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05 July 2021

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday, 13th July 2021 at 6.00pm** in the **Members Room, County Hall, Matlock, DE4 3AG**.

Yours sincerely,

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

James McLaughlin
Director of Corporate Services & Customer Services

AGENDA

SITE VISITS: Attached to the agenda is a list of sites the committee will visit on Monday 12th July. A presentation with photographs and diagrams will be available at the meeting for all applications including those visited by the committee.

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

29 June 2021

3. INTERESTS

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

4. PUBLIC PARTICIPATION

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

5. APPLICATIONS FOR DETERMINATION

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

	Page No.
5.1 APPLICATION NO. 20/00942/FUL (Site Visit and Presentation)	06 - 24
Erection of 18 dwellings with associated access and landscaping at Land East of Old Hackney Lane, Hackney.	
5.2 APPLICATION NO. 21/00494/FUL (Site Visit and Presentation)	25 - 40
Retention of horse exercise arena and the use of land as a dog exercise area at North Park Farm, Whitworth Road, Darley Dale.	
5.3 APPLICATION NO. 21/00311/FUL (Site Visit and Presentation)	41 - 48
Solar panels, housing for smart metre and erection of shed at 37a St. John Street, Wirksworth.	
5.4 APPLICATION NO. 21/00312/LBALT (Site Visit and Presentation)	49 - 57
Internal and external alterations to facilitate renewable energy equipment/infrastructure at 37a St. John Street, Wirksworth.	
5.5 APPLICATION NO. 20/01043/FUL (Presentation)	58 - 65
Change of use of land to canine exercise field at Lady Hole Farm, Lady Hole Lane, Yeldersley.	
5.6 APPLICATION NO. 20/01280/FUL (Presentation)	66 - 78
Change of use and conversion of former coach house to dwelling and erection of garage at Estate Yard, Home Farm, Main Street, Hopton.	

6. **INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS** 79 - 90
7. **APPEALS PROGRESS REPORT** 91 - 92

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

Members of the Committee:

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

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

Nominated Substitute Members:

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

SITE VISITS

Members are asked to convene outside reception at the front entrance of Town Hall, Matlock at **10.00am prompt on Monday 12th July**, before leaving to visit the following sites. Please note that members are expected to make their own way to each site.

	Page No.
10:30am APPLICATION NO. 20/00942/FUL Land East of Old Hackney Lane, Hackney.	06 - 24
11:15am APPLICATION NO. 21/00494/FUL North Park Farm, Whitworth Road, Darley Dale.	25 - 40
12:00pm APPLICATION NO. 21/00311/FUL & 21/00312/LBALT 37a St. John Street, Wirksworth.	41 - 48
1:00pm Return to Town Hall, Matlock.	

