason:

For the avoidance of doubt.

3. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason:

In the interests of safeguarding protected species and to preserve the amenity of the area in accordance with policy PD3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

4. Details of the location of a Manthorpe Swift Brick (or equivalent) shall be submitted to an approved in writing by the Local Planning Authority prior to works commencing on the external walls of the extension hereby approved. The development shall then be carried out in accordance with the approved details.

Reason:

In the interests of safeguarding protected species in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

5. Within 56 days of the date of this decision details of a dark stain colour to be applied to the timber structure to the north of the property shall be submitted to and approved in

writing by the Local Planning Authority. The approved stain shall then be carried out within 56 days of the details being approved thereafter be maintained in perpetuity.

Reason:

To ensure a satisfactory external appearance in accordance with the aims of Policies PD1, PD2 and HC10 of the Adopted Derbyshire Dales Local Plan (2017).

6. Notwithstanding the submitted plans, the permission does not extend to include the double gates installed to the northern driveway of the property. Within 56 days of the date of this decision amended details which present a more traditional pair of gates shall be submitted and approved in writing by the Local Planning Authority alongside a schedule of works to replace the existing gates with the approved details within a 12 month period. The works shall then be carried out in accordance with the approved schedule and details.

Reason:

In the interests of preserving the character and appearance of the listed building and its setting in accordance with the aims of Policies PD1, PD2 and HC10 of the Adopted Derbyshire Dales Local Plan (2017).

7. Before works begin on the external brickwork a sample of the proposed brick and details of the brick bond to be used shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the aims of Policies PD1, PD2 and HC10 of the Adopted Derbyshire Dales Local Plan (2017).

8. Details of the construction design and pattern of all windows, doors and roof lanterns shall be submitted to, and approved in writing by the Local Planning Authority prior to installation. The window and doors shall then be installed in accordance with the approved details and so retained.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the aims of Policies PD1, PD2 and HC10 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the aims of Policies PD1, PD2 and HC10 of the Adopted Derbyshire Dales Local Plan (2017).

10. Prior to works commencing on the extension hereby approved full constructional and sections detailing the abutment of new roofs and the swimming pool extension to the

existing building shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details and so retained.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the aims of Policies PD1, PD2 and HC10 of the Adopted Derbyshire Dales Local Plan (2017).

11. Prior to works commencing of the exterior walls of the extension hereby approved, amended plans which remove the chamfered plinth detail to the extension shall be submitted to and approved in writing by the Local Planning Authority, and the works shall then be carried out in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the aims of Policies PD1, PD2 and HC10 of the Adopted Derbyshire Dales Local Plan (2017).

12. Prior to works commencing on the external staircase hereby approved, full constructional details of the staircase and balustrade shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details and so retained.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the aims of Policies PD1, PD2 and HC10 of the Adopted Derbyshire Dales Local Plan (2017).

## **9.0 NOTES TO APPLICANT:**

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the impact of the proposed development on the significance of the Grade II listed building and the impact of the proposal on protected species on site.

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.

A bat roost has been identified in the main Grade II listed Bradley Hall building, with full details provided in the Bat Survey Report (Middleton Bell Ecology, March 2022). Whilst the roost will not be impacted by the consented works, its presence should be understood by the site owner and contractors. Due to the presence of bats on site, all building works should proceed with caution and vigilance for unexpected bat presence. If bats are subsequently discovered, work should cease, and further advice sought from a suitably qualified ecologist or organisation without delay.

This decision notice relates to the following documents:

Design and Access Statement

Bat Survey Report

100 – Site Location Plan

101 – Site Plan as Existing

102 – Ground Floor as Existing

104 – Roof Plan as Existing

105 – Elevations as Existing

201 – Site Plan as Proposed

202 – Ground Floor as Proposed

206 – Elevations as Proposed

207 - Roof Plan as Proposed

208 – Elevations as Proposed

302 – Ground Floor as Proposed

303 - Roof Plan as Proposed

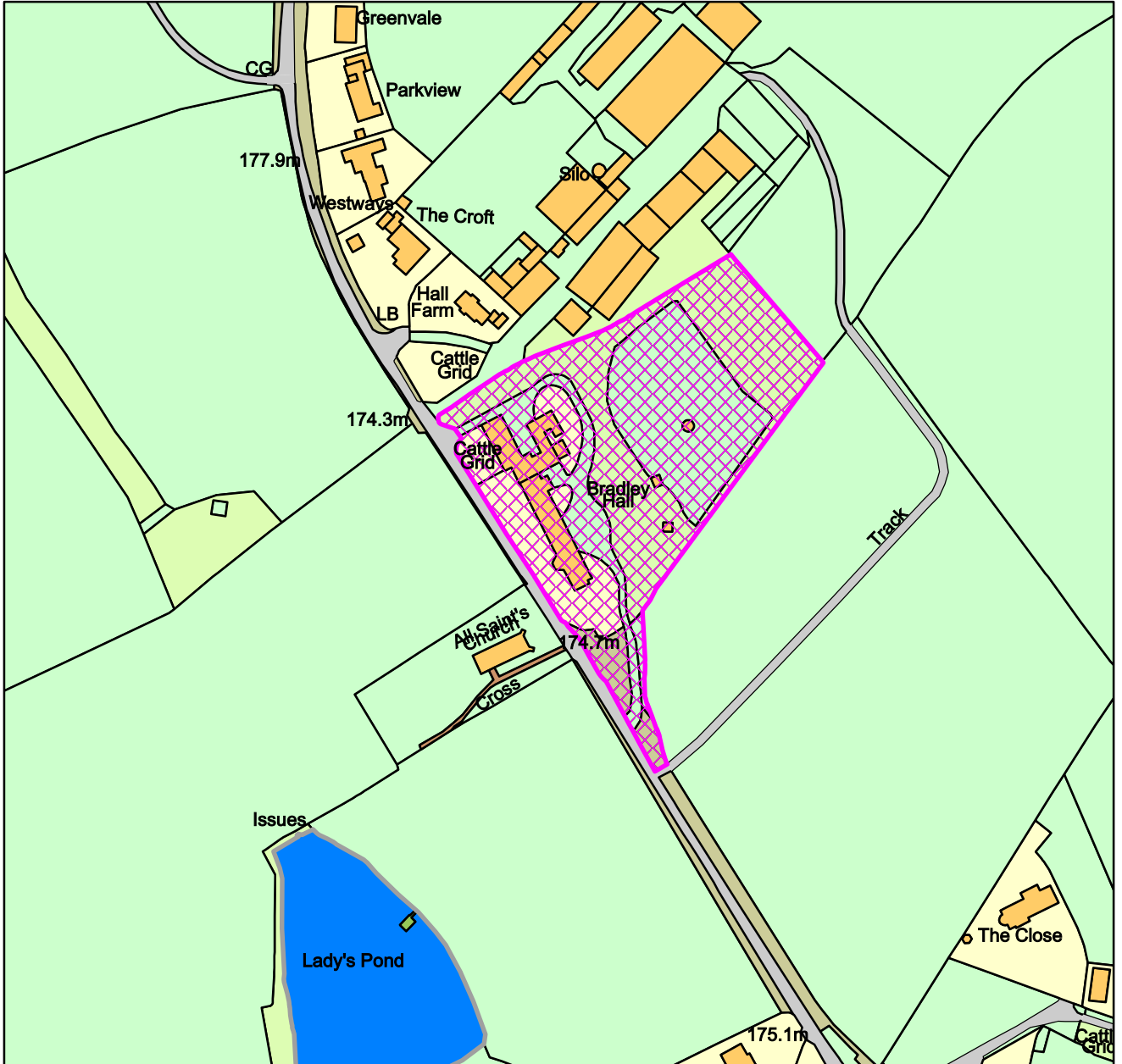
<b>APPLICATION NUMBER</b>		21/01346/LBALT	
<b>SITE ADDRESS:</b>		Bradley Hall, Yew Tree Lane, Bradley, Derbyshire, DE6 1PG	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of rear extension accommodating a swimming pool, conversion of orangery/shed into kitchen and incorporation into main dwelling and associated internal alterations	
<b>CASE OFFICER</b>	M J Baldwin	<b>APPLICANT</b>	Mr P Staley
<b>PARISH/TOWN</b>	Bradley	<b>AGENT</b>	Mr M Hewitt
<b>WARD MEMBER(S)</b>	Cllr Shirley	<b>DETERMINATION TARGET</b>	13.04.2022
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Due to local objection	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context and the impacts to heritage assets arising from the proposal.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>- Impact upon heritage assets</li> </ul>

<b>RECOMMENDATION</b>
Approval subject to conditions

21/01346/LBALT

Bradley Hall, Yew Tree Lane, Bradley



Derbyshire Dales DC

1:2,500

Date: 29/03/2022

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

## 1.0 THE SITE AND SURROUNDINGS

1.1 Bradley Hall is a grade II listed building (listed 1952) located off the eastern side of Yew Tree Lane, toward the northern edge of Bradley. The property dates from the mid-18th century and has been subject to incremental alterations and additions which have been carried out in the 19th, 20th & 21st centuries. The property is of red brickwork construction with stone dressings/details with dual and hipped clay tiled roofs and brick chimneystacks. To the north-west of the Hall was a formerly detached, 'L' shaped stable/service building (this is listed separately, grade II – 1984). This building was subsumed, altered and extended (and con-joined) into the main Hall in the 20th century. A further, large, garaging block was added to the north-west in the early 2000s. The Hall is raised above the main road with an impressive brick retaining wall (grade II listed - 1984). Opposite the Hall is the grade II\* listed parish church and its associated churchyard. Bradley public footpath 17 runs to the south of the property.



## 2.0 DETAILS OF THE APPLICATION

- 2.1 Listed building consent is sought for the erection of a single storey rear extension accommodating a swimming pool, the conversion of orangery/shed into kitchen and incorporation into main dwelling and associated internal/external alterations including the formation of a new staircase to the northern elevation and the formation of new openings within the historic fabric.
- 2.2 During consideration of this application the proposed plans have been amended to remove the conversion of the attic space to habitable accommodation and the various internal and external alterations proposed to accommodate this change.
- 2.3 Listed building consent is not required for the siting of hot tubs or the hot tub structure within the curtilage of the property, or for the installation of the gates to the northern driveway of the property.

## 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. National Planning Policy Framework (2021)  
National Planning Practice Guidance  
Historic England Advice Note 2 - Making Changes to Heritage Assets (2016)

## 4.0 RELEVANT PLANNING HISTORY:

12/00486/LBALT	Alterations to listed building - Replacement floorboards to drawing room with side room	PERC	02/11/2012
12/00431/LBALT	Alterations to listed building - Insertion of 3 flue pipes in roof to outbuilding to serve biomass boiler	PERC	04/09/2012
09/00563/FUL 03/11/0923	Erection of single storey implement shed Change of use of part of garage block into offices and two self-contained flats with associated car parking	PERC R	03/12/2009 22/01/2004
02/03/0166	Alterations to listed building - Erection of garage block (amendments to consent WED/0393/0194)	A	12/12/2002
02/03/0165	Extension to dwelling - erection of garage block (amendments to planning permission WED/0393/0193)	A	12/12/2002
1196/0777	Retention of gazebo	A	07/01/1997
1196/0776	Retention of summer house	R	16/01/1997

## 5.0 CONSULTATION RESPONSES

### Bradley Parish Council

- 5.1 Bradley Parish Council wish to submit an objection to both of the above applications on the grounds of a large scale holiday let being unsuitable for a quiet rural area with limited



sewerage and particular reference to outdoor noise being an issue, along with potential drainage issues for the swimming pool.

#### Derbyshire Wildlife Trust

- 5.2 I have reviewed the Bat Survey Report (Middleton Bell Ecology, March 2022) and acknowledge the changes to the application, which comprise removing the loft conversion element. Works now only include the removal of the orangery and extension works to affect several existing walls. I do note that the title of the application still includes the following “Proposed loft conversion to create habitable rooms with addition of rooflights...” and advise that this is amended for the avoidance of doubt.

The conclusions reached within the report are considered reasonable and whilst it is evident that a brown longeared maternity bat roost is present in the roof space of B1, no impacts to this area of the building will result from the new proposals. In addition, no impacts to other recorded features with low-moderate bat roost potential are anticipated. As such, no further nocturnal survey is necessary and no licence will be required for works to proceed.

The council must ensure that any permission granted does not allow works to Building 1 and only includes the removal of the orangery and the specified extensions. No new lighting should be permitted that would spill onto B1. Should any future works be required at the hall, an update building inspection will be required and subsequent nocturnal surveys dependent on the nature of the proposed works.

We advise that a condition is attached to secure the nesting bird brick detailed in Section 6.3.3 to provide an enhancement. More than one brick could be provided.

We also advise that an informative is added to any permission, as follows: A bat roost has been identified in the main Grade II listed Bradley Hall building, with full details provided in the Bat Survey Report (Middleton Bell Ecology, March 2022). Whilst the roost will not be impacted by the consented works, its presence should be understood by the site owner and contractors. Due to the presence of bats on site, all building works should proceed with caution and vigilance for unexpected bat presence. If bats are subsequently discovered, work should cease, and further advice be sought from a suitably qualified ecologist or organisation without delay.

#### Development Control Archaeologist (Derbyshire County Council)

- 5.3 Having reviewed the available information I am satisfied that the proposed works do not threaten any known or suspected archaeological interest. On this basis I recommend that no archaeological requirements are placed upon the applicant.

#### Design and Conservation Officer (Derbyshire Dales)

- 5.4 The proposals are as follows –
- I. Formation of new double doors to recess in lobby corridor to ground floor to access the ‘reception’ room;
  - II. Alterations to 2No. existing arched window openings to the existing ‘Living Room’ (to be a Games Room) by removal of window frames & brick bases and installation of new bi-fold doors;
  - III. Alterations to the existing lean-to ‘greenhouse’ to form a new kitchen (with new parapetted flat roof & lantern and bi-fold doors to the north-east elevation) including removal of part of existing (external) wall, at ground level to form doorway;
  - IV. Alterations to existing store, w/c and yard area (adjacent to existing ‘greenhouse’) to form a pool lobby, jacuzzi and changing room (with new flat roof over and four roof lights) and including formation of an existing sash window into an access doorway;
  - V. Construction of new, rectangular, single-storey, swimming pool building onto the north-east elevation with parapetted flat roof and 2No. roof lanterns;

The following comments are made on the above list of proposed works –

- i. Internally, opposite the projecting 'Lobby' and lobby corridor is a recess to the wall. It is proposed to form a new structural opening within this wall to create a pair of double doors. No structural engineering details or joinery details have been submitted. The proposal is considered to be an acceptable alteration to this part of the listed building, however, structural engineering details for the new opening and full constructional joinery details of the doors, door linings and architraves etc. should be required, for approval, via a condition.
- ii. These architectural features form a significant part of the listed (former) stable block to the Hall. If these were, originally, intended to be open archways to the building and the current window frames and brick bases are later infills, then there would be a justification to re-open them and fully glaze them. If, however, the current window frame and/or brick bases are part of the original design concept for these openings then they should remain as they currently are. Further analysis is required and details via condition.
- iii. The existing flank walls to this structure are to be retained as they are (with the exception of the doorway in the south-east elevation being blocked). This is currently a multi-paned glazed & panelled timber door with a fanlight over and a stone lintel. The door appears relatively modern. It is considered that the structural doorway opening could be blocked but the stone lintel should remain in-situ and the (matching) brickwork infill should be recessed (approx. 50mm) in order to retain the 'archaeological' presence of this doorway on the elevation. The current shallow, lean-to, glazed roof is to be replaced with a solid flat roof with a pitched central lantern. The proposed roof replacement is considered to be an acceptable alteration (however, no flat roof constructional details, or details of the abutments or lantern, have been submitted and these should be required via a condition on any approval). The north-east elevation of the current structure has a series of window frames above a brick plinth which has, externally, a row of cloches. The cloches and window frames are to be removed and the brickwork plinth and replaced with (5-light) bi-folding doors with a new lintel over. This is considered to be acceptable, however, full constructional details of the new bi-fold doors and the (stone?) lintel over (its type, material, finish etc.) should be required via a condition on any approval.

The former (external) wall of this part of the building is to be breached with the insertion of a standard sized pedestrian doorway (to give access between the new kitchen and games room. Subject to its proposed detailing (via condition) this alteration is considered to be acceptable.

- iv. The general alterations to this part of the listed building are considered to be acceptable. However, the following comments are made –
  - It appears that an existing 8 over 8 sash window (with brick lintel & keystone and stone cill) is to be removed and the brickwork & cill below it removed to form a new access doorway. This element is part of the original 'stable' block to the Hall and is a separately listed building. The proposed alterations may be acceptable, however, this would be strictly subject to approval of details via a condition.
  - No details (sections etc.) have been submitted indicating how the proposed new flat roofs will be accommodated into this area (i.e. in relation to existing pitched roof eaves and rainwater goods etc.). In this regard, full constructional and abutment details, sections & elevations should be required via a condition on any approval.
- v. The proposed new swimming pool building is to be attached to the northeastern side of the 'plant room' and 'store'. It is to be single-storey with a plain parapetted flat roof with two pitched roof lanterns. The south-east elevation is to have 6-light bi-folding doors, the north-east elevation is to have 2x large sets of sliding glass doors and the north-west elevation is to be blank. It is to be built in matching brickwork with stonework details. In terms of its general form, scale and location it is considered that the building complex forming Bradley Hall could subsume such a new extension without compromising the overall significance,

character and appearance of the designated heritage assets. However, the following comments are made relating to the proposals –

- The drawings depict a projecting & chamfered plinth course to the new swimming pool building. This architectural element does not appear to feature on other existing buildings within the vicinity of the new pool building and it is considered that, in this regard, it introduces an architectural detail/element that is un-warranted and inappropriate in this location & context. This detail should, therefore, be omitted.
- The drawings indicate that the large glazed openings (south & east elevations) have no lintels over. Due to the size of the structural openings this is likely to appear visually & physically odd. In this regard, it is considered that stone lintels should be included and in order to be convincing in size and form it is considered that the large opening on the south elevation should be split with a central brickwork pier/column and that both the large openings on the east elevation should also be split/divided into two with a brickwork pier/column. Such a proposal will allow convincing stone lintels to be installed and the proportion/scale of the large glazed openings appropriately altered.
- Full constructional details of the new swimming pool building, its flat roof, parapet, lanterns, detailing, abutment details and its glazing etc. should be required via a condition on any approval.

Subject to the above (and via conditions) it is considered that the proposed alteration works and extensions etc. to the property would be acceptable and would not adversely harm the overall significance of the listed building

## **6.0 REPRESENTATIONS RECEIVED**

6.1 A total of 33 representations have been received. A summary of the representations is outlined below:

- Bradley Village has no amenities for holiday makers and a condition to restrict use of the building to private use is requested.
- If there was any degree of certainty the development was for personal use there would be fewer concerns.
- It is becoming evident that the plan for the property is for large scale events / wedding venue.
- There has been increased crimes and anti-social behaviour as a result of the existing holiday lets
- Concerns regarding the number of enforcement cases which are active both at this site and sites which the applicant has previously been involved in.
- Concerns that the listed building will be damaged due to the structural alterations.
- The District Council have notified two attached properties of the application however both properties are under the applicant's ownership.
- Concerns that large areas of Bradley Hall are un-surveyed.
- Questions why a private house would require two kitchens and a leisure complex.
- The hot tubs and structure can be seen from the highway and do not positively contribute to the setting of the building or the surroundings.
- An ecology/bat survey has not been undertaken.
- Concerns regarding additional drainage requirements.
- The main drain from the hot tub building flows onto neighbouring land.
- The introduction of hot tubs has increased the noise levels from the site.
- Concerns regarding overlooking from new staircase to northern elevation
- There are discrepancies within the proposed plans regarding a number of windows.
- The boundary of the site plan is incorrect.
- Request a condition that the swimming pool is solely for the use of the occupants of Bradley Hall.
- Police monitoring has been required with a number of occupants of the holiday lets.

- The increased traffic from the existing holiday lets has already impacted the village.
- The proposed development will result in harm to the character and significance of the Grade II listed building contrary to NPP Guidance
- The larger than average proposed swimming pool and its modern design is obtrusive and not in keeping with the design and character of Bradley Hall.
- Request more information of the drainage of water from the swimming pool as this could affect biodiversity.
- Two proposed windows which face the church do not enhance or maintain the look of the Grade II listed building.
- Concerns regarding drainage of swimming pool/hot tub effluent and its environmental impact.
- Historic England recommend with regards to changes to Grade II listed building is that they are capable of being reversed, so as to minimise the impact of the work on historic material and will ensure the original plan, form or appearance of the building isn't lost forever. The plans proposed contravene this recommendation.
- Concerns that the property due to its scale would be unsaleable as a private home and would only lend itself to use as a commercial property.
- The large swimming pool and entertainment complex which in my opinion would destroy the integrity and appearance of a building of such historical interest.
- Following the submission of amended plans the discrepancy regarding the boundary on the submitted plans has not been resolved.
- Following the submission of amended plans no additional detail has been provided to justify the additional staircase to the holiday lets.
- This amended application does not resolve the major problem associated with it, which is the likely impact on residents living near to Bradley Hall of a large "party house".

6.2 In addition to the above, a petition has been received in objections to the application which has been signed by 85 residents.

## 7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Impact on heritage assets
- 7.1 A large number of representations have been received in relation to the application as outlined above. The only issues to consider as part of this application for listed building consent would be the impact of the proposed development on the character, appearance and significance of the Grade II listed Bradley Hall.
- 7.2 Concerns have been raised by neighbouring occupants with regard to the impact of the proposed development on the character and appearance of the existing Grade II listed building and the setting of adjacent heritage assets. The works to the Grade II listed building, with the exception of the new staircase to the northern elevation are contained to the rear elevation of the property and would therefore not be prominent in views from Yew Tree Lane.
- 7.3 The proposed formation of larger openings to the southern elevation of the existing "living room" appears to return the openings back to their original form. The brickwork to be removed is inset within the openings indicating that these may have originally been openings which extended to the floor. On this basis, subject to appropriate frame/door details to be secured by condition, the proposed alteration is considered to be acceptable. Similarly, the formation of bi-folding doors to the eastern elevation of the greenhouse/orangery, which is currently, largely glazed due to the nature of its existing use, would be acceptable. The footprint of the greenhouse/orangery would be retained and as a result, the existing external walls can be retained. The proposed new flat roof with roof lantern would replace an existing lean to roof however, this would be screened by the parapet, with only a small portion of the lantern projecting above the coping of the parapet, and as a result would have minimal visual

impact. As highlighted by the Design and Conservation Officer, details of the abutment of the new roof to the Grade II listed building and details of the lantern would be required by condition.

- 7.4 The proposed new external staircase would be installed to the northern elevation of a relatively modern extension to the property. Whilst there would be passing views of the new staircase it would not be a prominent feature of the property due to the scale of the staircase and existing boundary planting. Subject to full constructional details of the staircase there is not considered to be any adverse impacts on the character and appearance of the property following the construction of this new staircase.
- 7.5 The proposed extension to accommodate the new swimming pool is of significant scale however, given the scale of Bradley Hall and the surrounding land, this is not considered to appear out of scale and can be accommodated by the site and building without overwhelming the existing property. The contemporary design of the extension has been raised by neighbouring residents as appearing out of character with the historic building however it is considered in this case, particularly given the scale of the extension, a contemporary extension which has a simple design and form would be appropriate in this context. Subject to design details being secured by condition, the proposed extension would be acceptable.
- 7.6 Whilst the formation of a new internal opening opposite the existing lobby would form a new opening within the historic fabric of the building, this alteration, subject to detailing which would be secured by condition is considered to be an acceptable alteration which would not result in any harm to the character, appearance and consequently the significance of the Grade II listed building.
- 7.7 Paragraph 202 of the National Planning Policy Framework states “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”. It is considered that in this case however, subject to conditions, the proposed development would not result in any harm to the character, appearance and consequently the significance of the Grade II listed building and would instead have a neutral impact. There would therefore be no requirement to weigh impacts of the proposal against any public benefits to be derived and the development would therefore comply with guidance contained within the National Planning Policy Framework (2021) and a recommendation of approval is made on this basis.

## **8.0 RECOMMENDATION**

That planning permission be granted subject to the following conditions.

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason:

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

2. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority on the 25/02/2022 numbered 201 – Site Plan as Proposed, 202 – Ground Floor as Proposed, 206 – Elevations as Proposed, 207 - Roof Plan as Proposed, 208 – Elevations as Proposed, 302 – Ground Floor as Proposed, 303 - Roof Plan as Proposed

Reason:

For the avoidance of doubt.

3. Before works begin on the external brickwork a sample of the proposed brick and details of the brick bond to be used shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

4. Details of the construction design and pattern of all windows, doors and roof lanterns shall be submitted to, and approved in writing by the Local Planning Authority prior to installation. The window and doors shall then be installed in accordance with the approved details and so retained.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

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

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

6. Full constructional and sections detailing the abutment of new roofs and the swimming pool extension to the existing building shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details and so retained.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

7. Prior to works commencing of the exterior walls of the extension hereby approved, amended plans which removed the chamfered plinth to the extension shall be submitted to and approved in writing by the Local Planning Authority, and the works shall then be carried out in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

8. Prior to the formation of the new internal opening opposite the existing lobby, structural details for the formation of the new opening and details of the proposed door to be installed shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

9. Prior to works commencing on the external staircase hereby approved, full constructional details of the staircase and balustrade shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details and so retained.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

## **9.0 NOTES TO APPLICANT:**

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the impact of the proposed development on the significance of the Grade II listed building.

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.

A bat roost has been identified in the main Grade II listed Bradley Hall building, with full details provided in the Bat Survey Report (Middleton Bell Ecology, March 2022). Whilst the roost will not be impacted by the consented works, its presence should be understood by the site owner and contractors. Due to the presence of bats on site, all building works should proceed with caution and vigilance for unexpected bat presence. If bats are subsequently discovered, work should cease, and further advice sought from a suitably qualified ecologist or organisation without delay.

This decision notice relates to the following documents:

Design and Access Statement

Bat Survey Report

100 – Site Location Plan

101 – Site Plan as Existing  
102 – Ground Floor as Existing  
104 – Roof Plan as Existing  
105 – Elevations as Existing  
201 – Site Plan as Proposed  
202 – Ground Floor as Proposed  
206 – Elevations as Proposed  
207 - Roof Plan as Proposed  
208 – Elevations as Proposed  
302 – Ground Floor as Proposed  
303 - Roof Plan as Proposed



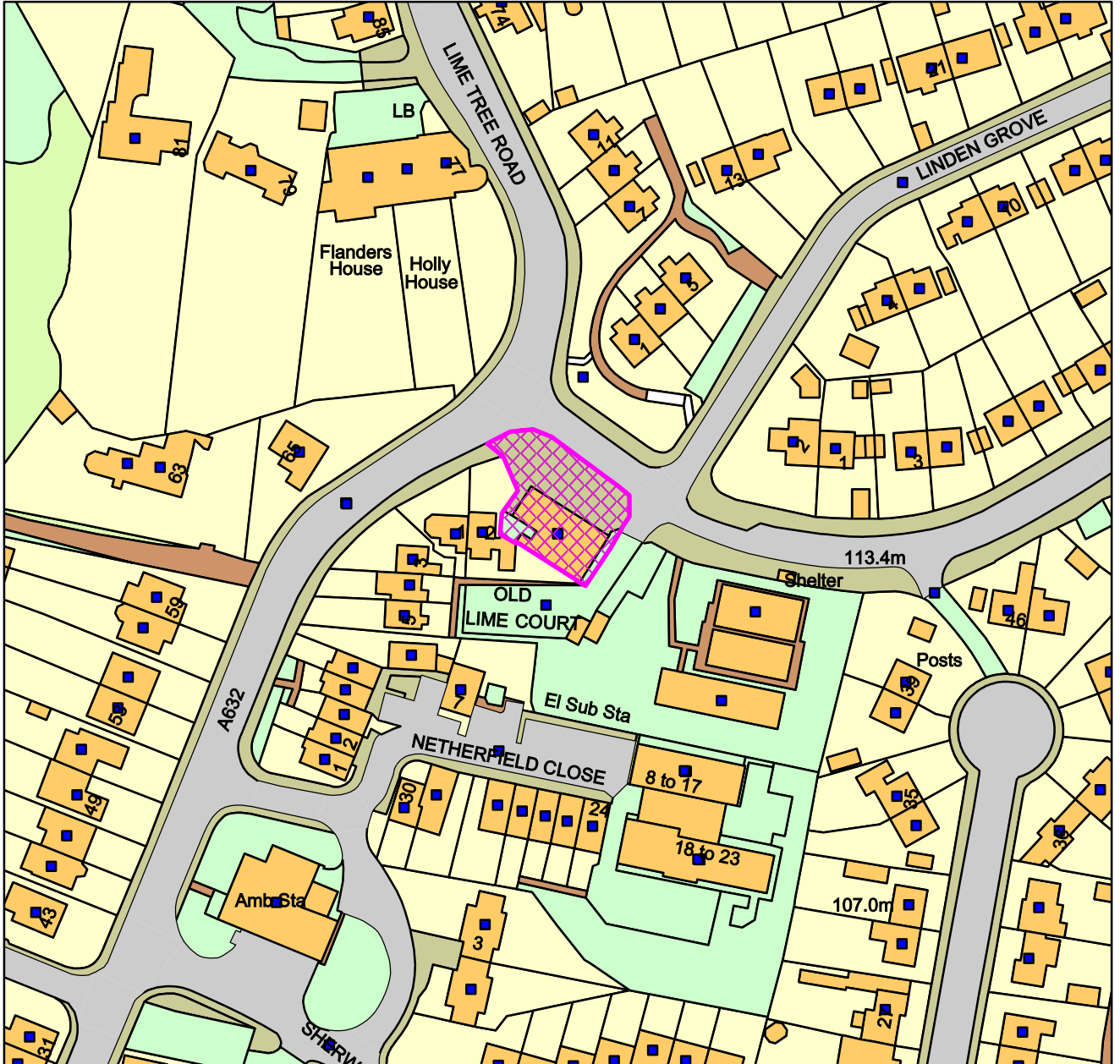
<b>APPLICATION NUMBER</b>		21/01449/FUL	
<b>SITE ADDRESS:</b>		One Stop, Lime Tree Road, Matlock, Derbyshire, DE4 3EJ	
<b>DESCRIPTION OF DEVELOPMENT</b>		Single-storey front extension.	
<b>CASE OFFICER</b>	Mr. Ecclestone	<b>APPLICANT</b>	Sedani
<b>PARISH/TOWN</b>	Matlock	<b>AGENT</b>	Mistry
<b>WARD MEMBER(S)</b>	Cllr. Flitter Cllr. Cruise Cllr. Hughes	<b>DETERMINATION TARGET</b>	14 <sup>th</sup> February 2022
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Five objections have been received.	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To view the proposal in the wider context.

<b>MATERIAL PLANNING ISSUES</b>
Design and appearance. Highway safety.

<b>RECOMMENDATION</b>
Planning permission be granted.

21/01449/FUL

One Stop, Lime Tree Road, Matlock



Derbyshire Dales DC

1:1,250

Date: 23/02/2022

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 property is a local convenience store, situated on the eastern side of Matlock, close to the junction of Hurst Rise with Lime Tree Road (A632).



## 2. DETAILS OF THE APPLICATION

- 2.1 The proposal is for a single-storey, flat-roof, front extension, which will cover the whole of the existing shop-front. It will extend forward by 3m. The eastern third of the shop-front is to be faced in stone and incorporates the entrance door. The remaining two thirds incorporates shop windows, flanked by stone, set over an engineering brick stall riser. A fascia sign will run the length of the frontage and wrap around the sides, which are also faced in stone. A coping stone sits above the fascia.

## 3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):  
S3: Development Within Defined Settlement Boundaries  
PD1: Design and Place Making  
HC21: Car Parking Standards
- 3.2 Other:  
National Planning Policy Framework (2021)  
National Planning Practice Guidance

## 4. RELEVANT PLANNING HISTORY

14/00494/FUL	Installation of roller shutter and shutter box.	Approved
14/00325/ADV	Retention of replacement signs.	Approved

## 5. CONSULTATION RESPONSES

- 5.1 Local Highway Authority:  
No objection. The potential impact of the proposed extension on the parking arrangements, either formally or informally and the potential for indiscriminate parking to occur as a consequence of the extension and the reduction in off street parking provision, has been considered. The site currently allows for parking to take place to the front of the shop. This will be reduced by the proposed extension, meaning that shoppers travelling to the store by car will either park on the remaining apron between the extended shop and the footway, or park on the road fronting the shop on Hurst Rise. Additionally, drivers may be tempted to park half on the footway and half on the road. Should this occur and the footway be obstructed, the police have their own powers, separate to those of the Highway

Authority, to deal with such issues. This is also the case should drivers choose to park at or near to junctions i.e. Lime Tree Road, or junctions further along Hurst Rise, such that obstruction occurs.

As the current parking arrangements are not marked out, drivers park at their own discretion and this seems to work well. Formalising the parking i.e. providing marked out bays on the remaining forecourt, may be an ideal approach, but this is considered to be a decision for the applicant and not one which the Highway Authority could insist on. Therefore, whilst there remain some concerns about potential indiscriminate parking taking place as a consequence of the reduction in the current off street parking facility, it is considered that an objection on highway safety grounds would be difficult to sustain.

5.2 Town Council:  
No objection.

## 6. REPRESENTATIONS RECEIVED

6.1 Cllr. Flitter – Object to the design and loss of parking.

6.2 Four other objections, including one from Matlock Civic Association, have also been received, which also comment on:  
the design and appearance;  
the loss of parking;  
the wider implications that this will have on neighbouring amenity;  
inconsiderate customer parking;  
antisocial behaviour;  
highway safety implications;  
escalating congestion and raising tensions;  
adversely impacting on the surrounding area; and  
difficulties for deliveries.

6.3 Matlock Civic Association:

Major concerns with the design and urge a complete re-design, to reflect the pitched roofed character of the existing building and its surroundings. The proposal is not a vernacular design. The application should be refused and a new application invited. The existing building is prominent and dates from the 1950s, a time of post-war austerity. It was designed to reflect the traditional character of the town with its gritstone walls, a dark tiled, gabled roof and evenly spaced, equal height first floor windows. The proposal is to add flat-roofed ground floor extensions to three sides\* of the building, including a major extension to the front elevation. This will be detrimental to the character of the area. It will also remove a significant part of the heavily used parking area, which is vital to the store's function. Loss of this off-street parking will inevitably result in on-street parking, close to a dangerous road junction. The proposal should be refused and a new application invited, which has a front extension taking much less of the frontage parking with a lean-to character, with the top of the lean-to below the existing first floor windows, echoing the local building style. This pitched roof could wrap around the eastern end of the existing building as a simple gable. The shopfront signage should be reconsidered, to run along the top of the shop window. This would help to get a pitched roof with at least a 30 degree pitch, as well as making the roof-line of the extension lower and less dominant. This could be achieved, together with retaining important parking provision, if the depth of the front extension was reduced. Alternatively the signage could be in a block to the East of the entrance (which is a blank wall). A new scheme should also clearly show how off-street parking provision of at least the same amount as existing is to be provided (ideally more as the extended store is likely to attract additional custom.)

*\* Please note that this is a misreading of the proposed plans. It is not proposed to extend out to three sides. The proposal is just for a single-storey, flat-roof, front extension.*

## 7. OFFICER APPRAISAL

- 7.1 Policy S3 of the Adopted Derbyshire Dales Local Plan requires that development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the settlement; that the access is safe; and that the layout, access and parking provision is appropriate to the proposed use, site and surroundings.
- 7.2 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.
- 7.3 Policy HC21 of the Adopted Derbyshire Dales Local Plan requires vehicular parking to be provided, having regard to adopted standards, as set out in Appendix 2 of the Local Plan.
- 7.4 Whilst Local Plan Policies do not specifically deal with local shops, it is desirable, in planning terms, to maintain and where possible, support the expansion of such businesses, to maximise convenience for residents and sustainability.
- 7.5 Having regard to the general acceptability of the modest expansion of this business, the main issues to assess are the impact that the proposed single-storey front extension will have on the character and appearance of the shop / surrounding area and highway safety.
- 7.6 Design and Appearance.  
There appears to have been some misunderstanding of the proposed plans. Matlock Civic Association thought that the proposal was to extend to the front, side and rear. However, this is incorrect. The proposal is just for a simple, single-storey, flat-roof, front extension. It is proposed to extend the existing shop front forward by 3m. The comments on the design approach made by Matlock Civic Association are noted and flat-roof extensions often do appear alien on traditional buildings. In this case however, the original pitched roof, stone-fronted building, has changed significantly over time. The full width of the frontage is already shop-front and fascia, with a mix of detailing.
- 7.7 The proposal has to be assessed against the merits of this existing appearance. Whilst the extension will project out, the greater use of stone on the frontage is to be welcomed. It is considered that this stone usage could be extended into the stall risers, with a greater depth of coping stone, helping to tie the extension into the character of the original building. With Conditions requiring this and also controlling the insertion of shutters, on balance, it is considered that any harm to the appearance of the building is not so significant as to warrant refusal of the application.
- 7.8 Highway Safety / Parking  
Local Plan Policy HC21 sets out parking standards. The threshold for applying the parking standards for food retail and non-food retail, is 1,000 square metres of gross floor-space. However, the parking standards cannot be applied in this case, because the shop floor-space is well below the threshold. Notwithstanding this however, the Policy also states that where a developer can adequately justify their own parking provision with evidence, the evidence will need to demonstrate that the parking provision would not have a detrimental impact on the local road network. This proposal will reduce the area available for off-street parking associated with a local convenience shop. Whilst this could result in

nuisance parking and the potential for adverse impact on highway safety, local convenience stores in residential areas often operate without any dedicated parking. On balance therefore and in light of the comments of the Local Highway Authority, it is not considered that the impacts on highway safety justify rejection in this case.

## 7.9 Conclusion

Whilst the proposed extension will result in loss of car parking spaces and will subsequently impact on the local road network, given the response of the Local Highway Authority, there are no grounds for refusal on matters of Highway Safety. The design and appearance of the proposed extension, with suggested Conditions incorporating stone to the stall risers and a greater depth of coping stone, are not considered to have so adverse an impact on the property or surrounding area to warrant rejection. The objections have been taken into consideration whilst processing this planning application, but they are not considered to provide grounds for refusal in this case. A recommendation of approval is therefore put forward on this basis.

## 8. **RECOMMENDATION**

Planning Permission be granted conditionally.

1. Condition ST02a: Time Limit on Full.

Reason ST02a.

2. Notwithstanding the submitted plans, the stall riser to the new shop-front shall be faced in stone, to match the remainder of the proposed shop-front. The stall riser shall then be maintained and retained as such.

Reason:

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

3. Details of the stonework to the shop-front, in terms of stone-type, finish and coursing, including a deeper coping stone and stone stall riser, shall be submitted to and agreed in writing by the Local Planning Authority, prior to installation. The development shall be carried out in accordance with the approved details and shall be maintained and retained as such.

Reason:

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

4. The permission hereby granted does not include the provision of external shutters to the shop windows, which would require a separate grant of planning permission.

Reason:

For the avoidance of doubt.

## 9. **NOTES TO APPLICANT:**

- 9.1 This Decision Notice relates to the following documents:  
Planning application form and drawings, received by the Council on 20<sup>th</sup> December 2021.

- 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 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.

<b>APPLICATION NUMBER</b>		21/01536/VCOND	
<b>SITE ADDRESS:</b>		Land North Of Knockerdown Inn, Knockerdown, Ashbourne	
<b>DESCRIPTION OF DEVELOPMENT</b>		Proposed variation of condition 1 (approved details) of planning application 20/00595/VCOND to allow for alterations to the approved scheme to include the addition of a rooftop sales suite and outdoor pergola and associated alterations to appearance	
<b>CASE OFFICER</b>	Mr. Chris Whitmore	<b>APPLICANT</b>	Mr Chris Sellors
<b>PARISH/TOWN</b>	Brassington	<b>AGENT</b>	Mr Robert Evans, Evans Vettori.
<b>WARD MEMBER(S)</b>	Cllrs. Fitzherbert and Murphy	<b>DETERMINATION TARGET</b>	25 <sup>th</sup> March 2022 (EOT agreed until 13 <sup>th</sup> April 2022)
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Linked to major development and considered sensitive by the Development Manager, having regard to the extent of changes proposed	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To consider the extent of changes their impact on the character, identity and context of this part of the landscape.