COMMITTEE SITE MEETING PROCEDURE

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

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

PUBLIC PARTICIPATION

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

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

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

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

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



Planning Committee 13th July 2021

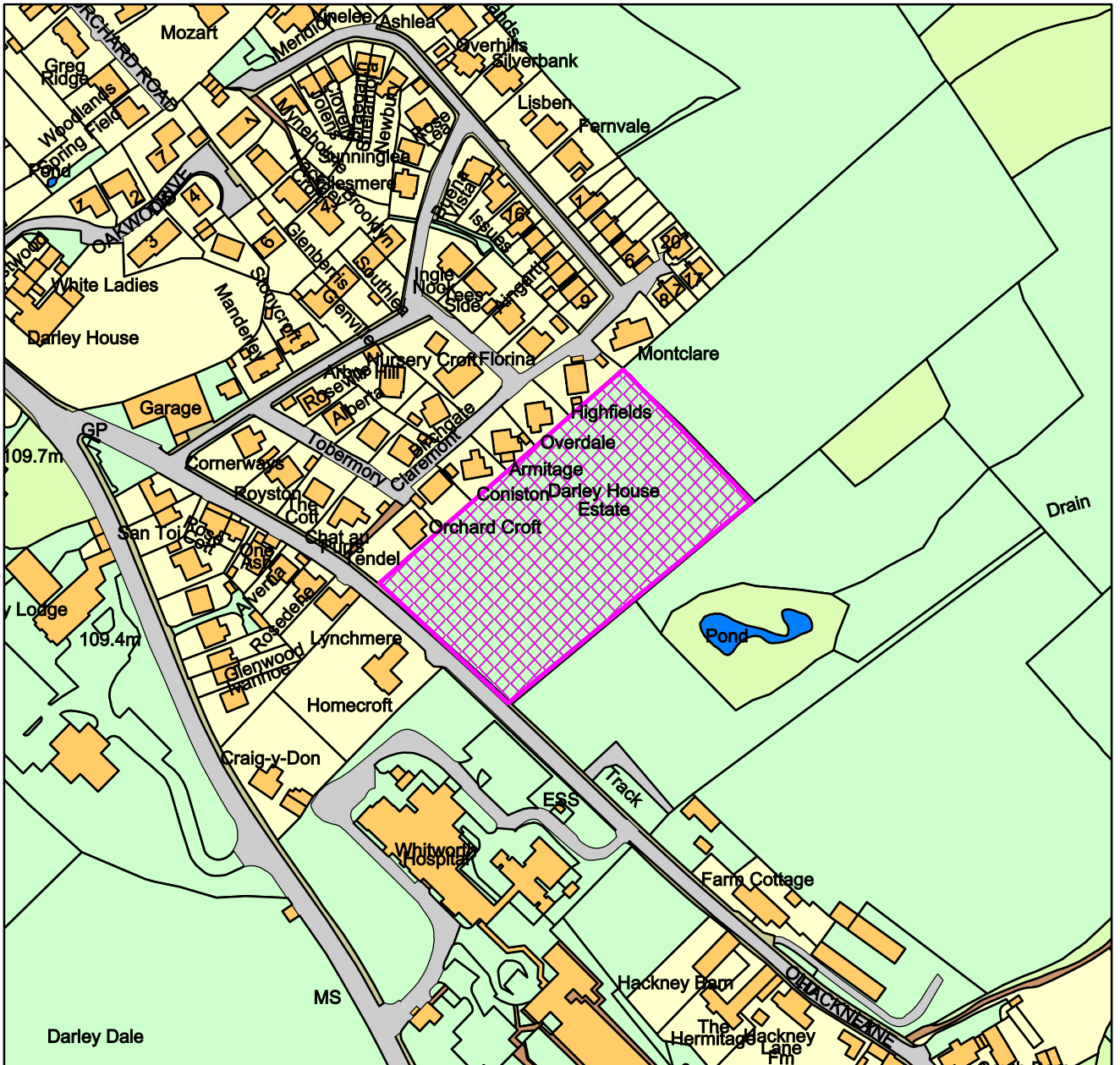
APPLICATION NUMBER		20/00942/FUL	
SITE ADDRESS:		Land East of Old Hackney Lane, Hackney	
DESCRIPTION OF DEVELOPMENT		Erection of 18 dwellings with associated access and landscaping	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr D Stack
PARISH/TOWN	Darley Dale	AGENT	Mr R Piggott
WARD MEMBER(S)	Cllr A Statham Cllr J Atkin Cllr M Salt	DETERMINATION TARGET	7 th January 2021
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	To enable members to assess the impact of the development on the environment and its relationship to the wider site allocation

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none">- Principle of development- Impact on residential amenity- Impact on trees and ecology- Character and appearance- Flood risk- Highway safety- Developer contributions

RECOMMENDATION
Refusal

20/00942/FUL

Land East of Old Hackney Lane, Hackney



Derbyshire Dales DC

1:2,500

Date: 17/06/2021

100019785

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

1.0 THE SITE AND SURROUNDINGS

1.1 The application site is a 0.89 hectare greenfield site, consisting of an agricultural field immediately adjoining development at Darley House Estate, Hackney on the north eastern side of Old Hackney Lane. The existing dwellings adjacent to the north western boundary are predominantly bungalows with rooms in the roofspace set at an angle adjacent to the field and stepping up as the land level rises. The existing housing estate extends beyond the north east boundary of this site. A stone wall marks the boundary with the lane and the Whitworth Hospital is adjacent to the south. The site slopes gradually with the land level in the centre of the north eastern boundary being 11.2m higher than the land immediately adjacent to Old Hackney Lane. There is a mature Horse Chestnut tree in the south western corner of the site adjacent to the road frontage and two mature Ash trees on the south eastern and north eastern field boundaries together with sections of hedgerows. Land levels continue to rise gradually to the north east with houses in a linear form along Hackney Road. The land to the south east is open grazing land for horses with a cluster of wooden stables adjacent to the road.

2.0 DETAILS OF THE APPLICATION

- 2.1 The proposed site sits within the defined Settlement Framework boundary for Matlock and proposes development comprising 18 dwellings on 0.89ha with the layout indicating a potential future access to the adjoining land to the south east.
- 2.2 The site in conjunction with the adjacent field to the south east is allocated for residential development within the Derbyshire Dales Local Plan (2017) under Policy HC2 (i) for 57 dwellings. The allocated site area is for 1.68 hectares and encompasses two parcels of land under two separate land ownerships.
- 2.3 The submitted layout indicates an access with an estate road that curves across the south eastern corner close to the adjoining land then is straight in a northern easterly direction terminating in a turning head in the centre of the north eastern boundary with the adjacent field immediately adjacent to this boundary. Informal open space is proposed along the Old Hackney Lane frontage and adjacent to the lower field to the south east.
- 2.4 The mix of proposed properties are as follows:-
2 x one bed bungalows 11%
4 x two bed (two of which are bungalows) 22%
6 x three bed 33 %
3 x four bed 16%
3 x five bed 16%
- 2.5 The dwellings are traditional in design with gable features, bay windows, wooden framed porches with tiled roofs, and chimneys on the two storey properties. The proposed materials palette for the scheme would consist of buff brick and reconstituted stone. Plots 1-6 and 15-18 will be a Cromwell Pitched stone (reconstituted) with stone heads and cills and a slate roof tile whilst plots 7-14 will be buff brick with the same slate roof tile. Buff brick plots will predominantly have brick heads and cills with the exception of plots 7-11 where stone cills are proposed.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - S1: Sustainable Development Principles
 - S2: Settlement Hierarchy
 - S3: Development within Defined Settlement Boundaries
 - 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
- HC1: Location of Housing Development
- HC2: Housing Land Allocations
- HC11: Housing Mix and Type
- HC14: Open Space and Outdoor Recreation Facilities
- HC19: Accessibility and Transport

Darley Dale Neighbourhood Plan 2019

- NP1: Protecting the Landscape Character of Darley Dale
- NP8 : Protecting the Landscape Character of Upper Hackney
- NP11: Design Principles for C3 Residential Development
- NP10: Protecting the Setting of the Peak District National Park
- NP18: Design Principles for Residential Development in Upper Hackney

- 2. National Planning Policy Framework
- National Planning Practice Guidance
- SPD Developer Contributions

3.0 RELEVANT PLANNING HISTORY:

None

5.0 CONSULTATION RESPONSES

Darley Dale Parish

- 5.1 Raise objection on the basis of the Neighbourhood Plan:- NP10 Protecting The Setting Of The Peak District National Park
Material Planning Considerations:-
 1. Highway Issues eg traffic generation and highway safety
 2. Capacity of local infrastructure eg flood/rain water management, pressure on NHS, pressure on schools
 Object on the basis of the Highway Authority comments and the Lead Local Flood Authority.

Environment Agency

- 5.2 This site is situated in flood zone 1. The Lead Local Flood Authority are now the relevant authority for surface water and they should be consulted on the proposals for their requirements regarding the disposal of surface water arising from the proposed development and ensuring the developers surface water proposals meets the requirements of the National Planning Policy Framework (NPPF).

Derbyshire County Council (Highways)

- 5.3 There still remain some outstanding items which are likely to prejudice the future adoption of the road on the amended plan:
 - the lack of fronting footway and the layout of the turning head – although this has been extended slightly and provided with dimensions,
 - there is now no swept path to demonstrate that it can accommodate an appropriately sized refuse vehicle.

The point of access, visibility splays and fronting footway issues have all be satisfactorily addressed, and the internal road widths have been increased. Implementation colleagues consider that the modifications required to provide an adoptable layout would be relatively easy to achieve at this stage.

If the applicant is minded to proceed with a private development, a temporary dwell area for bins to be stored on collection day, immediately adjacent to the highway would need to be demonstrated.

Derbyshire County Council (Education)

- 5.4 Darley Dale Primary School has a net capacity for 210 pupils, with 207 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 187. An evaluation of recently approved major residential developments within the normal area of Darley Dale Primary School shows new development totalling 67 dwellings, amounting to an additional 16 primary pupils. Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity.

An evaluation of recently approved major residential developments within the normal area of Highfields School shows new development totalling 834 dwellings, amounting to an additional 234 secondary phase (with post16) pupils. Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate the 5 secondary phase (with post 16) pupils arising from the proposed development. The above analysis indicates that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms as the normal area secondary school would not have sufficient capacity to accommodate all of the additional pupils generated by the proposed development.

The County Council therefore requests financial contributions as follows:

- £132,534.55 towards additional education facilities at Highfields School for 5 secondary phase (with post 16) pupils.

Derbyshire Wildlife Trust

- 5.5 They have reviewed the Ecological Impact Assessment prepared by Ramm Sanderson March 2020 and reviewed their own datasets to check for records of important habitats and species. They consider that the report has undertaken a thorough desktop review and that the site surveys undertaken are acceptable. The survey and assessment has not identified any habitats or species of substantive nature conservation concern (i.e. Habitats or Species of Principal Importance as defined under the NERC Act 2006). In addition, no evidence of the presence of protected species has been found. Most of the site is comprised of semi-improved neutral grassland that has been used for agricultural purposes. The agent has confirmed that the tree with bat roost potential (T1 in the Ecological Impact Assessment prepared by Ramm Sanderson March 2020) would be retained and as such no further surveys are necessary. Conditions in respect of the bird breeding season, Construction Environmental Management Plan (CEMP) Landscape and Biodiversity Enhancement and Management Plan (CEMP), lighting and Arboricultural Impact Assessment are recommended.