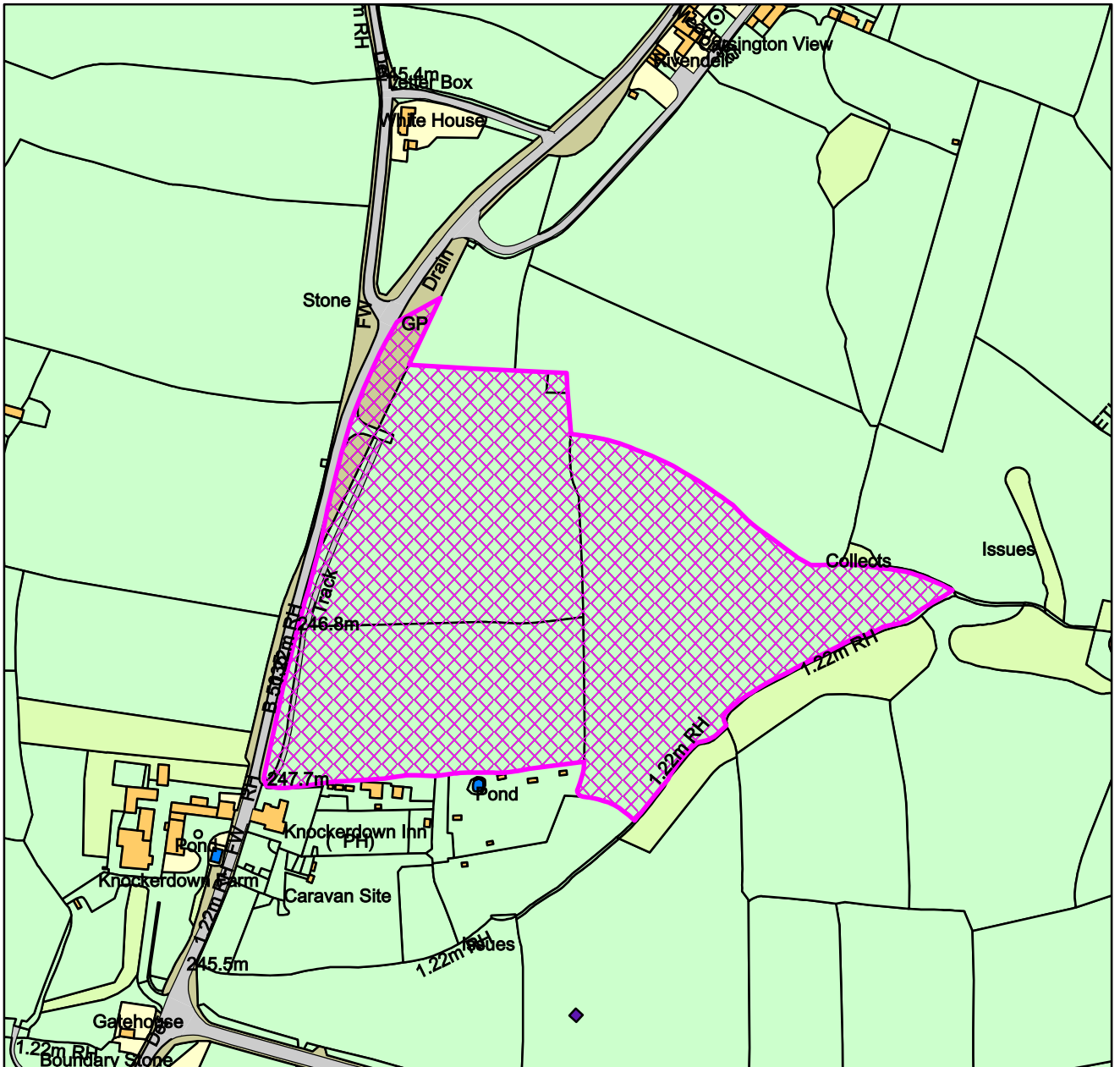
<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• The appropriateness of the amount of additional development, and;</li> <li>• Whether the extensions and alterations result in a high quality design that respects the character, identity and context of this part of the Derbyshire Dales landscape.</li> </ul>

<b>RECOMMENDATION</b>
That the application be Granted subject to conditions.



21/01536/VCOND

Land North of Knockerdown Inn, Knockerdown, Ashbourne



Derbyshire Dales DC

1:4,000

Date: 29/03/2022

100019785

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

## 1. THE SITE AND SURROUNDINGS

- 1.1 The site comprises three fields upon which planning permission was granted in 2015 for a jewellery design centre of excellence incorporating workshop, educational and retail uses and associated car parking and landscaping under application code ref. 14/00796/FUL located immediately to the east of the B5035 and to the north of the Knockerdown Inn.
- 1.2 Two of the fields bound the B5035 and these initially slope away relatively gently in an easterly direction. The gradient of the slope however increases as you move east so that by the time you reach the eastern boundary of these fields, 160m to the east along the line of their dividing hedge, the level has dropped approximately 15m. The eastern most field is essentially triangular in shape and has a steeper gradient than the other two fields. It stretches some 220m down in an easterly direction with a fall in land levels from the centre of the western boundary to the eastern apex of approximately 26m.
- 1.3 The upper fields are enclosed with hedgerows interspersed with individual hedgerow trees. Towards the eastern apex of the triangular field the boundary planting is more substantial, along the line of narrow streams and to the east of where the streams meet at the eastern tip of the site is a more substantial pocket of woodland. The land to the southeast and northeast of the triangular field rises with a substantial tree belt located outside the site to the southeast.
- 1.4 To the north of the site and south of the site beyond the Knockerdown Inn is agricultural grazing land. In the northwest of the site is the junction with the road to Brassington. To the west beyond the B5035 lies further grazing land whilst to the southwest is the Knockerdown Farm holiday complex. Carsington Reservoir lies a short distance to the east of the site and the site enjoys extensive views out across the reservoir and is visible from the paths around the reservoir and from higher ground to the east.



## **2. DETAILS OF THE APPLICATION**

2.1 This application seeks minor amendments to application code ref. 20/00595/VCOND to vary condition 1, which cites the approved plans under s73 of the Town and Country Planning Act, to allow the following changes:

- The addition of rooftop sales suite;
- The addition of a rooftop pergola;
- Changes to the central 'atrium' building roof design and change of material from copper to zinc;
- Alterations of windows;
- Entrance gates and walls;
- Halo signage and flags;
- Storage containers and building, and;
- Minor modifications to access road and parking area.

2.2 Following consideration of the application, officers were concerned that the extent of changes, when considered cumulatively, would substantially alter the approved development and introduce new development in terms of the storage buildings and new entrance gates and walling. Section 73 of the Act does not allow development that is substantially different in nature / scale to that which has been previously approved and cannot be used to change the description of development to include the additional development proposed.

2.3 The applicant has since amended the scheme to address the above concerns and design issues raised, relating to the appearance of the sales suite. It has been agreed that the entrance gates, piers and walling and the proposed storage containers / buildings be omitted from the scheme. The additional halo signage and flags will require a separate grant of Advertisement Consent and, again, do not form part of the consideration of this application.

## **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  
PD3 Biodiversity and the Natural Environment  
PD5 Landscape Character  
PD6 Trees, Hedgerows and Woodlands  
PD7 Climate Change  
PD8 Flood Risk Management and Water Quality  
EC1 New Employment Development  
HC21 Car Parking Standards  
EC8 Promoting Peak District Tourism and Culture  
HC19 Accessibility and Transport  
HC20 Travel Demand Management  
HC21 Car Parking Standards

3.2 Other:

The National Planning Policy Framework (2021)  
National Planning Practice Guidance

#### 4.0 RELEVANT PLANNING HISTORY:

20/00595/VCOND	Variation of Conditions 2, 6 and 19 of planning permission 14/00796/FUL to allow for alterations to approved building design, the relocation of the carpark and associated road and the creation of an earth planted bund	PERC	30/09/2020
14/00796/DCOND	Discharge of condition(s) 3, 5 and 8	DISFUL	23/03/2018
14/00796/DCOND/2	Discharge of condition(s) 9, 10, 11, 12, 14, 15 and 16	DISFUL	19/07/2018
14/00796/DCOND/3	Discharge of condition(s) - 17, 18 and 19	DISFUL	19/07/2018
14/00796/DCOND/4	Discharge of condition - 13	DISFUL	29/08/2018
14/00796/FUL	Creation of jewellery design centre of excellence incorporating workshop, educational and retail uses and associated car parking and landscaping	PERC	02/09/2015
13/00696/FUL	Creation of jewellery design centre of excellence incorporating office, workshop, educational and retail uses and associated car parking and landscaping	REF	11/12/2013

#### 5. CONSULTATION RESPONSES

##### 4.1 Brassington Parish Council:

No comments received.

##### 5.2 Carsington and Hopton Parish Council:

The council has looked at the latest application made by CW Sellors' on land next to the Knockerdown. We recall the original application back in 2012 was refused and amongst the numerous concerns raised was the visual impact of the building upon an open area of countryside. In the subsequent application in 2014 which was granted the applicant stated that revisions were made to minimize the visual impact of the building and address the unwarranted encroachment concerns. That application included a huge number of reports and photomontages showing how the proposed building would fit in and sit within the landscape from a variety of locations. We have already had one application to vary the design in 2020. As part of that they included a lift shaft and the comment by the planner when granting the application was that although it added a vertical element to the roof it was not felt incongruous nor would it appear visually prominent in the landscape. I don't think we objected at the time either. Having looked at the elevations for the new proposal we feel strongly that the rooftop sales suite and outdoor pergola does now dilute the original design and impact negatively upon the landscape. The applicants put much store in the original granted application on the "lighter touch" that the then revised design would have on the landscape. Our view is that this lighter touch will be lost by the additions. There are no reports or photographs demonstrating how this will affect the centre when viewed from afar. We believe that it will no longer nestle in the landscape as the original design did when originally granted. The Parish Council therefore objects.

5.4 Cllr Richard Fitzherbert:

I suggest that this application is decided by a site visit by the Full Planning Committee so that all the issues can be aired in a fair and democratic manner. The Dales economy needs a marquee company like this in a stunning environment and we must ensure that this is fully discussed and debated.

5.4 Local Highway Authority (DCC):

No objections subject to all use remaining ancillary.

5.5 Environmental Health (DDDC):

No objections.

5.6 Force Designing Out Crime Officer:

There are no objections to the amendments proposed to the approved scheme.

5.7 Environment Agency:

The proposed amendments do not impact any of the conditions requested by the EA.

5.8 Natural England:

Refer the District Council to their generic advice.

## 6. REPRESENTATIONS RECEIVED

6.1 None.

## 7. OFFICER APPRAISAL

7.1 A material start on the development approved under application code ref. 14/00796/FUL was made within the requisite period, comprising the formation of a new access onto the B5035 following the discharge of all pre-commencement planning conditions. Following implementation of this permission an application under s73 of the Town and Country Planning Act was made to alter the buildings design, comprising an enlarged roof terrace, the formation of a zinc clad lift shaft, pop up bar area and glass balustrade to the roof terrace, a larger plant room and the introduction of vertical and roof mounted solar PV panels. These changes, in addition to the relocation of the carpark and associated road and the creation of an earth planted bund were approved under application code ref. 20/00595/VCOND.

7.2 This application is also made under s73 of the Planning Act and seeks the following further alterations:

- The addition of rooftop sales suite;
- The addition of a rooftop pergola;
- Changes to the central 'atrium' building roof design and change of material from copper to zinc;
- Alterations of windows, and
- Minor modifications to the access road and parking area.

Taking the above into consideration, it is not necessary to re-consider the principle of the development, as development of the same nature is being undertaken on site in accordance with the abovementioned planning permissions.

- 7.3 Applications under s73 of the Planning Act allows applicants to apply for minor amendments to approved developments. A minor amendment is not defined, however, is generally regarded as something that is in scale and/or nature with and results in a development which is not substantially different from that which has been approved. The minor amendments proposed as part of this application are limited to the addition of the roof top sales suite and a roof top pergola, with some minor alterations to the buildings appearance. The building will continue to comprise a mixed development including manufacture, education, retail and a café. The additional floorspace created would comprise a modest increase in 'covered' floorspace and the cumulative alterations to the building and increase in building volume / mass would not, it is considered, result in a scheme that is substantially different in scale and nature. As set out in the application section of this report the application, as originally submitted, included other changes, that would fall outside of the scope of a s73 application. The applicant has agreed to omit these elements and a condition will be necessary to make it clear that any permission granted does not convey authorisation to erect the storage buildings or to erect the entrance gates, piers and walling.
- 7.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.5 Having regard to the nature of the proposed changes, the main issues to assess are the appropriateness of the amount of additional development and whether the extensions and alterations result in a high quality design that respects the character, identity and context of this part of the Derbyshire Dales landscape.
- 7.6 The access onto the B5035 has already been formed and the Local Highway Authority have advised that they raise no objections to the proposals from a highway safety perspective. The proposed site plan indicates an extension of the made car park to accommodate future overflow parking and disabled parking and the rerouting of the access road. An area of the site is also earmarked for flexible events and a marquee. The treatment of the overflow car parking area comprises reinforced turf in the approved scheme. The treatment of this surface and a revised landscaping scheme and ecology strategy to deliver compensatory scrub grassland features for brown hare, protection of the hedgerow along the western boundary during the construction of the earth bund along its eastern side, the location of bat hibernaculum, planting on the earth bunds (species types, sizes and numbers to be planted), any external lighting to the car parks the treatment of the surface of the permanent car park and pedestrian paths and the long term legal and funding mechanism for management and maintenance of the landscaping and measures in any updated ecology strategy will need to be secured by condition to ensure a satisfactory landscaped setting and to secure net biodiversity gain on the site. A condition will also be required in relation to the area for flexible events and a marquee to be sited to make it clear that this permission does not convey authorisation for events or to erect a marquee, which within the grounds of a building requires a separate grant of planning permission.
- 7.7 With regard to the amount of development and whether the extensions and alterations result in a high quality design that respects the character, identity and context of this part of the Derbyshire Dales landscape, amended plans have been received to address the design concerns raised. Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with design and advises that developments should respond positively to the environment whilst also contributing to local distinctiveness and sense of place. This includes contributing positively to an areas character in terms of scale, height, density,

layout, appearance, materials and the relationship to adjacent buildings and landscape features.

- 7.8 The overall height of the central 'atrium' building has not increased. The introduction of the rooftop sales suite and pergola has, however, introduced additional height to the wings. Carsington and Hopton Parish Council have expressed concerns that this results in the dilution of the original design and has introduced additional mass that will increase the buildings prominence in the landscape. The original proposal to extend the roof over the sales suite resulted in asymmetry, which caused some dilution of the original design which was visually balanced. Amended plans have been received, which show a significant reduction in the sales suite canopy overhang. This allows the central atrium canopy to be articulated as the principal architectural feature with both the sales suite and outdoor terrace pergolas acting as the subservient (or recessive) wings, as the original design concept envisaged. It is considered that the recessed nature of the roof terrace additions, is such that the building will continue to make a similar contribution to the landscape and would not appear unduly prominent to the extent that refusal on landscape grounds would be warranted in this case. The building will continue to address and respond positively to existing land levels. It is considered that the building would make similar contribution to the local landscape when appreciated in distant views, bearing in mind that the central atrium part of the building will remain at the approved height and the subservient wings were to be used as terraced areas.
- 7.9 A key feature of the approved building is the copper cladding to the roof, which has a curved underside and sedum above. Application code ref. 20/00595/VCOND introduced solar PV panels to the roof and walls of the building in addition to space for ground source heat pump coils. The solar panels were mistakenly omitted from the application drawings. These have been reinstated to the central atrium building roof. The applicant has aspirations to reduce greenhouse gas emissions generated from the use of the building and travel to site and proposes electric charging points as part of this application in addition to solar panels. The inclusion of solar panels to the central atrium building roof and the need for additional head height to access the sales suite, results in the omission of the sedum roof. Solar panels have already been approved on the roof of the central atrium building and introduce structures that will be more conspicuous in the landscape, in comparison with a sedum roof. The height of the building is such, however, that views of the roof will be limited from the surrounding landscape and on the approach to the building from the site access. The application also proposes to replace the copper material with standing seam zinc sheets to match the walling material. The roof shape is also more angular. The grey zinc has a lower aesthetic impact, harmonising the pallet of colours and textures, and is not subject to creases and crinkles in a reflective material like copper, which will turn brown and turquoise in colour in time. The roof structure will remain a striking feature of the building and will make provision for the same extent of overhangs. Changes to window and door openings are minor in nature and have no consequence in planning terms. Officers are satisfied that the addition of a rooftop sales suite and pergola and the changes to the buildings appearance do not compromise the original high quality design to the extent that it would no longer respect the character, identity and context of this part of the Derbyshire Dales landscape.
- 7.10 As this application under section 73 of the 1990 Act will sit alongside the previous permissions, it will be necessary to repeat and modify any original conditions that remain relevant and introduce new conditions to make it clear that the permission does not convey authorisation to carry out elements of the original proposal that will require a separate grant of planning permission. With such conditions, it is recommended that the application be approved.

## 8 RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. This permission relates to the application drawings and details approved in respect of applications code ref. 14/00796/FUL and 20/00595/VCOND except as amended by drawings numbered 318\_P10 Rev P2, 318\_P11 Rev P2, 318\_P12 Rev P2, 318\_P13 Rev P2, 318\_P30 Rev P2 and 318\_P31 Rev P2 dated 31<sup>st</sup> March 2022.

Reason:

For the avoidance of doubt.

2. Notwithstanding the submitted plans, this permission does not convey authorisation to erect the entrance gates, piers and walls, halo signage, flags, site storage containers or buildings with the curtilage of or site a marquee on the level area adjacent the approved building or to use this land for events unrelated to the lawful use of the site. Such works / use of the site would require a separate grant of planning permission and/or advertisement consent.

Reason:

For the avoidance of doubt as such development falls out of the scope of this s73 application and requires a separate grant of planning permission and/or advertisement consent.

3. Space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods' vehicles, parking and manoeuvring of employees' and visitors' vehicles in accordance with the details set out on the 'Site Compound Plan' prepared by Wildgoose Construction submitted and approved in respect of Condition 3 of application 14/00796/FUL unless otherwise agreed in writing by the Local Planning Authority any maintained free from any impediment to the designated use of the space throughout the construction period.

Reason:

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

4. Before any other operations are commenced (excluding Condition No 3 above) a new vehicular junction shall be formed to the B5035 in accordance with the drawing No F13087/05 REV B which accompanied application 14/00796/FUL, and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 121 metres to the north and 116 metres to the south measured to a point 1m out from the nearside carriageway edge in each direction. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) above ground level. The emergency access to the south west of the site shall be gated and only used in the case of an emergency.

Reason:

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

5. Throughout the period of development vehicle wheel cleaning facilities shall be provided in accordance with the 'Site Compound Plan' prepared by Wildgoose Construction and details



agreed in the discharge of condition 5 of planning permission 14/00796/FUL. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason:

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

6. The development hereby permitted and approved under application 14/00796/FUL shall not be occupied until the vehicle parking facilities shown on application drawing reference 08.01 Rev B and agreed in respect of condition 13 and service roadways have been implemented and made available for use; including the overflow car parking area. The parking facilities shall thereafter be retained for use by the visitors and staff associated with the development at all times.

Reason:

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

7. No part of the development shall be occupied until precise details of the proposed bus stops on the B5035 have been submitted to and approved by the Local Planning Authority. The bus stops shall be laid out and constructed prior to occupation of the development in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Reason:

To enable access to the site by public transport in accordance with the aims of Policy HC20 of the Adopted Derbyshire Dales Local Plan (2017).

8. The details through the roof, clerestory glazing and upper part of the wall and details of the abutments and treatment of the underside of the upper roof shall be as set out in the details and drawings approved in respect of condition 9 of application code ref. 14/00796/FUL unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory external appearance in accordance with the aims of Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9. The measures for rainwater disposal from the roof shall be as approved in respect of condition 10 of application code ref. 14/00796/FUL unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory external appearance in accordance with the aims of Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

10. The frameless glazing, depth of recess to all windows and doors and glazed clerestory shall be carried out in accordance with the details submitted and approved in respect of conditions 11, 12 and 15 of application code ref. 14/00796/FUL unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory external appearance in accordance with the aims of Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

11. The random coursed limestone walling and zinc cladding shall be laid in accordance with the details submitted and approved in respect of conditions 13 and 14 of application code ref. 14/00796/FUL unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory external appearance in accordance with the aims of Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

12. The solar PV panels hereby approved shall have dark perimeter frames to match the zinc cladding and shall be installed and operational prior to first use of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To address the requirements of Policy PD7 and to ensure a satisfactory external appearance in accordance with the aims of Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

13. Notwithstanding the submitted details, a revised landscaping scheme and ecology strategy which addresses the following:
  - Compensatory scrub grassland features for brown hare;
  - Protection of the hedgerow along the western boundary during the construction of the earth bund along its eastern side;
  - The route of the access road;
  - The location of bat hibernaculum;
  - Planting on the earth bunds (species types, sizes and numbers to be planted);
  - Any external lighting to the car parks and details of the electric charging points;
  - The treatment of the surface of the permanent and overflow car park and pedestrian paths, and;
  - The long term legal and funding mechanism for management and maintenance of the landscaping and the recommendations in any updated ecology strategy

shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the minor amendments hereby approved or approved under application code ref. 20/00595/VCOND. The development shall thereafter be carried out and the landscaping / habitats created maintained in accordance with the approved details.