Local Lead Flood Authority

- 5.6 The Lead Local Flood Authority objected in their consultation response in November 2020 and there remains outstanding information required in order to review this response which is as follows:-
- The current greenfield runoff rate,
 - The applicant should demonstrate they have considered a range of sustainable drainage features,
 - The applicant should demonstrate that soakaway is not an option to show that surface water is being discharged as high up the drainage hierarchy as possible.
 - The applicant to consider of flows entering the site from the retained land at a higher elevation, and
 - Proof that the proposed receiving stone culvert has the capacity and is of a suitable condition to accept the additional flows.

Tree and Landscape Officer (Derbyshire Dales)

- 5.7 The submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan is generally adequate in terms of its identification of trees to be removed and retained, reasons for removals and protection of retained trees. However, the Tree Protection Plan (TPP) should be modified slightly to include the location for tree temporary protection fencing for the retained parts of G2 and the Root Protection Areas for all individual retained trees / tree groups should be included. The Arboricultural Impact Assessment (AIA) indicated relatively few trees at the site, some of which are recommended for removal regardless of the development due to their poor condition. Others are of low quality, and some of these would be removed to facilitate the development. However, most of the trees identified would be retained and would contribute to the character of the development. The house within Plot 18 appears to be hard up against the root protection area of T1 - a 14m tall mature ash tree. This tree is also to the south of the house potentially leading to shading issues. Occupants may feel rightly or wrongly that this tree may present unacceptable risk of harm/damage with resulting pressure to prune (potentially disfiguring its attractive natural appearance) or remove the tree. It might be worth considering a revised site layout that locates an open space in the vicinity of this tree rather than locating a house close to it. While the tree is classified as category C (low quality) by the AIA it is the only large retained tree in the site and should in my opinion be graded as category B and should be retained to give some maturity to the arboricultural features of the site, helping to support biodiversity and its significant contribution to landscape character.

Taking a wider view of the housing development allocation site, as shown on the plan below, it would be preferable if the whole site were developed at the same time to avoid fragmentation and allow a more substantial public open space to be designed into the site layout. One larger open space would be preferable from many perspectives to a number of smaller ones which is likely to result from a piecemeal approach to developing the allocated area.

Archaeology

- 5.8 An archaeological geophysical survey was undertaken on the site as part of a, potentially, two stage archaeological evaluation. This work was requested because of the development site's location on the edge of the alluvial floodplain of the River Derwent. In such locations there is potential for archaeological deposits of prehistoric date, as river valleys and floodplains in particular were preferred locations in prehistory for both settlement (typically utilising gravel 'islands' with free-draining soils) and ceremonial/ritual monuments and deposition. The geophysical survey of the proposed development site did not encounter any anomalies which clearly indicate below ground archaeological features. Features which are interpreted as palaeo-channels were identified however.

On the basis of the results of the geophysical survey for this site additional field evaluation is not requested at a pre-determination stage, but the potential palaeo channels must be investigated in advance of development should planning permission be granted.

The archaeological interest is best addressed through a conditioned scheme of archaeological recording in line with NPPF para 199. This should be a phased scheme comprising in the first instance evaluation trial trenching, followed by targeted area excavation in areas with significant remains.

Strategic Housing (Derbyshire Dales)

- 5.9 It is recommended that the Council seek to secure an affordable housing contribution that reflects the local supply but that also ensures the strong likelihood that a suitable housing provider would take on a small number of units. It is therefore suggested that the option of the developer providing two homes be discussed, preferably bungalows, at nil cost, rather than the full 30% policy would require.