Reason:

To ensure delivery of the approved biodiversity enhancement measures and an appropriate landscaping scheme in accordance with the aims of Policies PD3 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

14. The development hereby approved shall be carried out in accordance with the recommendations set out at Part 6.0, paragraph 6.3 of the submitted 'Habitat and Protected Species Report' by Paul Hicking Associates, dated November 2014, in regard to mitigating any possible impact there may be on the local badger population during the construction phase of the development.

Reason:

To mitigate the impact of development on ecology in accordance with the aims of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To mitigate the impact of development on ecology in accordance with the aims of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

16. The use of the premises hereby approved shall be restricted to the uses and layout as set out in drawings 318\_P10 Rev P2, 318\_P11 Rev P2 and 318\_P12 Rev P2, in association with the main use of the building as a jewellery design centre and shall be used for no other purposes including any use falling within the same use class of the Use Classes Order. The terrace area shall provide ancillary floorspace to the main use of the building as a jewellery design centre and should not be separated or operated independently of this main use.

Reason:

In order that the Local Planning Authority can exercise control over any subdivision or subsequent re-use of the building in accordance with the requirements of Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) and for the avoidance of doubt.

17. Any outside furniture or chattels exceeding the height of the glass balustrade located on the roof terrace shall be removed and stored away from this area when the building is closed to the public.

Reason:

To mitigate the visual impact of the roof terrace on the local landscape when not in use in accordance with the aims of Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017).

## **INFORMATIVES:**

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 design of the building.
2. Pursuant to Section 184 of the highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Economy Transport & Environment Department at County hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website: [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp), , email: ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
3. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence on the proposed bus stops, within the limits of the public highway, without the formal written Agreement of the County Council as

Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting this Authority via email - [es.devconprocess@derbyshire.gov.uk](mailto:es.devconprocess@derbyshire.gov.uk) . The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

4. Pursuant to Sections 149 and 151 of the highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg: street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
5. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
6. For the avoidance of doubt this Decision Notice relates to Lower Ground Floor, Lower Floor, First Floor and Roof Plans numbered 318\_P10 Rev P2, 318\_P11 Rev P2, 318\_P12 Rev P2, 318\_P13 and Elevations Plans numbered Rev P2, 318\_P30 Rev P2 and 318\_P31 Rev P2 dated 31<sup>st</sup> March 2022 only and does not override the application drawings and details approved in respect of applications code ref. 20/00595/VCOND or 14/00796/FUL where they have not been amended by this application.

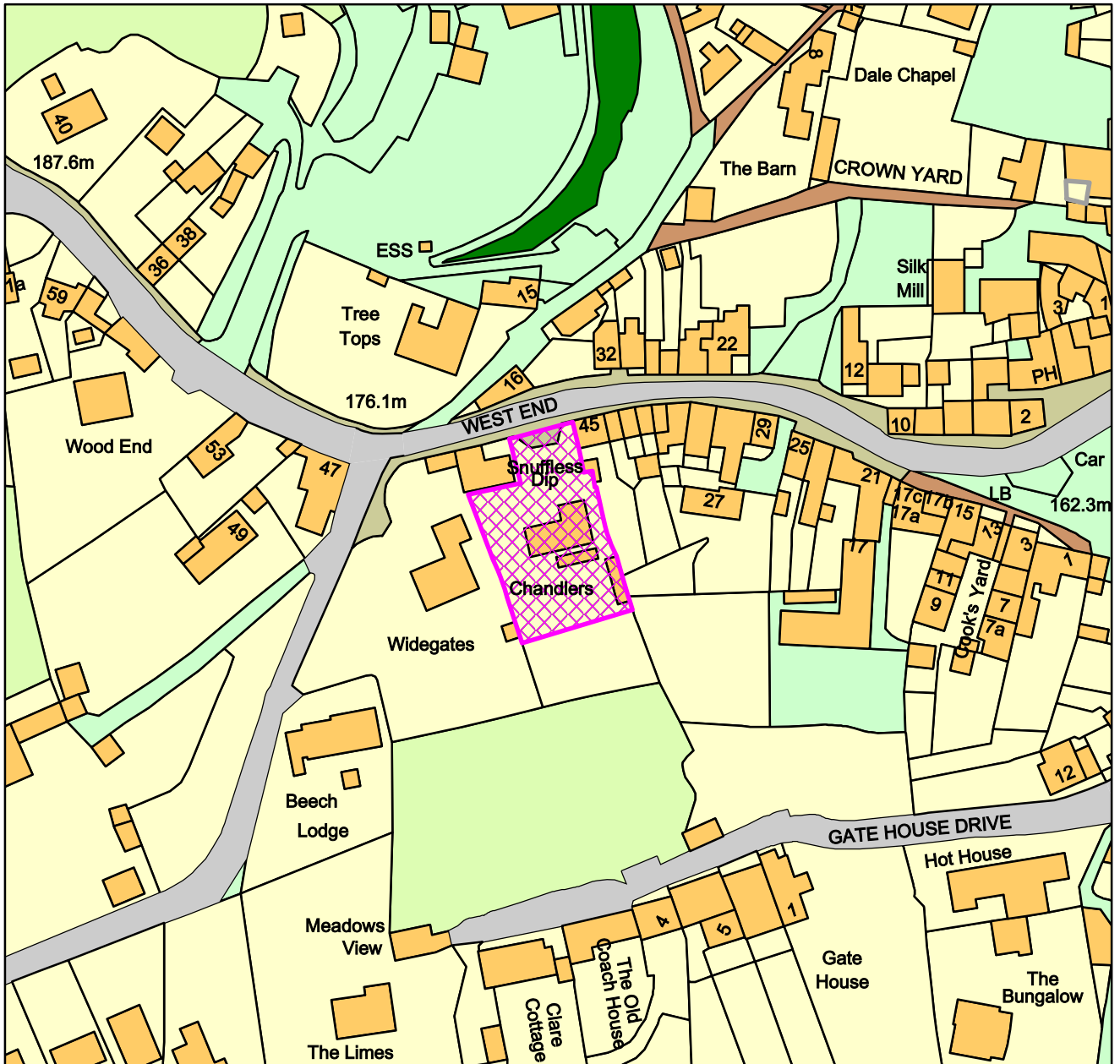
<b>APPLICATION NUMBER</b>		22/00061/FUL	
<b>SITE ADDRESS:</b>		Chandlers West, West End, Wirksworth	
<b>DESCRIPTION OF DEVELOPMENT</b>		Relevant demolition of a dwelling in a conservation area and erection of replacement dwellinghouse with associated access alterations	
<b>CASE OFFICER</b>	Sarah Arbon	<b>APPLICANT</b>	Claire and Max Vaughan
<b>PARISH/TOWN</b>	Wirksworth	<b>AGENT</b>	Gareth Puttock – Evans Vettori Architects Ltd
<b>WARD MEMBER(S)</b>	Cllr P Slack Cllr D Greatorex Cllr M Radcliffe	<b>DETERMINATION TARGET</b>	16 <sup>th</sup> March 2022
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Called in by Cllr P Slack	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>– Principle of development</li> <li>– Impact on the character and appearance of the Conservation Area</li> <li>– Impact on residential amenity</li> </ul>

<b>RECOMMENDATION</b>
Approval with conditions.

22/00061/FUL

Chandlers, West End, Wirksworth



Derbyshire Dales DC

Date: 29/03/2022

100019785

1:1,250

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

## 1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located just west of the centre of Wirksworth up a steep road named West End within Wirksworth Conservation Area. The property is on the southern side set back from the road frontage. Adjacent to West End is an historic stone building with clay tiled roof (restored, altered and converted in the later 20<sup>th</sup> century to ancillary accommodation in associated with Chandlers) named 'Snuffless Dip'. Beyond this is a later 20<sup>th</sup> century bungalow (1960s) named 'Chandlers'. This is set well into the site (and accessed off West End) and is built from artificial stone with a corrugated concrete tiled roof and typical window shapes and types of the period. The existing bungalow has a large plot sloping down to the south. At the southern boundary of the site the land drops significantly with the Listed Gate House at a lower level separated from the site by intervening land and mature trees.



## 2.0 DETAILS OF THE APPLICATION

- 2.1 The proposal is to demolish the 1960s bungalow and erect a new two-storey dwelling house on its site. The proposed new dwelling house is to be on two levels (via excavation of the site), the lower, and built into the slope of the site with a southerly aspect of openings. On top of this, and set back, is to be the first floor allowing some terraces (with balustrading) and the first floor section having a dual pitched (standing-seam) metal roof in dark grey. The northern aspect of the proposed development (facing West End) is to be a tall Limestone wall in an 'L' shape connecting to the rear of 'Snuffless Dip'. This is to be plain with the exception of a slot window to the staircase. The current vehicular access to the site, off West End, remains the same in terms of access point and area. The overall design concept for the replacement dwelling is 'contemporary' with standing-seam metal roof, charred timber cladding, 'gritstone' walling, metal balustrading and powder-coated aluminium windows and doors.
- 2.2 Amended plans have been received which include the following amendments or detail:-
- The height of the ridge when viewed from West End has been reduced by a further 900mm so it would be 1.6m lower than the existing property 'Snuffless Dip'.
  - The terrace has been shortened along the Eastern boundary of the site.
  - Change of material label 2 to "Limestone wall"
  - Solar panels are indicated on the South elevation
  - Additional note added to elevations "Veranda for solar shading"

### **3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

#### **3.1. Adopted Derbyshire Dales Local Plan 2017**

S2 Settlement Hierarchy  
S3 Development within Defined Settlement Boundaries  
PD1 Design and Place Making  
PD2 Protecting the Historic Environment  
PD6 Trees, Hedgerows and Woodlands  
PD7 Climate Change  
HC19 Accessibility and Transport

#### **3.2 Wirksworth Neighbourhood Plan 2015**

NP2 Quality and character of development within the settlement  
NP6 Quality of residential development  
NP7 Energy-saving standards for new dwellings

#### **3.3 Other:**

The National Planning Policy Framework (2021)  
National Planning Practice Guide

### **4.0 RELEVANT PLANNING HISTORY:**

None

### **5.0 CONSULTATION RESPONSES**

#### Wirksworth Town Council

5.1 No comment, However Wirksworth Town Council has declared a Climate Emergency and therefore supports any development or change that seeks to reduce the carbon footprint.

#### Highways Authority

5.2 No objections subject to front boundary wall remaining no higher than existing, no gates any closer to the highway than existing, and replacement parking/turning provided prior to first occupation.

#### Conservation Officer

5.3 Whilst comfortable with the principle of a contemporary replacement dwelling sought amendments in terms of the height, details of the boundary walls, the reduction of the eastern terrace and external stone material. These amendments are included within the amended plans submitted and therefore the dwelling is not considered to be harmful to this part of the Conservation Area.

### **6.0 REPRESENTATIONS RECEIVED**

6.1 Three letters of representation have been received and are summarised below:-

- a) There are concern regarding the stability of the gable of No.45 West End due to considerable level changes proposed for the parking area and lower level of the proposed dwelling.
- b) The land levels shown on the boundary of 45 West End are not correct.
- c) The new property is set at a significantly higher land level and this could effect the load on the boundary wall.



- d) The proposed property appears to be 2m higher than the existing bungalow which will restrict the afternoon and evening sun into the garden of No.45.
- e) The red line does not include Snuffless Dip or the lower part of the garden and this should be explained.
- f) There is a concern that the disturbance in the soil level may impact on the mature Beech trees to the south.
- g) There is a concern with regard the parking provision proposed for the dwelling and Snuffless Dip.
- h) Noise and disturbance during construction is a concern especially as many people work from home.
- i) West End is a busy road with width restrictions and construction traffic may impede access.
- j) The increase in height by 2 metres would be out of proportion to the row of existing cottages and would block the view down the valley from Bowling Green Lane.
- k) The increase in height contravenes the characterisation appraisal in Appendix 1 Part 2 of the Wirksworth Neighbourhood Plan.
- l) Zinc sheets and charred wood may not stand the test of time and are not in keeping.
- m) The location of the solar panels and air source heat pump are not shown.
- n) There is a concern regarding the safety of excavation of the area due to nearby mineshafts and changes to the drainage within the area may impact stability.
- o) The construction vehicles would have nowhere to park or turn due to the width of the road.
- p) Incremental changes to the character and appearance of Wirksworth have moved away from preserving the character of the town.

## 7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact on the character and appearance of the Conservation Area
- Impact on residential amenity

### Principle of development

- 7.1 The site is located within the settlement boundary of Wirksworth, a first tier settlement in the settlement hierarchy. Policy S3 requires development to be of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement it would be located, retains existing buildings that make a positive contribution and access, parking is sufficient. The principle of a replacement dwelling within this market town is considered acceptable.

### Character and appearance

- 7.2 Policy PD1 requires all development to be of high quality that respects the character, identity and context of the townscape, contributes positively to an area's character in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings. Policy PD2 requires proposals that affect a heritage asset and/or its setting to demonstrate how it has taken into account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset.
- 7.3 Early 19<sup>th</sup> century maps depict the southern side of West End being fully and continuously developed with buildings adjacent to West End from the Market Place to the lane or track (now known as Yokecliffe Lane). However, by the mid-19<sup>th</sup> century some buildings close to the access point to Yokecliffe Lane had been removed. By 1899 the building, now known as

'Snuffless Dip' (and a small attached structure), were all that was left on this particular site. By 1922 the scenario was similar to that of 1899. The historic maps appear to depict the rear land to the buildings on the site to have been open and with some orchard type planting. Based on the form and nature of the buildings depicted it appears that this site was more than likely fronted by agricultural type buildings, rather than cottages (as seen immediately further east of the site). The site retains what appears to be areas of historic limestone sett paving. The remaining evidence of tall, enclosure walls – part to West End (attached to 'Snuffless Dip') and the long section remaining on the eastern side of Yokecliffe Lane suggest a possible association with The Gate House to the south. 'Chandlers' was built in the 1960s, and to the west of the site two further modern houses were built on former open land – 'Widegates' and 'Beech Lodge' – at a similar time.

- 7.4 It is considered that the concept of a contemporary replacement dwelling house in this particular site and context is acceptable. It is considered that the proposed north elevation of the new dwelling dominated by the tall stone wall would give the street scene the presence, albeit set back from the road, of a wall concealing a building and garden. The originally submitted ridge height of the proposed dwelling was 2m higher (approx. 2m) than the current bungalow which was considered an overly high building and amended plans have been received reducing the ridge to 1.6m below that of the ridge of Snuffless Dip barn. This was achieved due moving the finished floor level to +173.620 informed by the level of the existing drain outside of the existing converted barn. It is noted that the new dwelling retains the extensive set back from the street, and the high 'screen' wall and the dual pitched metal roof in a dark colour would be such that this elevation would not convey an overtly 'domestic' presence to the site or street scene, rather, it would convey a more 'agricultural' character. In essence, the proposed design of this north elevation would pick up on the distinctive high walls that already exist near the site and shall be Limestone to match these walls.
- 7.5 The east, west and part of the south elevation are to be clad in 'charred timber cladding'. The modern and contemporary dark timber cladding forms part of the design rationale of the building in its quasi-agricultural concept. The upper southern elevation includes a 'timber frame veranda with green roof' required for solar shading of the upper ground floor. Solar panels are shown on the expanse of the southern roof slope with further details required by condition with integrated panels preferred.
- 7.6 The southern elevation looks towards the Gate House (grade II\*), however, there is limited visibility from the south due to an existing hedge within the garden of the site (beyond the red line) at the land level of the garden which is to be retained. The proposed dwelling would only extend 0.9m above the ridge of the existing bungalow and would be at a distance of 67m with The Gate House having a significantly lower land level than the site. Therefore the combination of distance, the dwelling being viewed in context with adjacent properties and the intervening vegetation together with a significant change in land levels means that the scale and presence of the new dwelling is not considered to harm the setting of the Gate House.
- 7.7 Amended plans indicate the position and form of existing retaining walls on the boundaries and angled steps down to the garden are now proposed immediately adjacent to the eastern boundary rather than a terraced area which is now set back 1.2-1.8m from the boundary wall. Angled steps are also proposed adjacent to the western boundary adjacent to the existing boundary wall.
- 7.8 It is opined that the amended plans which reduce the ridge height and have taken into account the existing retaining walls on the boundaries are acceptable as they propose a contemporary replacement dwelling that is not considered to be harmful to this part of the Conservation Area. The proposal therefore accords with Policies S3, PD1 and PD2.

## Impact on residential amenity

- 7.9 Local Plan Policy PD1 requires development to achieve a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. There are two dwellings adjacent to the eastern and western boundaries. No.45 West End's blank gable abuts the eastern boundary of the site adjacent to the access to the site and is attached to the 2m high stone boundary wall which extends to the existing outbuilding. The wall extends the length of the rear garden following the contours that reduce to the south. The amended plans have included the detail of this retaining boundary wall and the terrace area to the east has been reduced away from the boundary. The proposed dwelling would be set back 13 m from the rear elevation of this property and the only window proposed in the front elevation would not pose an overlooking concern due to the distance and 2m high boundary wall.
- 7.10 Widegates is a modern one and a half storey property aligned with the western boundary and set 2.7 – 4.6 metres away. There is a bedroom window at first floor level in the gable of the main part of the dwelling and ground floor windows serving both non-habitable and habitable rooms. There is a 1m high wall on the boundary that follows the contours of the site sloping down to the south and there is existing 2 m high hedging within the garden of the application property that provides screening at ground floor level between these windows and the existing garden room. It is unclear whether these are likely to be retained. Three full height windows are proposed on the western elevation serving an entrance hall, toilet and home office. Due to the distances between the windows and lack of screening above 1m (discounting the existing hedging) a condition requiring the glazing details of these windows is required in order to retain the privacy of Widegates. Overall, the proposed dwelling would not have a significant impact on the amenity of neighbouring properties in accordance with Policy PD1.
- 7.11 Policy PD7 supports the generation of energy from renewable or low-carbon sources provided that the installation would not have significant adverse impact (either alone or cumulatively) and promoting energy and water efficiency and the use of renewable / low carbon energy through retro-fitting or refurbishment of existing buildings. It goes on to state that proposals should demonstrate the impact of the scheme on visual amenity, the historic environmental and heritage.
- 7.12 The building is designed to increase winter solar gain, provide heat recovery ventilation and the south facing canopy would provide shade from summer solar gains. Renewable energy including solar panels and heating from a ground source heat pump are also proposed. Areas of flat roof are to be green roofs and rainwater harvesting would be installed. The design follows the principles and levels of 'Passivhaus'. The building would have excellent airtightness, high levels of insulation, provide winter solar gains, maximising south facing windows while shading from summer heat gain and reducing windows on the other elevations. Mechanical heat recovery would be installed in the house to provide fresh air to its occupants without heat loss. The proposal therefore complies with Policy PD7 as the house would incorporate air source heat pumps, rainwater collection and photovoltaics as a means of reducing the impact of the house on the environment.

## Conclusion

- 7.13 The proposal would replace a 1960s bungalow from the streetscene of West End, replacing it with a contemporary dwelling which responds positively to the character of its

surroundings, preserving and enhancing the character and appearance of the Conservation Area without detriment to the existing stone retaining walls and amenity of neighbouring properties.

## 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 consent relates solely to the application as amended by the revised plans received by the Local Planning Authority on the 30<sup>th</sup> March 2022 numbered P01, P02, P08 Rev C, P09 Rev D, P10 Rev D, P11 Rev D, P12 Rev D, P13 Rev D and P14 Rev D.

Reason:

For the avoidance of doubt.

3. Samples of all new materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to installation. This shall include details of the stone origin, type and proposed surface finish (tooling) and the new 'screen' wall shall match the material, method of construction, character, appearance and detailing of the adjacent high walls in the vicinity. The development shall be constructed in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development and use of appropriate materials to comply with Policies S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

4. Details of all new external window and door aluminium framed glazing and specification of the reflective and or obscured nature of the glazing shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, details of heads, cills and lintels with elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The development shall be carried out in accordance with the approved details.

Reason:

To protect the external appearance of the dwelling and preserve the character of the area in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

5. Before works begin on any abutments and junctions (including the detailing and attachment of the veranda) construction drawings at a scale of 1:50 shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details and so retained.

Reason:

To protect the external character and appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

6. Details of the air source heat pump, green roofs and solar panels shall be submitted to and approved in writing by the Local Planning Authority prior to installation and implemented in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the dwelling in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason

In the interests of preserving the character and appearance of the building and the surrounding area accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

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

9. No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am-6pm Monday to Friday, 8am-1pm Saturday and at no time on Sundays, Bank or Public Holidays.

Reason:

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

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

Reason:

To preserve the character and appearance of the original building and its surroundings in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

## **9.0 NOTES TO APPLICANT:**

The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to height, boundary walls and external stone.

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 permission relates solely to the application plans and document

Plans numbered P01, P02, P08 Rev C, P09 Rev D, P10 Rev D, P11 Rev D, P12 Rev D, P13 Rev D and P14 Rev D received on the 30<sup>th</sup> March 2022.

Existing plans numbered P03, P05, P06 and P07

Design and Access Statement

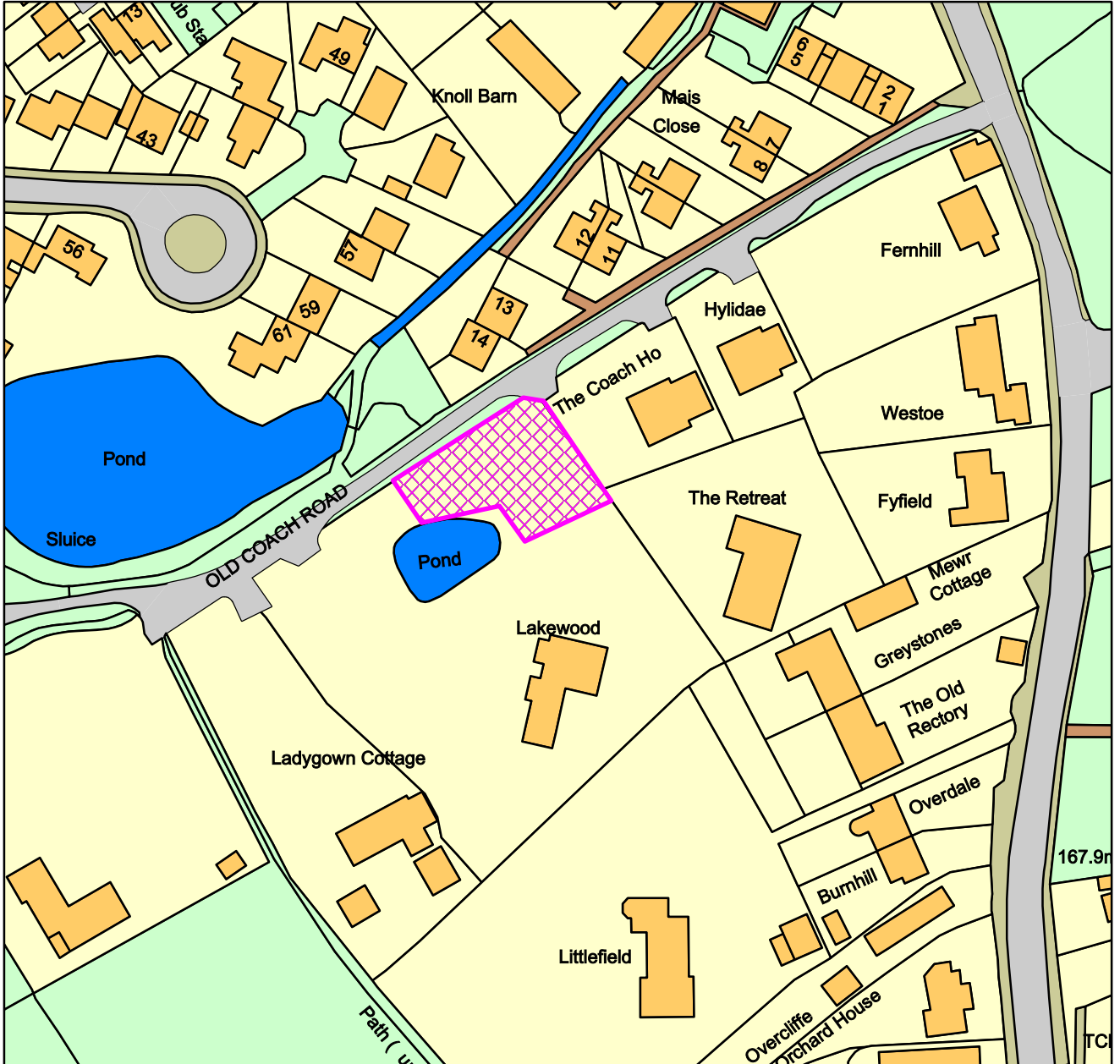
<b>APPLICATION NUMBER</b>		22/00087/REM	
<b>SITE ADDRESS:</b>		Lakewood, Old Coach Road, Tansley	
<b>DESCRIPTION OF DEVELOPMENT</b>		Approval of reserved matters (appearance and landscaping) for the erection of 1no. dwellinghouse (outline planning consent 21/00887/OUT)	
<b>CASE OFFICER</b>	Sarah Arbon	<b>APPLICANT</b>	James Neville – Thatchers Croft Ltd
<b>PARISH/TOWN</b>	Tansley	<b>AGENT</b>	Mr Robert Evans – Evans Vettori Architects Ltd
<b>WARD MEMBER(S)</b>	Cllr S Flitter Cllr P Cruise Cllr D Hughes	<b>DETERMINATION TARGET</b>	24/03/22
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Cllr Flitter called application to committee	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>– Principle of development</li> <li>– Impact on residential amenity</li> <li>– Character and appearance</li> <li>– Trees and landscaping</li> </ul>

<b>RECOMMENDATION</b>
Approval

22/00087/REM

Lakewood, Old Coach Road, Tansley



Derbyshire Dales DC

Date: 29/03/2022

100019785

1:1,250

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



## **1.0 THE SITE AND SURROUNDINGS**

- 1.1 The application site is the location of an existing tennis court which sits on the north eastern corner of the curtilage of Lakewood adjacent to the Old Coach Road. 'Lakewood' is a modern house located within a large square plot on the south side of the Old Coach Road. To the east is a dwelling set a reasonable distance away at a higher level. On the other side of the Old Coach Road to the north east are dwellings. Either side of the tennis court to the north and south are mature pine trees which contribute significantly to the character and appearance of the area. To the west the site overlooks a substantial pond at a lower level. Lumsdale Conservation Area boundary follows the mid-line to the Old Coach Road and runs parallel to the part of the plot where the access is proposed. The site lies within the settlement framework boundary of Tansley. A Tree Preservation Order (DDDC TPO/190/G1 and G2) covers the trees on the Old Coach Road boundary and the trees immediately to the south east of the application site.

## **2.0 DETAILS OF THE APPLICATION**

- 2.1 Reserved matters approval is sought for appearance and landscaping of the dwelling granted outline consent in September 2021. A single dwelling is proposed sitting within the tree cover with its principal elevation facing west over the pond. The proposed dwelling would be 'L' shaped and based on a concrete slab, which 'floats' above the tennis court supported by mini-piles to prevent damage to the RPA of the existing trees with a smaller basement area dug into the ground. The parking would be to the west with a carport and turning area with access taken from the Old Coach Road via a gap between the trees.
- 2.2 The design is inspired by the famous twentieth century 'Case Study Houses', which typically occupy similar sloping sites, adjacent to pine trees. However, more modern elements such as a green sedum roof are combined with local stonework, similar to the Parkside mixed-use development in Matlock. The proposal would adopt a fabric first approach to ensure the energy efficiency of the dwelling. Energy demand would be supplemented by renewable energy sources appropriate to the site, such as a water source heat pump and photovoltaics with details conditioned.
- 2.3 The accommodation would comprise of a large open plan kitchen / dining and living space with three en-suite bedrooms all on the upper ground floor with a further en-suite bedroom, hallway, gym and store on the lower ground floor accessible by either stairs or a lift. External materials include standing seam copper cladding on the north eastern and north western elevations with a small section on the south western elevations, precast concrete fascia, local semi-drystone walling on the lower ground floor of the south western elevation, concrete columns, aluminium windows and doors, stone chimney with copper capping and a frameless glazed balustrade.

### **3.0 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
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
HC19	Accessibility and Transport

#### **3.2. Other:**

The National Planning Policy Framework (2021)  
National Planning Practice Guide

### **4.0 RELEVANT PLANNING HISTORY:**

21/00887/OUT - Outline planning consent for the erection of 1no. dwellinghouse with approval being sought for access, layout and scale, Granted 21/09/21

### **5.0 CONSULTATION RESPONSES**

#### Tansley Parish Council

5.1 No objections or comment to make.

#### Highways Authority

5.2 Access and layout were considered at outline stage therefore there are no further comments to add.

#### Tree and Landscape Officer

5.3 It is considered that the landscaping and new surfacing plan is acceptable and an Arboricultural Method Statement is required by condition 5 of the outline consent.

#### Cllr D Hughes

5.4 Has no objection to this proposed house which he believes will be an exciting development on a road with several unique houses and as indicated in the Design and Access Statement is a design that follows a tradition for modern houses in landscaped settings.

#### Cllr S Flitter

5.5 The above proposed development at Lakewood is causing some concern to nearby residents. The rest of the properties on that side of narrow coach road are set well back but he believes the position of the proposed building close to its boundary could be overbearing. He wonders if officers have considered the effect on nearby residents and although he has no objections in principle he thinks the case should be considered at committee giving a true perspective of the concerns.

### **6.0 REPRESENTATIONS RECEIVED**

6.1 One letter of objection has been received from the property to the north west over Old Coach Road. Concerns raised include the lack of views towards their property in the submission, loss of privacy and overlooking, light pollution from the windows, the design is

out of keeping with the area and the property would be 22 metres away which is contrary to Building Regulations.

## 7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact on residential amenity
- Character and appearance
- Trees and landscaping

### Principle of development

- 7.1 The principle of development was established in the granting of outline consent in September 2021 on the basis the site was within the settlement boundary of Tansley and the plot subdivision would not significantly harm the character of the area. Furthermore, the presence of a 'contemporary' designed house in this location of a relatively low, profile / scale was considered unlikely to be harmful to the setting of the adjacent Conservation Area in accordance with Policy PD2.

### Impact on residential amenity

- 7.2 Local Plan Policy PD1 requires development to achieve a satisfactory relationship to adjacent development and avoid unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. The proposed dwelling that would be 4.2m in height adjacent to the north eastern boundary. The neighbouring property to the north east 'The Coach House' has a significantly higher land level with its side elevation approximately 11 -12 m from the application boundary with two small windows in the first floor of this elevation. There is a 2m fence on the boundary and the proposed dwelling would be 5-7m from this north eastern boundary. A high level window is proposed on the north eastern elevation with a utility room door and secondary corner bedroom window. Existing screening is retained on the boundary. No.14 Mais Close faces south east over the road at a distance of approximately 15m from north western elevation which has high level windows and a corner bedroom window. Due to the scale of the proposed property, height of the high level windows, higher land level of 'The Coach House' and distances from the boundaries of the neighbouring dwellings and intervening screening; the amenity of these properties are not considered to be unduly adversely effected in accordance with Policy PD1.

### Character and appearance

- 7.3 Policy PD1 requires all development to be of high quality that respects the character, identity and context of the townscape, contributes positively to an area's character in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings. The proposed dwelling retains the design concept of the outline submission and accords with the layout and scale already approved. The contemporary design and concept of floating slab set on piles within the trees is considered to set the dwelling within its context and would have a positive contribution to the character of Old Coach Lane in accordance with Policy PD1.
- 7.4 The site immediately adjoins Lumsdale Conservation Area and it is acknowledged the proposal would result in change to this setting by introducing a new dwelling with contemporary design that works with the sites assets, retains the trees and has a relatively low profile when viewed from the Conservation Area. The landscaping of the plot is key to assimilating the dwelling into the environment. The existing properties, in the vicinity of the site, are modern and have utilised traditional building forms, pitched roofs and design

characteristics. That said, it is considered that the presence of a 'contemporary' designed house in this location of a relatively low, profile / scale will not be harmful to the setting of the adjacent Conservation Area in accordance with Policy PD2.

#### Trees and landscaping

- 7.5 Since the outline permission was granted the trees on site have been protected by a TPO. This shall ensure their retention as they have a high amenity value as a group and the dwelling has been designed to minimise any harm.
- 7.6 An Arboricultural Impact Assessment was submitted with the outline application and confirmed the retention of trees with only two trees and a Leylandii hedge to be removed on the western boundary. The report details that the only area of excavation would be for the basement area and this was infilled in 2009 to create the tennis court and would not encroach into the RPA of the existing trees. The upper floor would extend across the RPAs, however, the 'floating' floor slab is to be supported by a combination of mini-piles and cantilevering of the slab. The void left between the ground floor of the tennis court and the underside of the upper floor would allow air movement with a specialist irrigation system to redirect rainwater from the roof to the RPA.
- 7.7 In order to construct the access and driveway a three-dimensional cellular confinement system such as Cellweb or a RootBridge System (Green Grid Systems) in which ground screws are used to support a steel and mesh grid could be used. The RootBride System may be particularly appropriate at the access point as the drive and road levels would need to be matched by the levels within the RPAs. The access location would be between the pine trees 04 and 07 which is the optimum location within the row of trees to work at a suitable distance from tree stems. The car port would be constructed within the outer edge of the RPA of tree 04 and would be constructed using the options described above. There are existing connections to mains water and electrical network within an existing shed structure and these would be utilised for the dwelling. The drainage would have to run southwest to join existing drainage under the access road for Lakewood and it is proposed that it would be routed along the lakes edge to avoid RPAs.
- 7.8 Condition 5 of the outline permission requires the submission of an Arboricultural Method Statement and Tree Protection Plan and this would ensure that the impact on the RPAs of the protected trees are minimised with suitable methods for mitigation explored in accordance with Policy PD6.
- 7.9 In relation to the future amenity of residents the orientation of the dwelling is to the south west with trees in close proximity to the north west and south eastern elevations of the dwelling. The proposed floorplan and elevations of the dwelling show the main living areas to face south west with limited high level windows on all other elevations. The Arboricultural Impact Assessment in relation to future amenity states that guttering is recommended that is bespoke to avoid clogging with pine and larch needles in order to prevent future pressure from occupants for tree removals. Therefore due to orientation, concept of the dwelling being set within the trees and measures undertaken to avoid future conflicts; the amenity of future residents is not considered to be significantly compromised.
- 7.10 The proposed landscaping plan accords with the AIA with the retention of the trees and hedgerow on the north eastern boundary and is considered acceptable.

#### Conclusion

- 7.11 The proposal would provide a contemporary designed dwelling that would sit within its context of an appearance and landscaping that would involve inventive measures to avoid

damage and allow the retention of the existing trees without significant harm to the setting of the adjacent Conservation Area or the residential amenity of neighbouring properties.

## 8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. This consent relates solely to the application plans 477\_P01\_Location Plan, 477\_P02 Block Plan, 477\_Lakewood P1 Elevations, floorplans and sections received by the Local Planning Authority on the 27<sup>th</sup> January 2022 and 477\_Lakewood P1 Landscaping and External Surface Plan received on the 2<sup>nd</sup> March 2022 and 477\_Lakewood P1 Carport Elevations received on the 28<sup>th</sup> March 2022.  
Reason:  
For the avoidance of doubt.
2. Samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.  
Reason:  
To ensure a satisfactory external appearance of the development in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).
3. Details of the water source heat pumps, sedum roof and photovoltaics shall be submitted to and approved in writing by the Local Planning Authority prior to installation and implemented in accordance with the approved details.  
Reason:  
In the interests of preserving the character and appearance of the dwelling in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).
4. Details of all new external window and door aluminium framed glazing shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The development shall be carried out in accordance with the approved details.  
Reason:  
To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).
5. Drawings at a scale of 1:50 or 1:20 showing the detailing of the abutments shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be carried out in accordance with the approved details and so retained.  
Reason:  
To protect the external character and appearance of the building and to preserve the character of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).
6. Full details of all gutters, downpipes and all other associated external pipework shall be submitted to and approved in writing by the Local Planning Authority prior to being fixed to the building. The details should include large-scale details/sections of the eaves (with its brick corbel detail), and the rise and fall brackets. These items shall then be provided in accordance with the approved details and so retained.

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

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

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

## **9.0 NOTES TO APPLICANT:**

The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that included sufficient landscaping detail and elevations of the carport.

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 permission relates

477\_P01\_Location Plan,

477\_P02 Block Plan,

477\_Lakewood P1 Elevations, floorplans and sections received by the Local Planning Authority on the 27<sup>th</sup> January 2022

477\_Lakewood P1 Landscaping and External Surface Plan received on the 2<sup>nd</sup> March 2022

477\_Lakewood P1 Carport Elevations received on the 28<sup>th</sup> March 2022.

Design and Access Statement 44\_Doc 01

Arboricultural Impact Assessment ref JC/281/210628 dated 28<sup>th</sup> June 2021

## Planning Committee 12th April 2022

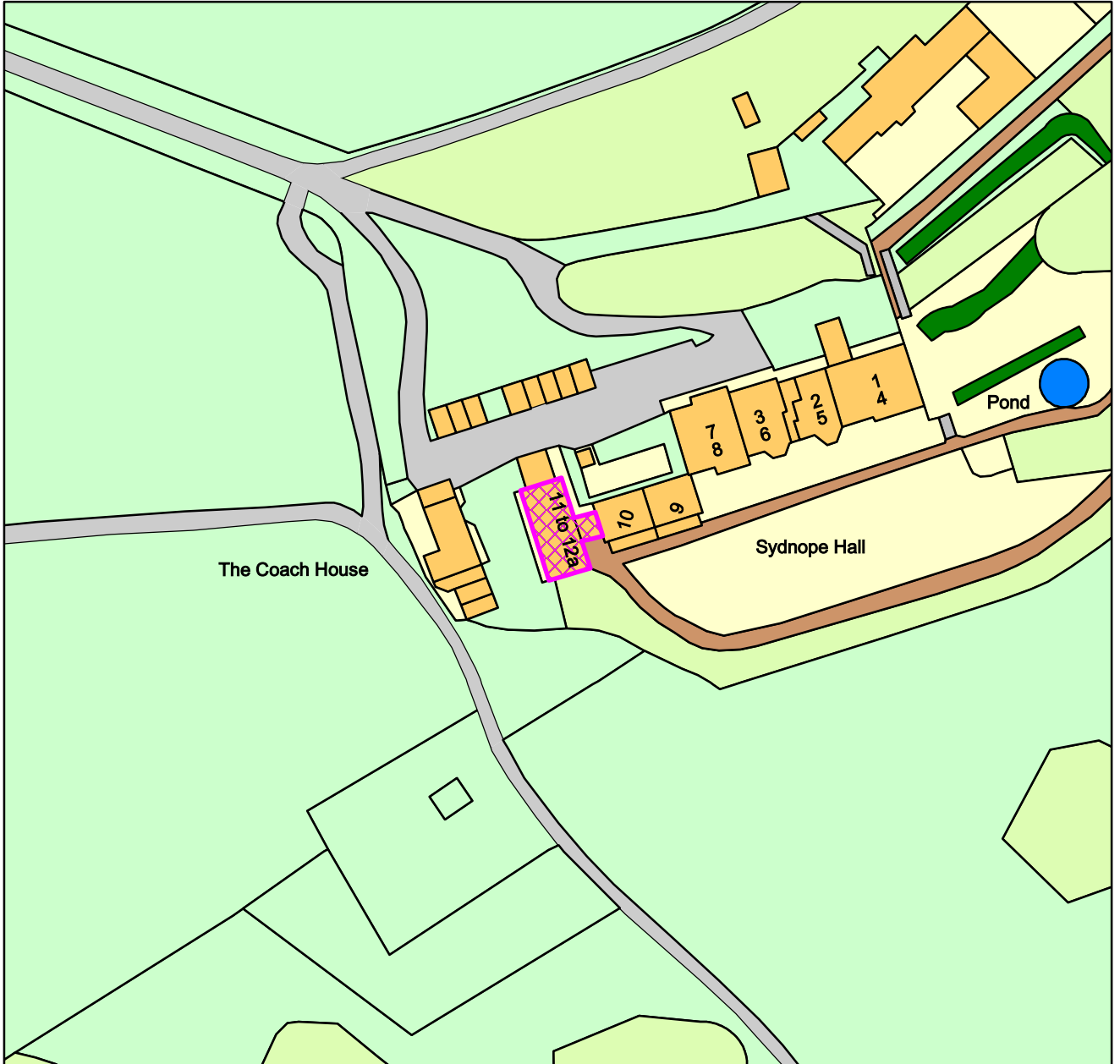
<b>APPLICATION NUMBER</b>		22/00126/LBALT	
<b>SITE ADDRESS:</b>		12 Sydnoppe Hall, Sydnoppe Hill, Two Dales, Matlock, Derbyshire, DE4 2FN	
<b>DESCRIPTION OF DEVELOPMENT</b>		Internal layout alterations	
<b>CASE OFFICER</b>	Mark Askey	<b>APPLICANT</b>	Ms Belinda Hollis
<b>PARISH/TOWN</b>	Darley Dale	<b>AGENT</b>	Mr George Chedburn
<b>WARD MEMBER(S)</b>	Cllr Andrew Statham Cllr Jason Atkin Cllr Mark Salt	<b>DETERMINATION TARGET</b>	05.04.2022
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	More than 5 unresolved objections	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to consider the impact of the works.