6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 24 representations have been received. A summary of the representations is outlined below:
- Their property 'Coniston' would have their conservatory, lounge and bedroom overlooked by two one-bed bungalows.
 - The bungalows should be moved further down to share the inconvenience with neighbours.
 - If the top field was developed it would be more in keeping to have houses at the top and bungalows at the bottom.
 - The increase of traffic on Hackney Lane is a concern as it is already a very busy road.
 - Traffic uses the road when there are roadworks on the A6.
 - The boundary wall on the rear boundary of 'Coniston' is the responsibility of the owner of the field.
 - The sewerage system is already overloaded.
 - Article 7 of the Darley Dale Neighbourhood Plan ' encourages engagement between the developer and the local community' but this has not happened and due to Government restrictions due to Covid 19 any determination should be extended.
 - There is a large amount of housing development in the area and the Derbyshire Plan stated an intention to keep a 'green corridor' between Matlock and Darley Dale.
 - The neighbour consultation should be wider, including properties on the A6.
 - The proposed dwellings are in close proximity to existing dwellings causing a loss of privacy and overshadowing.
 - Based on other developments by the applicant there is likely to be a 6 foot fence erected on the boundary which would affect the open nature of their surroundings.
 - Construction vehicles would block the road.
 - Improvements to the Lane's junction and traffic calming should be considered.
 - There would be a loss of wildlife, a rise in carbon footprint with no renewable energy provision.
 - The Ecology survey does not take account of the whole allocated site so it is flawed in its conclusions.
 - There are natural springs on the site which flow and have flooded the lane.
 - 57 dwellings would massively overload the existing infrastructure and services.
 - The Darley Dale Town Plan stipulates developments have to be keeping with existing residences and the aesthetics of the area.
 - The application includes only part of the allocation with 18 dwellings on 0.9Ha with the remaining 39 dwelling would be built on the remaining (smaller site) 0.78Ha which would be at a housing density entirely out of keeping with the area.

- There is an access to the 'retained land' adjacent to the northern boundary which appears like the developer is planning to develop at a future date which is unacceptable as the open land is essential to maintaining the separation between the settlements.
- Retaining the stone wall is not possible as it would inhibit sight lines and its removal would affect the character.
- Insufficient information on flood risk has been submitted and if the application should be refused on this basis.
- The proposal would increase surface water run off and increase flooding.
- Full consideration of the application can only be carried out once plans for the whole allocation have been submitted with issues such as traffic and flood risk considered as a whole.
- The proposal does not include any affordable housing and yet the Local Plan is clear about the requirements and off site provision is not acceptable.
- Detailed traffic assessments are not made when the Local Plan was drawn up.
- Old Hackney Lane has one narrow footpath only on one side of the road with pedestrians having to cross and an increase in traffic would be a danger to school children.
- There is not a safe walking distance to the nearest bus stop as crossing the A6 would be necessary and there are no crossings in the area.
- Flood risk is a concern as there is a pond and drain on the adjacent field.
- What is the climate change mitigation proposed?
- There is an impact on archaeology that needs to be addressed.
- The residents of 'Armitage' object to the removal of the stone wall and replacement with a fence.
- The proposed garage on plot 11 is excessive and intrusive being too close to the boundary with 'Armitage' and would cause overshadowing.
- The parking spaces provided are tight and there is no provision for visitors and delivery vehicles which may lead to on street parking on Old Hackney Lane.
- Old Hackney Lane is used as a 'rat run' with speeding vehicles on this straight adjacent to the site recorded by Speed Watch.
- The development of the field would set a precedent for similar development in adjoining land.
- There is a concern regarding noise, dust, mud and pollution during construction.
- No sections through the site or levels for the house plots.
- Due to the open nature of the site dwellings should not tower over the lane and larger houses on the perimeter makes it intrusive in the surrounding agricultural landscape.
- The proposal is contrary to Local Plan Policy HC19 as the highway network cannot accommodate the traffic generated.
- The proposal is somewhere near 1000m from the boundary of the Peak District National Park with the view across the valley from near Snitterton being of houses.
- There is no detail of the housing density on the remaining part of the allocation.
- The proposed properties would have direct sightlines into the bedrooms of 'Highfields'.
- There is no explanation as to the need of the size of the attenuation tank.
- Goodbye to the green and pleasant lands of Matlock.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact on residential amenity
- Impact on trees and ecology
- Character and appearance
- Flood risk
- Highway safety

- Development contributions

Principle of development

- 7.1 The site is located with the settlement boundary of Matlock and forms part of the housing allocation in Policy HC2 (i). The site selection and assessment process as part of allocating land for inclusion in the Derbyshire Dales Local Plan concluded that the two sites off Old Hackney Lane should be developed on a comprehensive basis as one site. Policy S1 seeks to achieve sustainable development by “ensuring that development proposals do not prejudice the development potential of an adjacent site or larger area in a comprehensive manner”.
- 7.2 Policy S7 seeks to promote the sustainable growth of Darley Dale by providing for the housing needs of the community and supporting the development of new housing on sustainable sites, whilst also seeking to maintain the distinct identity of its settlements, and protecting and where possible, enhancing biodiversity.
- 7.3 The main considerations with regard the principle of this development are as follows:-
- Whether the proposed development would prejudice the future development of adjoining allocated land.
 - whether or not the proposed development makes efficient use of land;
 - whether or not the proposed development prejudices the proper planning of the area by not forming part of a comprehensive scheme for the whole of the development area
 - 5 year supply
- 7.4 The land to the south east of the application site is part of the housing allocation with a total site area of 1.68 Ha for 57 dwellings. The proposal includes the north western field and proposes a new access to the north west of the existing field gate. The adjacent field has an existing vehicle access in the centre of the road frontage and hardstanding with stable buildings to the south east. The proposed access would be 23m from the south eastern field boundary and would provide a single estate road that curves through the centre of the site to terminate in a turning head in the centre of the north eastern boundary. The submitted layout for the proposed development has an arrow to indicate the potential for access to the remaining allocated land and at the end of the turning area there is annotation stating ‘proposed access to retained land’. Therefore, direct access is provided for the field to the north east that is unallocated and outside the settlement boundary. Whilst, the curve of the road extends close to the adjacent allocated land it does not include the provision of a direct access link.
- 7.5 Furthermore, it has been suggested by the agent that a S106 clause could be secured as to any grant of planning permission, to safeguard a means of access to the adjoining allocated land. The agent states that the site layout has been designed to allow access onto the adjacent land to the southeast (part of the Local Plan allocation but in different ownership) in the lower part of the site. A spur would be created at the point where the main arterial road comes close to the southeast boundary of the site and applicant agrees to include a clause in the s106 agreement not to obstruct passage onto this land, nor to make it a ransom strip. The applicant has agreed a clause on a similar scheme in another Local Authority and a copy of this has been provided which could provide a template for this application. Whilst this suggested S106 agreement would ensure that the future development of the adjoining field was not prejudiced it itself does not overcome the principle issues identified below.
- 7.6 It is considered that the application site and the adjoining allocated land should be developed in a comprehensive manner due to the size of the allocated site to avoid incompatible development. The proposed development would comprise piecemeal development of a much larger site and would not deliver the efficient use of land. Piecemeal development delivers sub-optimal outcomes in terms of matters such as layout,

landscaping and open space which need designing on a comprehensive basis across the site. It is opined that the proposed layout poorly addresses the street, is dominated by the road layout, does not incorporate exposed more natural surface water drainage features and does not provide adequate open space which prejudices the proper planning of the area in this prominent location with land levels rising steeply to the north east.

- 7.7 Policy PD5 – “The District Council will seek to protect, enhance and restore the landscape character of the Plan area recognising its intrinsic beauty and its contribution to the economic, environmental and social well-being of the Plan area... Development will only be permitted if all the following criteria are met: a) The location, materials, scale and use are sympathetic and complement the landscape character. b) Natural features including trees, hedgerows and water features that contribute to the landscape character and setting of the development should be both retained and managed appropriately in the future. c) Opportunities for appropriate landscaping will be sought alongside all new development, such that landscape type key characteristics are strengthened.”
- 7.8 The proposal would fail to achieve a comprehensive landscape strategy for example in terms of a substantial north eastern buffer and south eastern buffer to the open land that was identified in the assessment of the allocation. It is acknowledged that existing landscape features are retained, however, both the topography and landscape impacts were identified in the allocation assessment (SHLAA) as constraints to development stating that there was a “significant impact upon landscape character” with the site having “high landscape sensitivity”.
- 7.9 When assessing the proposed layout and the sketch layout provided for how adjacent site might be developed it is dominated by the road layout and fails to respond to the character of the area of linear buildings along the road. Properties would instead be at an angle with the road and the larger five bedroom properties are proposed in the north eastern sector where land levels are at their highest. The dwellings would have similar land levels as the existing with the dwellings nearest the existing road frontage proposed 2.3m higher than the road levels and across the site differences in land levels between 1.2 – 4 metres higher than dwellings to the south west. The finished floor level of Plot 16 would be 126.250 which would be 9m higher than the road level at the proposed access with a ridge height of 7.8m. It is acknowledged that single storey properties are proposed on the highest part of the site in the north western corner, however, two storey properties with the highest ridge heights of the development are proposed in the north eastern corner adjacent to open land.
- 7.10 The main issues with this scheme relate to context, layout and open space being sub-optimal due to it being only part of this relatively small allocation. The agent states the site has always been in two ownerships, as discussed at the Local Plan hearing and is of the view that as the adjacent seller remains unwilling to sell that would unnecessarily delay the delivery of the entire allocation. The housing allocation as a whole was considered to be acceptable due to its sustainable location within a suitable walking distance of existing services and facilities with the constraint identified as harm to landscape character. Furthermore, if the allocation does not come forward as a whole within the Local Plan period then the allocation would be re-assessed as part of the forthcoming review. It is considered that the land would be better utilised and may result in a higher level of housing if designed comprehensively and the public benefits in terms of numbers of dwellings, open space provision, landscaping would be greater together with achieving a development that reflects its context.
- 7.11 Policy HC14 has a requirement for new residential development of 11 dwellings or more to provide or contribute towards public open space facilities as set out in the Table 6 of this policy. This requirement is to improve the quantity, quality and value of play, sports and other amenity greenspace provision in line with the standards identified in the Derbyshire