<b>MATERIAL PLANNING ISSUES</b>
- Impact upon heritage asset.

<b>RECOMMENDATION</b>
Approval subject to conditions

22/00126/LBALT

12 Sydnop Hill, Two Dales, Matlock



Derbyshire Dales DC

1:1,250

Date: 01/04/2022

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



**1.0 THE SITE AND SURROUNDINGS**

1.1 Sydnop Hall, Sydnop Hill, Two Dales is a grade II listed building (listed 1950), dating from 1852, possibly around an earlier core. Having undergone a number of uses it was finally converted to apartments in the 1980s and substantial additions were made on the western side of the building. The grounds surrounding the property are a Registered Historic Park & Garden (grade II).

The application relates solely to 'Apartment 12' which is within the block built in the 1980s.

**2.0 DETAILS OF THE APPLICATION**

2.1 An application for Listed Building Consent has been received for the following works:

- Internal alterations to the property – These are described in the Officer’s Appraisal section of this report.



### 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. National Planning Policy Framework (2021)  
National Planning Practice Guidance  
Historic England Advice Note 2 - Making Changes to Heritage Assets (2016)

### 4.0 RELEVANT PLANNING HISTORY:

0688/0411	REVISION OF DETAILS TO PROVIDE 6 FLATS (PHASE I), CONVERSION OF BUILDING TO 8 FLATS (PHASE II), ERECTION OF GARAGES	A	02/08/1988
0387/0155	ALTERATIONS TO LISTED BUILDING	A	09/04/1987

### 5.0 CONSULTATION RESPONSES

#### Darley Dale Town Council

- 5.1 "Cllr. Farmer told the meeting that the council had received numerous objections to this proposed application and that he had been on an invited site visit at the weekend at the invitation of the Sydnoppe Hall Management Company. Concerns had been expressed about the inaccuracy of the plans submitted with the planning application. Cllr Farmer expressed a view that we should as a council take action as the Sydnoppe Hall Management Company have stated in their letter of objection that they will categorically not give permission for waste water to be taken away from the property as proposed in the planning application and there is therefore no means of providing for foul water to be taken away from the site if permission is not given for the modifications to be undertaken. It was also acknowledged that Sydnoppe Hall is a listed building and that the gardens, which will have to be dug up for this construction work to be undertaken, are also listed (they are registered with English Heritage). RECOMMENDATION: OBJECTION."

#### The Gardens Trust

- 5.2 We have considered the information provided in support of the application and on the basis of this confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

### 6.0 REPRESENTATIONS RECEIVED

- 6.1 Eight representations have received. These are summarised as follows –

- We object strongly to the fact that the applicant wishes to put kitchen appliances above us. Currently, there is no insulation between apartment 12 and our apartment, as a result, we can hear the residents television clearly and them moving around their apartment, which then means all the appliances, plus new drainage will be above and next to our lounge, causing vibration and noise which will impact permanently on our peace.
- Further noise and disturbance will be caused by extension and alterations to various En-suite and Bathrooms, directly over our Bedrooms.
- Any disturbance and inability to access or exit 10A will cause myself extreme difficulty as I will have to gain entrance via the drive and walk the long way round to the gardens , I only have one exit outside , which is through our front door.
- I have very limited mobility, and what has been applied for, regarding planning is obviously going to take a very long time to complete the building works, and will cause us extreme

stress, both mentally and in my case physically. Our apartment will be impossible to live in regarding the noise and disruption during ongoing work. We bought number 11, Sydnope Hall as a ground floor apartment to suit disability and various needs regarding health and these alterations are extreme.

- We also object to the disruption to an English Heritage Garden by digging up the Steps and Terrace to obtain access for new connections of pipe work needed for the site of a new Kitchen and associated utilities.
- That the application and accompanying plans are misleading and inaccurate, in that they are not limited to 'internal layout alterations' but will involve alterations to external parts of the property that abut my own;
- That the Hall and its grounds are Grade 2 Listed, and what is proposed will impact adversely on the common area behind 10A, and potentially have a damaging impact on the drainage and underpinnings to the basement of my neighbouring property at No 9.
- The application is made for 'internal layout alterations'. However, the plans posted on your website are misleading. They indicate that the works will involve alterations to external parts of the property which abut my own and this is a *listed building* and I do not see that any provision has been made for this. The grounds of Sydnope Hall are also listed with English Heritage as being of significant historical interest, as it was once the home of Charles Darwin's uncle and Darwin is known to have spent time there. We cannot have contractors' vehicles traipsing across the grounds without a proper management plan being drawn up. This could cause significant damage to a beautiful and well-maintained site.
- My neighbours in the upper apartment are very concerned that the alterations to the apartment below theirs, the removal and repositioning of some internal walls in the apartment could have an adverse effect on some load bearing walls and that this will be to the detriment of their apartment. I cannot see that any provision has been made for a full structural survey to be carried out.
- I note on the plans submitted that in the Proposed Ground Floor Plan, the architect seeks permission to swap one of the resident's storage cupboards to enable the alterations to bring the kitchen drainage down from the first floor when the alterations are carried out. At no time were the residents consulted about this, and, quite understandably, they are outraged. This is quite unacceptable practice.
- As a local resident I have concerns over the level of noise that any successful application could cause.
- I would like to file an objection in response to the proposed planning of outdoor sound equipment at the Hall. As a close resident to the premises it will cause disruptions during the day when I work from home. It will also spoil the enjoyment of my garden in the summer months and I also have concerns for local wide life and the impact this will have with nesting etc. As close neighbours to the hall we have received no information on the proposed use of the equipment, times of day, volume level etc. I also cannot see if the impact on wildlife has been factored into this.
- We are the property that adjoins the new kitchen installation, it is our master bedroom that is on the other side of the wall. Our concern would be any noise/vibration from extractor fans / white goods that may transmit through the wall. I would wish that the planning officers take due consideration of the potential for such noise ingress into our property in terms of the decibel rating and location of any cooker hoods/extraction systems and any additional soundproofing that may be required.
- I fully support this application. When investing in an expensive property buyers should be allowed to improve the internal layout to however they want. No 12 has not had any improvements made since it was built in 1988 and it is only right that the buyers should be able to make improvements in line with today's standards. The planner has taken great consideration in ensuring the external elements will not effect the historical nature of the building and that any works will be fully remedied.
- Our property, Number 10 is the other side of the wall of the proposed kitchen. It is the master bedroom. We would request consideration from the planning officers to inspect

assess any noise and or vibration from any kitchen extractors or white goods which may pass through the party wall.

- There is also mention that they wish to swap storage cupboards with myself for drainage purposes despite the fact that they have not paid me the courtesy of discussing this with myself prior to the application.
- I want to place on record that I have no intention of complying with this suggestion for various reasons, I am happy with the location of my cupboard & will not move to a different location.
- The hall is grade 2 listed & what is proposed has the potential to have a damaging effect on the building
- Relocating various rooms will put noisy appliances in various locations that will have an adverse effect on our peace & quiet because noise insulation is virtually non-existent.
- The proposed drainage plans will disrupt a paved terrace and cause considerable disruption to the other residents of that area. We do not know if the existing drains are capable of taking extra input.
- In digging up the terrace they are likely to cause damage to the foundations of Number 10's conservatory.
- The planned alterations to the internal layout will result in much greater noise problems in the flat below. Sound deadening is poor in that building.
- Sydnope Hall Apartments Ltd (owners of the freehold of Sydnope Hall) have made the following representations –
  - Whilst in principle SHAL has no objections to improving individual apartments, including modifications to the layouts, there are certain aspects of such projects that we would insist on that are not referred to in the submitted plans under this application, namely:
    - No considerations are stated regarding to sound insulation between No.12 and the adjoining apartments. This is especially important considering the planned relocation of the kitchen and addition of a utility room that are no longer directly above/below the corresponding rooms in Nos.11and12A.
    - Any removal or modification of internal walls or partitions can only be done following a professional structural survey to ensure the structural integrity of the building is not compromised.
  - In addition to the above, we are concerned that the plans submitted have certain material inaccuracies, most importantly the lack of detail of the area behind 10A over which the wastepipe is shown as running. In reality, this is an integral elevated paved area with substantial steps down to the path and lawn at a lower level. Excavating this much used area to lay pipework would be a major undertaking and cause a lot of disturbance to surrounding apartments. It is work that SHAL will not approve. It should also be noted that the plan submitted shows a window on the rear elevation of 10A, where in reality this is a door providing access to the aforementioned steps.
  - If the above points can be satisfactorily addressed, an acceptable alternative way of routing the waste pipe can be agreed, and any other concerns voiced by residents in apartments adjacent to No.12 can be resolved, then SHAL would have no objections to the internal layout changes providing the work is conducted in a way as required by the lease.

## **7.0 OFFICER APPRAISAL**

The following material planning issues are relevant to this application:

- Impact on heritage assets

- 7.1 This application for Listed Building Consent relates to 'Apartment 12' (which is located on the first floor of one of the additions/extensions to the Hall in the 1980s) and a series of proposed internal alterations to the apartment. Whilst in a relatively modern part of the Hall complex the extensions are physically attached to the principal listed building and, in that regard are subsumed and protected under the grade II listing. That said, as the building & constructional fabric/detailing etc. of the apartment and apartment block is of relatively modern date its significance is lessened in respect of proposed alterations and heritage impact(s).
- 7.2 The 1980s block is three-storeys in height and is attached to another addition by way of a two-storey 'link'. This 'link' contains a communal hall on the ground floor containing a 'storage' cupboard for each apartment and on the first floor of the 'link' contains the dining room to 'Apartment 12'. 'Apartment 12' is accessed via the communal staircase which is located in the north-eastern corner of the three-storey block. The current layout of 'Apartment 12' comprises an entrance hall, three bedrooms (one with a shower room off), a bathroom, kitchen & utility room, living room & dining room. The apartment is illuminated by a series of 8 over 12 vertically sliding painted timber sash windows.
- 7.3 The internal proposals involve the installation of new stud & plasterboard partitions, the removal of some existing stud partitions, blocking up some existing internal doorways, and forming a number of new internal doorways. Re-formatting the use of some of the rooms is also proposed – i.e. the current kitchen will become a study, the current dining room will become the kitchen, a new utility room will be formed and a larger en-suite to the main bedroom etc. These proposals are all depicted on submitted drawing '2015/003'. The proposed works, as submitted, do not include for any structural works or alterations or any floor/wall/ceiling insulation works to the property.
- 7.4 It is noted that on the south wall of the 'link' building a new boiler for 'Apartment 12' is to be installed (in the new kitchen – identified on drawing '2015/003')). This will require the installation of a new external flue outlet on this particular external wall. The current external boiler flue (on the south elevation of the apartment) will be removed and the hole through the stonework will be made good. Details of the proposed new boiler flue outlet etc. will be required via a condition.
- 7.5 In association with internal works to the apartment the property owner also seeks to swap their allocated storage cupboard in the communal ground floor hallway with another resident in order that services from the new kitchen (above) can be brought down and routed into existing drainage runs etc. This element of the proposed scheme will be an entirely civil matter for discussion between the owner of 'Apartment 12' and the current owner of the existing storage cupboard to be utilised for the new drainage etc.
- 7.6 Whilst the formation of a new internal opening opposite the existing lobby would form a new opening within the historic fabric of the building, this alteration, subject to detailing which would be secured by condition is considered to be an acceptable alteration which would not result in any harm to the character, appearance and consequently the significance of the Grade II listed building.
- 7.7 A number of representations/objections from neighbouring properties and from the Sydnope Hall Apartments Ltd. have been received. Under the legislative requirements (Planning [Listed Buildings & Conservation Areas] Act 1990) for the consideration and assessment of an application for Listed Building Consent, by the Local Planning Authority, the nature & subject of the objections raised (see 'Representations' above) would not constitute a material consideration in the determination of the application for Listed Building Consent. The apartment is already used for residential purposes. The reconfiguration of rooms does not require a separate grant of planning permission and the Local Planning Authority cannot exercise control over such continued use. However, those proposed works that may affect

existing external fabric – i.e. the new boiler flue, kitchen extract and underground drainage connection (under the steps/terrace etc.) will be the subject of the approval of conditions requiring details and methodologies to be submitted prior to the works taking place.

7.8 It is considered that the proposed internal alterations to 'Apartment 12' would not adversely harm or affect the overall significance, character and appearance of the grade II listed building. The only external alteration to the building itself will be the new flue outlet for the new boiler & kitchen extract and details of this will be required via a condition on any approval.

7.9 With regard to the external works relating to the new drainage connections etc. a condition will be imposed requiring details and working methodology/proposals etc. for this element of the works to be agreed (with both the Local Planning Authority and the owner of the freehold) prior to any such works taking place is recommended. This will safeguard the existing character, appearance and detailing of the external areas to the property.

7.10 Subject to conditions a recommendation of approval is put forward.

## **8.0 RECOMMENDATION**

To grant Listed Building Consent, subject to the following condition(s):

The works hereby permitted shall be begun before the expiration of three years from the date of this Consent.

Reason:

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

An elevational drawing & photograph(s) of the building indicating the proposed, exact, location of the new boiler flue & kitchen extract shall be prepared and submitted to the Local Planning Authority for written approval (prior to installation). Furthermore, details of the external part of the flue outlets (their material, colour, size and shape etc.) shall also be submitted to the Local Planning Authority for written approval (prior to installation). The works shall be carried out in accordance with that approval.

Reason:

To preserve the special character and appearance of the listed building and comply with policies contained within the National Planning Policy Framework - 2021 (Conserving and Enhancing the Historic Environment), National Planning Policy Guidance and the Historic England Advice Note 2.

With regard to proposed external ground works (and the external steps/terrace etc.), in relation to the new drainage connection, a detailed specification/methodology/route and layout etc. for these works shall be firstly agreed in writing with 'Sydnope Hall Apartments Ltd' (owners of the freehold of Sydnope Hall) and shall then be submitted (with a copy of the SHAL approval) to the Local Planning Authority prior to any external works taking place.

Reason:

To preserve the special character and appearance of the listed building and comply with policies contained within the National Planning Policy Framework - 2021 (Conserving and Enhancing the

Historic Environment), National Planning Policy Guidance and the Historic England Advice Note 2.

This Decision Notice relates to the following drawings/documents:

Heritage, Design & Access Statement  
2015/001 – Location Plans as Existing  
2015/002 – Floor Plan as Existing  
2015/003 – Floor Plan as Proposed

<b>APPLICATION NUMBER</b>		22/00273/PIP	
<b>SITE ADDRESS:</b>		Land To The Rear Of Springfield Cottage, Main Road, Brailsford	
<b>DESCRIPTION OF DEVELOPMENT</b>		Permission in Principle for the erection of between 2 to 3 dwellinghouses	
<b>CASE OFFICER</b>	Mr. Chris Whitmore	<b>APPLICANT</b>	Mr Eric Toon
<b>PARISH/TOWN</b>	Brailsford	<b>AGENT</b>	Miss Ellie Johnson, Bagshaws LLP
<b>WARD MEMBER(S)</b>	Cllr. Michelle Morley	<b>DETERMINATION TARGET</b>	13 <sup>th</sup> April 2022
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	The number of dwellinghouses to be provided is three or more outside of the settlements of Matlock, Ashbourne, Wirksworth and Darley Dale.	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To consider whether the location, land use and amount of development is acceptable.

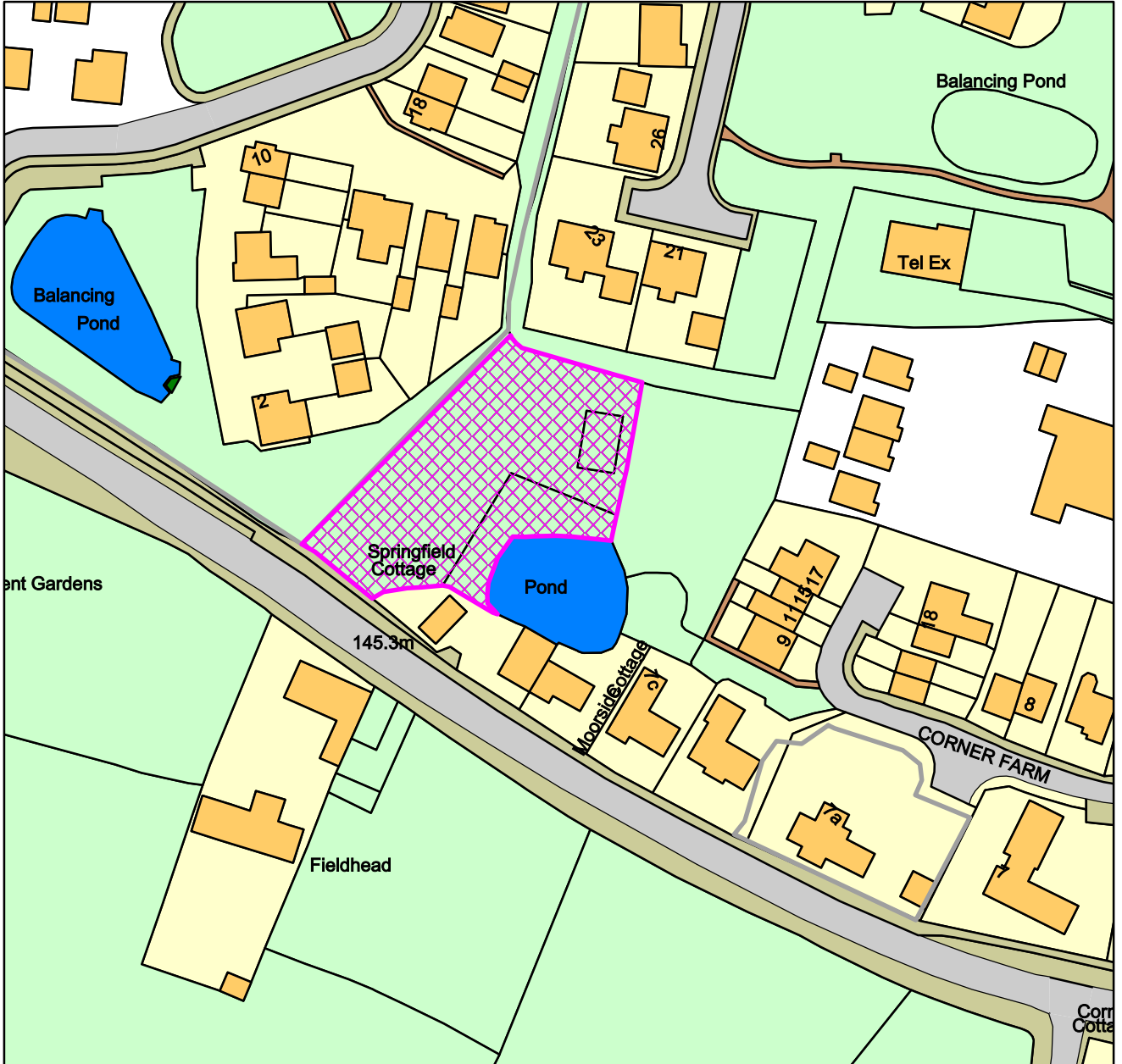
<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>The appropriateness of the location, land use and amount of development.</li> </ul>

<b>RECOMMENDATION</b>
That Permission in Principle for between 2 and 3 dwellinghouses at the site be granted.



22/00273/PIP

Land to the Rear of Springfield Cottage, Main Road, Brailsford



Derbyshire Dales DC

1:1,250

Date: 01/04/2022

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 concerns garden land belonging to Springfield Cottage, located off Main Road on the western edge and within the defined settlement boundary of Brailsford. The site extends to 0.2ha and is bound to the north, west and south by native hedge and conifer planting. The site is relatively level and dog legs around a large pond at the rear of Springfield Cottage, which will remain in the ownership of the existing dwelling and is bordered by trees. The site benefits from a separate access onto the A52 (Main Road) which is located to the south and subject to a 30mph speed limit where it fronts the site.
- 1.2 To the west and north of the site is the Avant homes development. To the east, beyond established tree planting is further housing development. On the opposite side of the A52 lies Brailsford Conservation Area. The site falls within Flood Zone 1 and therefore has a low probability of flooding (1 in 1,000 annual probability).