Dales Built Sports Facilities and Open Space Strategy (January 2018). The Council's Supplementary Planning Document (SPD) on Developer Contributions seeks a requirement of open space for 18 dwellings that would equate to 175.32m² (Parks and Gardens), 29.16m² (Play space) and 70.92m² (Allotments). None of these requirements have been met on site and these amounts should be compared with what would be secured if the whole allocation was development which would equate to 555.18m² (Parks and Gardens, 92.34m² (Play Space) and 224.58 m² (Allotments). It is clear that in terms of the creation of a community that would improve social cohesion, larger areas of public open space that create a focal point for the development and provide meaningful areas of provision are significantly preferable than smaller areas of provision that appear as left over areas unable to be developed. The SPD states that "residential development will generally be required to meet the need for children's play on-site as an integral part of the site layout and design. Where a proposed new development is within a 15 minute walk (1200m) of an existing play area which can be readily accessed by new residents the District Council will seek an off-site contribution to enhance the existing facility".

7.12 In terms of open space provision, the layout proposed includes informal open space adjacent to the road boundary and south east and north east boundaries. Having reviewed the existing provision of the three types of public open space required in the vicinity of the site using the information on existing facilities in the Council Open Space Strategy document dated 2018 mentioned above, it appears that the Oddford Lane allotments are the only existing facility within 15 minutes' walk of the application site (1200m). There are no parks and gardens or children's play areas within this distance of the site. Therefore, there is a requirement for on-site provision for children's play space based on the lack of provision within the required distance. There is requirement of 29.16m² of on-site children play provision for 18 dwellings which should be fully incorporated into the development in terms of being centrally located within the development and framed by dwellings to create a sense of place and not an add-on to the perimeter. The lack of sufficient open space provision within the site highlights that this piecemeal development of only part of the allocation provides sub-optimal outcomes. If the allocation was considered as a whole the benefits to the future residents and wider area would be significantly increased as the layout would have been conceived from an holistic approach incorporating the requirements of public open space centrally with the proposed dwellings addressing the road frontage with a central access point and not the proposal as submitted which is deficient in terms of provision and has a layout dominated by the roadway design.

7.13 The agent has referred to the Council's lack of a 5 year land supply. The Housing Land Supply position is outlined in the Annual Monitoring Report that the as of the 1st April 2020 the five year supply for 2020-2015 was 4.61 years. This report goes on to assess the housing trajectory and updates on the delivery of strategic sites such as Ashbourne Airfield Phase 1, Middleton Road, Wirksworth, Calder Quarry and Gritstone Road. The NPPF paragraph 11 c) advises that decisions should apply a presumption in favour of sustainable development and for decision making this means approving development proposals that accord with an up-to-date development plan without delay.

7.14 It is acknowledged that the Council cannot demonstrate a five year of housing land supply.

Paragraph 11 d) in the National Planning Policy Framework (2019) advises that where policies which are most important for determining the application are out-of-date, including, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer), planning permission should be granted unless;

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.15 A decision within the Local Plan examination was taken to include the site as one allocation as a combination of the two Strategic Housing Land Availability Assessment (SHLAA) sites would achieve better outcomes in terms of one access and landscaping buffers. Whilst, it is acknowledged that the site is allocated for housing development where there is a presumption in favour, it does not represent sustainable development principles as it would prejudice the development of the whole allocation in a comprehensive manner. Developing part of the site means that public open space, affordable housing and layout are compromised as contributions are reduced as only smaller amounts of provisions can be secured for an 18 dwelling site as opposed to the whole allocation of 57 dwellings. A detailed discussion on the implications on affordable housing can be found in the developer contributions section below, however, it is clear that on a smaller site affordable housing is reduced and less able to be fully integrated within the site.
- 7.16 It is on this basis that the proposal fails to make effective and efficient use of land which prejudices the proper planning of the area by not forming part of a comprehensive scheme for the whole of the allocation. When applying the tilted balance it is considered that the harm identified in terms of landscape character and layout together with the negative implications in terms developer contributions significantly and demonstrably outweighs the benefit of the provision of 18 dwellings to the housing provision within the district. The proposal is contrary to Policy S1 together with issues such as context within Policy PD1, Landscaping within PD5 and Public Open Space within policy HC14.