## **2. THE APPLICATION**

- 2.1 This application, in its amended form, seeks permission in principle to erect between 2 no. and 3 no. dwellinghouses on the land. The original scheme proposed between 3 no. and 5 no. dwellinghouses.
- 2.2 The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development.
- 2.3 The Permission in Principle regime was introduced by the Housing and Planning Act 2016, the Town and Country Planning (Brownfield Land Register) Regulations 2017 and the Town and Country Planning (Permission in Principle) Order 2017. The above legislation allows, in addition to entering land onto Part 2 of a brownfield land register, an applicant to submit an application for permission in principle for housing led development on land not defined as previously developed, where it does not constitute major development.
- 2.4 The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This application seeks to establish whether the site is suitable for the proposed development, in principle.
- 2.5 An application form, fee and a plan of the site has been submitted with the application.

## **3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

- 3.1 Adopted Derbyshire Dales Local Plan 2017:
  - S2 Settlement Hierarchy
  - S3 Development within Defined Settlement Boundaries
  - PD3 Biodiversity and the Natural Environment
  - HC1 Location of Housing Development
  - HC19 Accessibility and Transport
  - HC21 Car Parking Standards
- 3.2 Brailsford Neighbourhood Plan (July 2021)
  - H1: Housing
  - TMA1: Traffic Management and Accessibility
  - LW1: The Local Landscape and Wildlife.
- 3.3 National Planning Policy Framework (2021)
  - National Planning Practice Guidance

## **4. RELEVANT PLANNING HISTORY**

15/00920/FUL            Single storey rear extension - Granted

## **5. CONSULTATION RESPONSES**

### **5.1 Local Highway Authority:**

Make the following comments:

I appreciate the application is outline with all matters with the proposal of between 3 to 5 dwellings reserved. Given the nature of Main Street I consider that access should be

considered at this stage to demonstrate that the required visibility sightlines of 2.4m x 43m can be achieved within controlled land.

Please hold the application in abeyance until details have been submitted to demonstrate that the above sightlines can be achieved.

5.2 Brailsford Parish Council:

No comments received.

5.3 Derbyshire Wildlife Trust:

Make the following comments:

No ecological information has been submitted to support this application at this stage. We have checked our Biological Records Database and have identified that the application area is located within a hotspot for the protected species great crested newt. A large number of ponds are present across Brailsford which support great crested newts and it is likely that they exist as one or more metapopulations with newts moving between ponds, depending on physical barriers such as busy roads.

Records exist for the pond immediately adjacent to the application area, as well as in ponds to the north-east and further north (all within 500 m). A relatively new balancing pond has also been created to the west. It is clear that a large amount of development has occurred to the north and west of the application area, which will have reduced terrestrial habitat for great crested newts using these nearby ponds. Whilst the application area appears to comprise amenity garden space (arguably not optimal for great crested newts), it still provides some of the only remaining greenspace in the immediate area and provides connectivity between various ponds. It is highly likely that newts will move through the application area to travel between ponds.

The NERC Act 2006 sets out a biodiversity duty for LPAs which states that they should have regards to conserving biodiversity and lists great crested newts as Species of Principal Importance (termed Priority Species in the former UK Biodiversity Action Plan). Policy PD3 of the Local Plan states that the District Council will ensure that development proposals will not result in harm to biodiversity interests and will encourage “the protection and recovery of priority species linked to national and local targets”.

We advise that great crested newts comprise a constraint to the development of this site and advice should be sought from an ecologist as to whether it would be possible to mitigate for this and retain meaningful connectivity between ponds – particularly the balancing pond to the west, which could be largely isolated if this site is developed, with the exception of the wide hedgerow along the eastern boundary of the new large development. As there is no proposed layout, we cannot tell if there is scope to provide suitable terrestrial habitat (excluding gardens) within the development site, however the Planning Statement (para 4.11) indicates that 5-6 dwellings would take up the entire site. If the site were to be developed, providing connectivity could be maintained, Natural England licensing is likely to be required or the use of the district licensing scheme, given that both individual great crested newts and their habitats are protected.

## 6. REPRESENTATIONS

6.1 None.

## 7. OFFICER APPRAISAL

- 7.1 National Planning Practice Guidance advises that the scope of permission in principle is limited to location, land use and amount of development only. Other matters should be considered at the technical details consent stage. Insofar as relevant to the matters for consideration as part of this application, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017) and Brailsford Neighbourhood Plan (2021).
- 7.2 Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed. The granting of technical details consent has the effect of granting planning permission for the development. Other statutory requirements apply at this stage such as those relating to protected species and heritage.

### Location

- 7.3 Notwithstanding that the District Council is unable to demonstrate a 5 year housing land supply at this time and the tilted balance in favour of the development is engaged by virtue of Para 11d) of the National Planning Policy Framework (2021), the site is located within the defined settlement boundary of Brailsford, which is defined by policy S2 of the Adopted Derbyshire Dales Local Plan (2017) as a third tier settlement. The Adopted Derbyshire Dales Local Plan (2017) recognises that third tier villages possess some facilities and services that, together with local employment, provide the best opportunities outside the first and second tier settlements for greater self-containment. Policy S2 advises that they will provide for reduced levels of development in comparison to higher order settlements in order to safeguard and, where possible, improve their role consistent with maintaining or enhancing key environmental attributes.
- 7.4 Within the defined settlement development boundaries (Policy S2), Policy S3 of the Adopted Derbyshire Dales Local Plan (2017) states that planning permission will be granted for development where it meets criterion a) to g).
- 7.5 Policy HC1 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with the location of housing development and advises that the District Council will ensure provision is made for housing, taking into account all other policies in the Local Plan by promoting the effective reuse of land by encouraging housing development including redevelopment, infill, conversion of existing dwellings and the change of use of existing buildings to housing, on all sites suitable for that purpose and supporting housing development on unallocated sites in accordance with the defined Settlement Hierarchy (Policy S2).
- 7.6 Policy H1 of the Brailsford Neighbourhood Plan (2021) is supportive of housing development within the settlement boundary for brailsford.
- 7.7 Having regard to the relevant provisions of the development plan, the location of the site within the settlement framework boundary of Brailsford is such that it is considered to be appropriate for housing development.

### Land Use

- 7.8 The proposed land use is for residential purposes which is compatible with the residential surroundings. As such, the proposed land use is acceptable in principle.

## Amount

- 7.9 Policy S3 deals specifically with development within defined settlement boundaries and advises that planning permission will be granted for development where, amongst other considerations:
- a) 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.
- 7.10 Policy H1 of the Adopted Derbyshire Dales Local Plan (2017) advises that development proposals for housing will be supported where, proportionately to the size of the site, the development provides a range of house types and, on larger sites, a mixture of types grouped to reflect the smaller scale and grain of a rural village. Although layout, design, density and highway safety are matters to be determined at the Technical Details Consent stage, the amount of development is clearly relevant to housing development being compatible with the character, appearance and amenity of this part of the settlement.
- 7.11 The original application submission specified a range of between 3 no. and 5 no. dwellinghouses. Having regard to the density of adjacent housing development and the relationship of the existing dwellinghouse with what is its garden area, this was considered to constitute overdevelopment of the site. Notwithstanding that the statutory requirements relating to protected species apply at the Technical Details Consent stage, Derbyshire Wildlife Trust have advised that great crested newts comprise a constraint to the development of the site. The original scheme indicated that the development would take up the entire site. The reduction in the amount of development will allow any development to be more compatible with the character and appearance of its surroundings and will also allow great crested newt corridors to be maintained and formed through the site, although this will need consideration at the Technical Details Consent stage in terms of the impact of the development on protected species and ultimately whether planning permission can be granted.

## Other matters

- 7.12 The Local Highway Authority has assumed that the application seeks outline planning permission which is not the case, and have requested that the application be held in abeyance until it can be demonstrated that 2.4m x 43m sightlines can be achieved within controlled land. The limited information provided with the application is commensurate with the nature of the Permission in Principle stage, which purely seeks to determine whether the location, land use and amount is acceptable in principle. The applicant's agent has, however, presented further information to demonstrate that the required sightlines can be provided over the existing footway and verge. The highway safety aspects will need to be determined as part of the Technical Details Consent stage, and there can be no guarantee that just because a Permission in Principle has been granted, that the Technical Details Consent will follow. The same applies in relation to the impact of the development on protected species.

## Summary

- 7.13 Having regard to scope of this application, which is limited to location, land use and amount of development, the erection of between 2 no. and 3 no. dwellinghouses at the site is considered to be acceptable in principle having regard to the relevant provisions of the development plan. National Planning Practice Guidance advises that it is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development (which must be expressed as a range). The default duration of Permission in Principle is 3 years, with any

Technical Details Consent to be determined during this period. It is, however, possible for a decision maker to inform applicant about what they expect to see at the technical details consent stage. As great crested newts comprise a significant constraint to the development of the site it is considered necessary to advise the applicant of the need to consider the impacts and any necessary mitigation measures in relation to this protected species. A recommendation of approval is put forward on this basis.

## **8. RECOMMENDATION**

- 8.1 That Permission in Principle for between 2 no. and 3 no. dwellinghouses at the site be granted.

### **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 amount of development.
2. This permission relates to the application as amended by the email from the applicant's agent received by the District Council on the 1<sup>st</sup> April 2022.
3. The applicant is advised that the site is located within a hotspot for Great Crested Newts (GCN) and is surrounded by a number of ponds. The site provides connectivity between various ponds and it is highly likely that newts will move through the site to travel between ponds. Any Technical Details Consent application must be accompanied by a GCN assessment carried out by a competent person which considers the impacts of the proposed development on and includes any necessary mitigation measures in relation to this protected species.

**NOT CONFIDENTIAL** - For public release

**PLANNING COMMITTEE – 12<sup>th</sup> April 2022**

**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
ENF/21/00025	Land north west side of Manystones Lane, Brassington	WR	Appeal being processed
21/00455/OUT	36 Windmill Lane, Ashbourne	WR	Appeal dismissed - a copy of the appeal decision attached
21/00229/FUL	Land And Buildings West Of Fernley Hulland Ward	WR	Appeal allowed – copy of appeal decision attached
21/00969/FUL	Brackendale, Ashbourne Road, Brassington	HH	Appeal dismissed - a copy of the appeal decision attached
ENF/21/00104	Rosemount, Roston, Ashbourne	WR	Appeal being processed
ENF/21/00188	Brookfield House, Roston	WR	Appeal being processed
Central			
ENF/20/00164	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed
20/01247/CLEUD	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed
20/01332/FUL	8-10 Snitterton Road, Matlock	WR	Appeal being processed
ENF/21/00017	Armlées Farm, Ryder Point Road, Wirksworth	IH	Appeal being processed



21/01027/FUL	34 Steeple Grange, Wirksworth	HH	Appeal dismissed - a copy of the appeal decision attached
21/00722/FUL	43 Church Street, Matlock	HH	Appeal dismissed - a copy of the appeal decision attached
21/00927/FUL	43 St Johns Street, Wirksworth	HH	Appeal being processed
21/01135/FUL	69 Victoria Hall Gardens, Matlock	HH	Appeal being processed
20/00547/REM	The Bungalow, Edgefold Road, Matlock	WR	Appeal being processed
21/01182/FUL	Flatt 11, Rutland Court, Rutland Street, Matlock	WR	Appeal being processed

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

**OFFICER RECOMMENDATION:**

That the report be noted.



---

## Appeal Decision

Site visit made on 31 January 2022 by Darren Ellis MPlan

**Decision by David M H Rose BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 March 2022**

---

**Appeal Ref: APP/P1045/D/21/3285914**

**34 Steeple Grange, Wirksworth DE4 4FS**

- 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 Clive Stone against the decision of Derbyshire Dales District Council.
  - The application 21/01027/FUL, dated 11 August 2021, was refused by notice dated 26 October 2021.
  - The development proposed is a new Lidget compton highliner garage to house a motorhome & classic car.
- 

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The main issues are the effect of the development on the character and appearance of the existing dwellinghouse and its surroundings, and on the living conditions of the occupiers of 24A Steeple Grange with particular regard to visual impact and overshadowing.

### Reasons for the Recommendation

#### *Character and appearance*

4. The appeal property is a detached two-storey dwelling set in a generous plot to the rear of 32 Steeple Grange. The site also houses an existing detached garage and a timber shed. The site is within a predominantly residential area, with a dental practice and other residential properties adjacent to the site. The properties in the immediate area are finished with a range of materials including brick, stone and render. Overall this has resulted in an attractive residential environment.
  5. The existing shed would be replaced with a second detached garage. The existing garage is constructed of pebbledash and metal sheets, which is out of character with the surrounding properties. The proposed garage would be considerably larger than the existing garage and would be constructed of the same materials. Due to its scale, form and materials, the proposed garage
-

would have an industrial character and appearance that would be at odds with the surrounding residential environment. An alteration of the colour of the roof sheets would not alter the industrial appearance of the garage.

6. Although the property is set behind the properties that front onto Steeple Grange, both garages would be positioned at the head of the driveway from Steeple Grange and as such would be directly visible from the street, which would increase the prominence of the garages.
7. For these reasons the proposal would not respond well to its context and would detract from the character and appearance of the existing dwellinghouse and its surroundings. The proposal would therefore conflict with policies PD1 and HC10 of the Adopted Derbyshire Dales Local Plan (December 2017) (LP) which require, amongst other things, that development including outbuildings are of high-quality design and that the scale, form and materials are in keeping with the original and adjacent buildings and the character of the area.

*Living conditions of the occupiers of 24A Steeple Grange*

8. The proposed garage would be positioned adjacent to the boundary with No 24A and in close proximity to the side elevation of that dwelling. The appeal site is at a lower land level than No 24A and as such the proposal would not have a significant impact on the first-floor side window at No 24A. However, the garage would be close to three ground-floor windows and a side door. It is not clear which rooms the windows and door serve or whether those rooms are served by additional windows on other elevations. Nevertheless, the close proximity of the garage together with its scale, despite the difference in land levels, would severely reduce the outlook from these side windows and the door and as such the garage would have a considerable overbearing impact on No 24A. Furthermore, as the garage would be to the west of No 24A there would be significant overshadowing of these windows and the door during the late afternoon and evening hours.
9. The appellant states that the gables could be oriented north-south if required. However, this would result in the ridge running parallel to the boundary with No 24A, resulting in an effective increase in ridge height along this boundary which would exacerbate the overbearing impact and overshadowing identified above.
10. Whilst the current occupier of No 24A may not have any objection to the appeal proposal, I am required to consider the likely effect on existing and future neighbours of the property. Despite the lack of objection from the present neighbours the proposal would have an unacceptable impact for the reasons given above.
11. For these reasons, the proposal would cause harm to the living conditions of the occupiers of 24A Steeple Grange. Consequently, the proposal would fail to accord with LP policy PD1 which requires, amongst other things, for development to achieve a satisfactory relationship to adjacent properties and not to cause an unacceptable overbearing impact or overshadowing.

*Other Matters*

12. The appellant states that the area is littered with similar structures. However, it is not known if the context of these other structures is the same as the appeal proposal with regards to the scale of the building and its position relative to the

neighbouring properties. As such I cannot be certain that any of these other structures are directly comparable to the scheme before me.

13. I recognise that the proposal would provide storage facilities for the appellant's motorhome and classic cars. Whilst I give some weight to this benefit this does not outweigh the conflict with planning policies identified in relation to the main issues.

**Conclusion and recommendation**

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed because of the conflict with the development plan and there being no material considerations which indicate that a decision should be made other than in accordance with the development plan.

*Darren Ellis*

APPEAL PLANNING OFFICER

**Inspector's Decision**

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

*David MH Rose*

INSPECTOR



## Appeal Decision

Site visit made on 8 February 2022

**by David Jones BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 March 2022**

---

**Appeal Ref: APP/P1045/W/21/3284017**

**36 Windmill Lane, Ashbourne, DE6 1EY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Andrew Brown against the decision of Derbyshire Dales District Council.
  - The application Ref 21/00455/OUT, dated 29 March 2021, was refused by notice dated 21 June 2021.
  - The development proposed is the creation of new property and erection of new dwelling and garage.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is made in outline with all matters reserved for future consideration. I have therefore dealt with the appeal on this basis, treating the submitted plans as indicative.
3. Policy DES1 of the Ashbourne Neighbourhood Plan (2021) (NP) is noted on the decision notice and quoted in the appellant's statement. The wording in that quote differs from the version of the NP provided, which appears to be a draft version. That said, the aims and objectives of the policy remain unchanged. Furthermore, neither party has indicated that the NP not been made or that the quoted aims and objectives of DES1 are incorrect. I have therefore afforded the NP full weight as part of the development plan and, for the above reasons, I am satisfied that no parties' case would be prejudiced.

### Main Issues

4. The main issues are:
  - the effect of the proposal on the character and appearance of the area; and
  - the effect of the proposed development on the living conditions of existing occupiers with specific regard to noise, disturbance and outlook, and whether there would be acceptable living conditions for future occupiers with specific regard to privacy.

## **Reasons**

### *Character and Appearance*

5. The appeal site forms part of the rear garden of 36 Windmill Lane. The plot is extensive and thus reflective of the prevailing character of the area. Dwellings do vary in their size, design and configuration but the urban grain is one of frontage development with substantial, open and undeveloped rear gardens. This consistency lends a pleasant homogeneity which contributes positively to the character of the area.
6. Whilst the appeal site would be capable of accommodating a dwelling with access, parking and sufficient garden space, the appeal scheme would be a back land plot which would add an additional tier of development to the locality. This would be against the established grain and somewhat alien in the largely uniform context I have identified.
7. The proposal would be largely screened from the street scene by the existing dwelling. This would accordingly limit its effect on the appearance of the area. However, the access would allude to its presence and in any case its lack of obviousness in the public realm would not make up for the harmful effect it would have on the character of the area for the reasons I have set out.
8. The proposed development would therefore conflict with Policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) (LP), and Policy DE11 of the Ashbourne Neighbourhood Plan (2021). These policies, amongst other things, seek to ensure that developments are of a scale, density and layout that is compatible with the character and appearance of the area.

### *Living Conditions*

9. Vehicular access for the proposed dwelling would be via an existing connection with the road, then between Nos 36 and 34. There are habitable rooms windows in the side elevations of these properties. Whilst an existing access, its association with a new and separate dwelling would introduce an additional number and higher frequency of use than the existing situation. Movements associated with the use of the access would run close to habitable rooms in No 36 and 34, and the length of their respective rear gardens. This would accordingly lead to an unacceptable increase in noise and disturbance from vehicles which would harm the living conditions of existing occupiers.
10. With regard to the effect of the proposed development on outlook from No 38, a significant number of trees, shrubs and other planting exist along the boundary between Nos 36 and 38 which would largely screen the proposed development from any views. Consequently, when also considering the distance that the proposal would be from the property, the proposal would not have an undue impact upon outlook from the rear facing windows of No 38.
11. The proposed dwelling would be located on a much lower ground level than No 36 and at the end of its rear garden. There are balconies and significant glazing in the rear elevation of No 36 which would look, unimpeded, towards the new dwelling. That said, the separation distance between the rear elevation and the proposed plot would be such that there would not be an unacceptable loss of privacy for future occupiers.

12. For the above reasons, the proposed development would not lead to harm to the living conditions of the occupiers of No 38 or indeed those of the future dwelling. However, this would be a lack of harm and thus a neutral matter. It would not reduce the harm that would be caused to the occupiers of Nos 36 and 34 Windmill Lane with specific regard to noise and disturbance. Accordingly, and in regard to this main issue, the appeal scheme would conflict with Policy PD1 of the LP which, amongst other things, seeks to ensure that developments do not cause unacceptable effects by reason of overlooking, noise or other adverse impacts on local character and amenity.

### **Planning Balance**

13. The Council accepts that it is unable to demonstrate a five year supply of housing land. Therefore, the most important policies for the determination of the application are out of date and I am taken to paragraph 11(d) (ii) of the National Planning Policy Framework (the Framework), which sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
14. I have found that the proposed development would cause harm to the character of the area, and to the living conditions of occupiers of neighbouring dwellings. These harms would be long lasting, and as such I ascribe them substantial weight.
15. The proposal would provide economic and social benefits through the construction phase and the additional contributions of the occupiers to the local community. The one new dwelling would also make a contribution to the supply of housing and the Council's shortfall. Given the scale of the proposed development contributions would be modest and in some cases time limited. As such, I ascribe these benefits limited weight. The appeal scheme would conflict with the Framework in regard to its requirements for high quality and contextually appropriate design and the living conditions of occupiers, specifically set out by section 12.
16. With that in mind, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore represent sustainable development for which the presumption in favour applies.
17. I accept that the appeal site is within an existing settlement and thus future occupiers would have good access to services. This would however need to be the case for the principle of the proposed development to be acceptable. It would, in any event, be a lack of harm rather than a benefit to the scheme.

### **Conclusion**

18. The proposal would conflict with the development plan and there are no material considerations, including the approach of the Framework, which would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

*David Jones*

INSPECTOR



---

## Appeal Decision

Site visit made on 25 February 2022

**by Gary Deane BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16<sup>TH</sup> March 2022**

---

**Appeal Ref: APP/P1045/D/21/3288374**

**Tagg Hill Cottage, 43 Church Street, Matlock DE4 3BY**

- 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 Dr Anne Phillips against the decision of Derbyshire Dales District Council.
  - The application Ref 21/00722/FUL, dated 2 June 2021, was refused by notice dated 15 September 2021.
  - The development proposed is the re-establishment of vehicular access to the above property, with parking for one vehicle only, with turntable.
- 

### Decision

1. The appeal is dismissed.

### Main issue

2. The main issue is the effect of the proposed development on highway safety for users of Church Street.

### Reasons

3. The proposal is a new vehicular access that would serve a single off-road parking space in front of No 43, which is detached dwelling that stands adjacent to Church Street within the main built-up area. The new access would join the highway at an acute angle close to where the main carriageway curves and slightly narrows. When traveling from east to west, Church Street also rises on the immediate approach to the site and continues to do so beyond it.
4. The existing stone wall that marks the highway frontage of No 43 and the raised ground behind it restricts the visibility of oncoming road users traveling uphill from the east. Due to its shape and size, the existing front garden of No 43 also offers no realistic opportunity for a motorist to enter and leave the site in forward gear. A vehicle using the new access and reversing into or out of the site would not be clearly identifiable by other drivers, nor would they clearly see oncoming traffic. That manoeuvre would, therefore, pose an obvious and significant hazard to other road users.
5. That Church Street bends and narrows as it passes the site appears to moderate traffic speeds to some extent particularly if a motorist sees that traffic is approaching in the opposite direction. I also note the appellant's view that Church Street has a good safety record. Even so, I observed that some drivers still accelerate up the hill at some speed towards the site notwithstanding the word 'SLOW' that is white painted on the carriageway



twice on the approach to the site from this direction. A similar safety warning is in place close to the site for those approaching in the opposite direction.

6. Against that background the safe operation of the new access would be reliant on achieving satisfactory visibility of other road users and on motorists being able to enter and exit the new parking space in forward gear.

#### *Visibility*

7. Part of the front boundary wall is to be removed and altered with the land behind it regraded to enhance the visibility of oncoming road users. With those works complete, the appellant considers that the visibility splays required by the Highway Authority (HA) of 2.4m by 43m in both directions can be achieved. In support of this view, a plan with two lines splaying out from the proposed access point has been provided together with photographs taken from several locations. The Council, supported by the HA, contest this opinion.
8. At the site visit, I took some time to view traffic passing the site from various locations along Church Street and at the proposed access point. Given the angle at which the new access would join the main carriageway, I share the appellant's opinion that drivers exiting the site would have clear views over a reasonable distance of road users approaching from the west. The position for oncoming vehicles and cyclists from the east would be less clear cut even if the required visibility splay can be achieved, which is questioned by the Council, since it relies on the driver looking over the shoulder rather than simply sideways given the tight angle involved. That said, on balance, I consider that oncoming road users from the east would be visible over a reasonable distance if the boundary wall and the adjoining land were to be changed, as proposed.
9. Given my observations 'on the ground', and taking into account all of the submitted evidence, I consider that, on balance, the visibility provided at the new access, along Church Street in both directions would be satisfactory. That finding is not dependent on the installation of a mirror in an elevated position on the main house, as proposed.

#### *Entering and exiting the site in forward gear*

10. The appellant states that all vehicles would enter and exit the new access to and from the uphill direction for safety reasons. To do otherwise and attempt a left turn into or a right turn out of the site would, according to the appellant, lack common sense given the tight angle involved and the local topography.
11. However, once the access is in place it would be evident in the local street scene. Some drivers, perhaps those unfamiliar with local conditions, may not be deterred by the new junction arrangement given the convenience of turning left into the site over a longer route that would involve turning the vehicle around further along Church Street. Having made that decision, the difficulty of carrying out the manoeuvre to enter the site would only become apparent to some drivers after they have committed to doing so. That outcome would pose a significant hazard to other road users given the consequent manoeuvres including reversing that would need to take place to enter the site at a location where Church Street narrows, bends and traffic speeds can be significant.
12. A planning condition has been discussed to require that vehicles always turn left out of the site and right into the site. The appellant says that it is usual practice for some residents to access their property in a particular way if their

line of sight is limited on the exit from the driveway or a parking space. However, this condition would not be enforceable. Therefore, it would fail at least one of the tests for conditions set out in the National Planning Policy Framework (the Framework).

13. To enable vehicles to enter and exit the new parking area in forward gear, a turntable would be installed on the site upon which a vehicle could be rotated. According to the amended plan, dated 16 August 2021, the turntable would be about 3.8 metres in diameter and placed to one side of the site. In this position, there would be space for no more than one vehicle to park in front of the main house. This arrangement would prevent the use of the driveway to park a second car on site that would not benefit from the use of the turntable.
14. A turntable of this dimension could rotate within the site with a small car parked on it. It may be, as the appellant says, that the turntable is designed to also accommodate medium sized cars. However, the submitted plan shows that the new installation would be close to the front of the main house and the boundary wall. It is unclear whether this arrangement would allow sufficient clearance around the turntable to enable a typical medium or family sized car to be fully rotated without obstruction. In my experience, the length of such a vehicle may well exceed the diameter of the proposed turntable, and in some cases significantly so. If that were the case, an overhanging vehicle could hinder the effective turning operation given the built structure(s) around it. As medium and family sized cars are commonplace, that eventuality is possible.
15. A vehicle swept path clearly showing that a driver of a typical medium or family sized car could turn into and out of the site and avoid reversing by using the new turntable would clarify this point. It may also be possible to create extra space around the proposed turntable by altering its position and reconfiguring the forecourt. However, these details are not before me. I have also carefully considered whether suitably worded conditions could be imposed to require the Council's approval of such information if planning permission were to be granted. However, the acceptability of the proposal and its effect on highway safety is partly dependent on the outcome of that assessment. As such, it would be inappropriate to impose such conditions at this stage.
16. Drawing these two strands together, I conclude that the new access could lead to a significant risk that reversing manoeuvres by drivers into or out of the site would take place even with the new turntable in place. That outcome would pose a significant risk to the highway safety of the users of Church Street.
17. The appellant places some reliance on the turntable that is in place at the front of a property called Ashleigh in Darley Dale that fronts the A6, which is a busy road. From the limited information provided, the Council previously found this turntable, which is the same size as the proposal, to be acceptable. I took time at the site visit to also view this existing facility that included some clearance around it. I also saw that the main highway as it passes Ashleigh, while busy, is reasonably flat and wide with good visibility of oncoming traffic in both directions. As such, the circumstances in that case are not the same or very similar to those of the proposal. Consequently, I am unable to attach more than limited weight to this consideration in support of the appeal. In any event, each proposal should be assessed on its own merits, as I have done.
18. I also saw that several existing accesses to properties in the local area to which No 43 belongs rely on reversing manoeuvres. I am unaware of the detailed

circumstances of these arrangements most of which are far from ideal with regard to highway safety. These examples do not persuade me that the proposal, which would add to highway danger, should therefore be accepted.

#### *Conclusion on the main issue*

19. On the main issue, I conclude that the proposed development would cause significant harm to the highway safety of users of Church Street, in conflict with Policy S3 of the Derbyshire Dales Local Plan. This policy states that planning permission will be granted for development where the access would be safe. It would also be at odds with the Framework, which aims to ensure that development is served by a safe and suitable access and would not have unacceptable impact on highway safety.

#### *Other matters*

20. The proposal would be a more accessible and convenient alternative to vehicle parking on the strip of land further along Church Street, which the appellant says is at saturation point on evenings and weekends. It would negate the need for the appellant to exit this existing parking area with restricted visibility and so there would be some safety benefit in doing so. On-site parking, as proposed, would improve the access arrangements for disabled people and provide an opportunity for electric vehicle charging, which has policy support and is an important way to tackle climate change. Permeable paving would replace the existing non-permeable surfaces on-site, thereby improving surface water drainage. There would, therefore, be some social and environmental gains that weigh in support of the appellant's case. However, these considerations do not outweigh the risks to safety raised by the proposal.
21. The site falls within the Old Matlock Conservation Area (CA), which covers a large area and is broadly characterised by stone buildings generally built along the contours of the steep hillside. I appreciate that historically the site had an open frontage and a driveway to Church Street that the appellant says was closed off to create a pedestrian only entrance during the 1920's or 1930's. The proposal seeks to reinstate that position with the opportunity to introduce additional planting. The Council raises no objection insofar as the effect of the proposal on the character and appearance of the CA is concerned. I, too, find the appeal scheme acceptable in this regard. The character and appearance of the CA would be preserved if the appeal scheme were to come forward. My finding on this issue does not outweigh the harm that I have identified.
22. The appellant is critical of the HA and has referred to a lack of proper engagement in the application process and its objections that, in her opinion, are specious and misguided. However, my remit is solely to determine this appeal.

#### **Conclusion**

23. For the reasons set out above, I conclude that the appeal should be dismissed.

*Gary Deane*

INSPECTOR



---

# Appeal Decision

Site visit made on 8 February 2022

by **J Williamson BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 07 March 2022**

---

## **Appeal Ref: APP/P1045/D/21/3284507**

### **Brackendale, Ashbourne Road, Brassington DE4 4DB**

- 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 Noel Spiteri, Sitwell Investments Ltd, against the decision of Derbyshire Dales District Council.
  - The application Ref 21/00969/FUL, dated 28 July 2021, was refused by notice dated 23 September 2021.
  - The development proposed is Construction of a First Floor Extension to the Existing Dwelling.
- 

### **Decision**

1. The appeal is dismissed.

### **Main Issues**

2. The main issues are the effect of the proposal on the host building, the group of surrounding buildings and the character and appearance of the area.

### **Reasons**

3. The appeal site is part of an L-shaped building which has recently been converted to a dwellinghouse from agricultural buildings. The section of the building to which the application relates is single-storey and is attached at 90 deg to a two-storey section, the totality of which constitute the dwellinghouse known as 'Brackendale'. The single-storey element was originally a steel-framed shed; the structure now has timber clad elevations and a very shallow-pitched asymmetrical roof, covered with grey panels/sheeting. The two-storey section of the dwellinghouse is constructed of stone under a dual-pitched, symmetrical, tiled roof.
4. Brackendale is one of 3 dwellings, each with associated outbuildings, on the site of a former farmstead, where the original farmhouse has been replaced and associated surrounding buildings redeveloped/remodelled. The 3 dwellings located on the site of the former farmstead are surrounded by open countryside, which is sub-divided into fields bounded by hedgerows and trees; the nearest neighbouring properties are between around 100 and 150 m away.
5. The proposed extension would add an additional storey to the existing single-storey section, thereby doubling its size. It would be designed with a curved roof, like a Dutch barn, of grey composite material, which would only partially link into the dual-pitched roof of the two-storey section of the property. I accept that there are examples of hay barns with curved roofs scattered around the district, and therefore the proposal has some relevance to the history and culture of the surrounding landscape.

6. However, due to the siting and design of the proposed roof (as described above), it would have an awkward, disjointed relationship with the existing roof of the two-storey part of the dwellinghouse. The proposed curved and existing pitched roofs would not merge comfortably nor relate well to each other. The scale of the proposed extension would be out of keeping with the scale of the existing single-storey section of the dwellinghouse, which currently reads as the subservient section of the property that provides an indication of the relationship between the original buildings under their previous agricultural use.
7. I therefore conclude that the proposal would have a detrimental impact on the character and appearance of the host dwelling. The design of the proposed roof would also be out of keeping with the immediate neighbouring properties. As such, the proposal would cause significant harm to the character and appearance of the area.
8. Consequently, the proposal does not wholly accord with policies PD1 and H10 of the Adopted Derbyshire Dales Local Plan, 2017, or paragraphs 126 and 130 of the National Planning Policy Framework. Collectively, and among other things, these policies require new development to be of high-quality design, to create beautiful buildings, respect site context, be sympathetic to local character and the surrounding built environment, and to be of a scale and design in keeping with the scale and character of the original dwelling.

*Other considerations & planning balance*

9. Planning legislation requires me to determine the proposal in accordance with the development plan unless material considerations indicate otherwise.
10. The appellants have an extended family, and they require more space to accommodate them as guests. I appreciate this desire. However, as the planning system primarily operates in the public interest, rather than the private interests of individuals, it is a matter to which I attach limited weight.
11. The appellant refers to permitted development rights which allow upward extensions to dwellings, illustrating the Government's intentions to allow homeowners to extend their properties upwards. Although these observations are correct, given that a range of permitted development rights have been removed from the property, in this instance such an extension is not possible. I therefore attach little weight to this matter.
12. The appellant points out that the proposal would result in little additional energy use, that the curved roof would be used to collect surface water which could be used in the garden and the construction would include recycled materials. I appreciate such measures would be environmentally beneficial. However, the scale of the proposal is such that the benefits would be very minor. Consequently, I attach limited weight to them.
13. I consider the other considerations outlined neither individually or collectively outweigh the significant harm I have found in respect of the impact of the proposal on the character and appearance of the host property and the area.

**Conclusion**

14. For the reasons outlined above, I consider that there are no other considerations that lead me to conclude other than in accordance with the development plan. The appeal is therefore dismissed.

*J Williamson*

INSPECTOR



---

# Appeal Decision

Site visit made on 8 February 2022

**by David Jones BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 March 2022**

---

**Appeal Ref: APP/P1045/W/21/3284219**

**Land and Buildings West of Fernley, Unnamed Section of C3 From Main Road to Carr Farm Hall Access, Hulland Ward, DE6 3EE**

- 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 Ian Redfern against the decision of Derbyshire Dales District Council.
  - The application Ref 21/00229/FUL, dated 16 February 2021, was refused by notice dated 22 April 2021.
  - The development proposed is the erection of a dwelling and partial demolition of existing outbuildings.
- 

## Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling and partial demolition of existing outbuildings at Land and Buildings West of Fernley, Unnamed Section of C3 From Main Road to Carr Farm Hall Access, Hulland Ward, DE6 3EE in accordance with application, Ref 21/00229/FUL, dated 16 February 2021, subject to the conditions set out in the attached schedule.

## Main Issues

2. The main issues are:
  - the effect of the proposed development on the character and appearance of the area;
  - the principle of the proposed development with specific regard to its location; and
  - whether the proposal would result in an unacceptable impact on highway safety.

## Reasons

### *Character and Appearance*

3. The appeal site is a small parcel of agricultural land situated in between two existing residential properties, Fernley and 3 Magfields Cottages. Agricultural buildings are located on the site with older blockwork buildings located towards the front of the site, and a larger more modern steel portal framed building to the rear. The site is accessed directly from the highway via an existing gated entrance.

4. Following the recent approval and erection of 22 dwellings to the west of the appeal site, the site forms a partial break in what is otherwise a continuous line of development along the southern side of the road as you head away from the village of Hulland Ward. This line of development extends from the village as far as two dwellings which sit immediately to the east of the appeal site, before the character of the area noticeably changes to open fields with only very sporadic development.
5. The appeal site itself is of modest width which, along with its topography and location tucked between the two existing dwellings, results in the site not being overly prominent within the wider vista particularly when approaching from the east or west. The presence of the existing buildings on the site further reduces its contribution to the openness and rural character of the area. Consequently, I do not consider that the site represents an important physical break between the existing built developments, nor does the site make a significant positive contribution to the openness and rural character of the area.
6. The proposed dwelling would sit comfortably between the existing dwellings and would not appear unduly prominent, protecting the intrinsic character and distinctiveness of the local landscape. As a result, I find that the proposed dwelling would respect the character, identity and context of this part of the rural area, and would not result in undue harm being caused to the openness and rural character of the area.
7. For the reasons given above, I conclude that the development would not cause harm to the character and appearance of the area. It would therefore comply with Policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) (LP) which, amongst other things, seek to ensure that developments respect the character, identity, and context of the landscape.

#### *Suitable Location*

8. In order to ensure sufficient access to facilities and to reduce the need to travel, Policy S2 of the LP seeks to ensure that new developments are directed towards the most sustainable settlements in accordance with the defined settlement hierarchy. Hulland Ward is designated as a 'Third Tier' settlement which are described as being '*accessible settlements with some facilities*'. For third tier settlements developments should be focused within the settlement boundaries as defined on the policies map. The appeal site is located just outside of the defined settlement boundary and therefore within the countryside, in conflict with Policy S2.
9. Policy S4 of the LP seeks to ensure that new development in the countryside protects and where possible enhances the landscape's intrinsic character and distinctiveness. Several criteria are listed outlining the circumstances in which planning permission will be granted for developments outside of the defined settlement boundaries. This includes criterion i) which states that permission will be granted for new residential development on non-allocated sites on the edge of defined settlement development boundaries of first, second and third tier settlements where there is no 5 year supply, subject to consideration against other policies in the Local Plan and the provisions of the NPPF.
10. The appeal site is located on the edge of the defined settlement boundary of Hulland Ward, and the Council is unable to currently demonstrate a deliverable housing land supply of five years. Additionally, I have already concluded above



that the development would protect the local landscape's intrinsic character and distinctiveness. I have also considered the proposal against other relevant LP policies, including its effect on the character and appearance of the area, and I have found no conflict.

11. I therefore conclude that the proposed development would be situated in a suitable location on the edge of the defined settlement boundary, having regard to the policies that seek to manage the location of new development. The proposal would represent an acceptable form of new development in the countryside which would protect the landscape's intrinsic character and distinctiveness. The development would therefore accord with Policy S4, the aims of which are set out above.

### *Highway Safety*

12. The appeal site benefits from an existing vehicular access onto a long straight stretch of highway which is subject of a 40mph speed limit. To the east of the access is a hedge which runs along the front boundary of the appellant's land, and to the west is a low stone wall which runs along the neighbouring property's boundary. The Local Highway Authority (LHA) consider the existing vehicular access to be substandard in regard to the visibility when exiting the site, with their primary concern being whether the proposal would result in a significant increase in vehicular activity.
13. I observed during my site visit that whilst there was little evidence of the buildings themselves being in regular use, it was clear that the vehicular access was utilised. Tracks from farm machinery or vehicles had formed and were visible running from the highway through the site to the agricultural field located to the rear. I also observed that nearby residential properties had similar access arrangements to the appeal site, with low walls or hedges along their front boundary.
14. Information submitted by the appellant's highways consultant suggests that a single dwelling house in this location would only be expected to generate up to 8 daily vehicle movements. These figures have not been disputed by the Council or the LHA. From the information available it is apparent that 8 daily vehicle movements would exceed the current use of the access, however I do not consider that such a number would represent a significant increase.
15. I have carefully considered the comments raised by the LHA in respect of the visibility being sub-standard. However, from my own observations on site and given the prevailing road conditions, I am of the view that visibility when exiting the site is sufficient, taking into account my findings on the scale of the intensification of the use of the access for the appeal scheme.
16. The proposed development would not therefore adversely affect highway safety. As a result, it would comply with Policy HC19 of the LP which, amongst other things, seeks to ensure that development can be safely accessed in a suitable manner.

### **Conditions**

17. I have had regard to the conditions suggested by the Council and have assessed them against the tests set out in paragraph 56 of the Framework. In addition to the standard time limit condition, I have also imposed a condition concerning the approved plans for the purposes of clarity.

18. To ensure the appropriate appearance of the new dwelling, a condition has been imposed requiring samples or details of all facing and roof materials to be submitted to and approved in writing prior to any works commencing on the facing walls or roof of the buildings. Finally, in order to secure biodiversity enhancements and to meet the requirements of Policy PD3 of the LP, it is also necessary to require a detailed enhancement strategy including the provision of integral bird and bat boxes to be submitted.
19. A further condition was suggested by the Council's Trees and Landscape Officer requiring the submission of a tree survey, arborocultural impact assessment and method statement. However, as the only tree located on the appeal site is shown on the approved plans to be removed, it has not been identified as one of significant value and there are no other protected trees affected by the proposal. I do not therefore consider this condition would meet the tests as set out in the Framework.

**Conclusion**

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

*David Jones*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1477 101 Rev D
- 3) Prior to any development taking place above ground level, samples or details of all facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to any development taking place above ground level, a detailed biodiversity enhancement strategy (to include the provision of integral bird and bat boxes) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved strategy.

## **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.