Impact on residential amenity

- 7.17 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts.
- 7.18 There are six dormer bungalows adjacent to the north western boundary of the site that are at an angle with the boundary and finished floor levels rise with the slope to the north east. Finished floor levels have been provided for the proposed dwellings and an assessment has been carried out of the relationships with existing properties in terms of distances and relative heights. Bungalows are proposed adjacent to this boundary with ridge and eaves heights similar to existing properties or lower. Three double garages are proposed adjacent to the boundaries of the existing properties with eaves heights of 2.1m and ridge heights of 4.7 and based on the land level information it may mean that the double garage proposed for Plot 13 would have a higher ridge than the property 'Overdale'. Finished floor levels for the garages would be required to ensure this is an acceptable relationship due to the height and proximity to the boundary. Due to the existing properties being angled with rear elevations facing south the proposed properties are also proposed at an angle to mitigate overlooking and distances are considered acceptable to avoid loss of privacy and overshadowing. On the basis that the proposed properties adjacent to the north western boundary are all single storey with land levels similar to existing properties at a distance and angle to reduce impacts, this relationship is considered acceptable in accordance with Policy PD1.

Impact on trees and ecology

- 7.19 Policy PD6 states that trees, hedgerows, orchards or woodlands of value should be retained and integrated within development wherever possible. The submitted Tree Survey is considered adequate in terms of its identification of trees to be removed and retained and their relative health and retention categories. Most of the trees identified would be retained and would contribute to the character of the development. The house within Plot 18 appears to be close to the root protection area of T1 which is a 14 m tall mature ash tree. While the tree is classified as category C (low quality) by the AIA it is the only large retained tree in

the site and should be graded as category B and should be retained to give some maturity to the arboricultural features of the site, helping to support biodiversity and its significant contribution to landscape character in accordance with Policy PD6. The response by the Arboricultural consultations was that T1 was to be retained and would provide minimal shading to Plot 18 and the proposed bay windows could be removed and G1 could be removed and replaced with some higher quality native tree planting elsewhere such as the south eastern corner. Whilst, it is considered that the tree would dominate the side of the dwelling, it is not within the garden area of the plot and would be retained as a feature of the development adjacent to the boundary with the open land and as such a refusal on the grounds of this relationship is not considered to be sustained at appeal. On this basis, the trees to be retained are integrated on the boundaries of the development, the proposal accords with Policy PD6.

7.20 Policy PD3 seeks to protect, manage and where possible enhance the biodiversity by ensuring development proposals do not result in harm to biodiversity. Derbyshire Wildlife Trust considered the desktop review and that the site surveys undertaken are sufficient and acceptable. The survey and assessment did not identify any habitats or species of substantive nature conservation concern and no evidence of the presence of protected species was found. Most of the site is comprised of semi-improved neutral grassland that has been used for agricultural purposes. Ecological management during construction and enhancement in the long term would be controlled by condition.

Character and appearance

7.21 Policy PD1 requires all developments to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes. New development must be designed to offer flexibility for future needs and uses taking into account demographic and other changes; and ensuring development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features. Policy S3 sets out that within defined Settlement Development Boundaries planning permission will be granted where the proposed development is of scale, density, layout and design that is compatible with the character, appearance and amenity of that part of the settlement in which it would be located and that the access would be safe and the highway network can satisfactorily accommodate the traffic generated by the development or can be improved as part of the development.

7.22 The Darley Dale Neighbourhood Plan was 'made' by the District Council on 19th February 2020 and as such it forms of the development plan for the area. The Plan sets out a number of policies that principally seek to ensure that the design and layout of proposals are in keeping with the local distinctiveness of the characteristics of key areas and that any development does not have any adverse impacts upon the local landscapes. The Plan sets out in 'Policy NP1: Protecting the landscape of Darley Dale' the development will be supported for proposals that demonstrate a high quality design that protects and contributes to the distinctive landscape character of the Parish; and a scale that reflects the settlement to which it adjoins and the rural nature of the Parish and that a sense of openness has been maintained between settlements and that the location is on the least visually sensitive parts of the valley.

7.23 Policy NP8 'Protecting the landscape character of Upper Hackney' sets out that planning permission will be supported for development in Upper Hackney where the proposal can demonstrate a layout that maintains far views across the valley to the Peak District National Park that is reflective of the local landscape and topography with frontage development on Greenway Lane, Hackney Road and Ameycroft Lane to reinforce the linear settlement pattern.

- 7.24 'Policy NP 11: Design Principles for C3 Residential Development' sets out that planning permission will be supported for residential development within the Plan area where the proposal demonstrates a high design quality that will contribute to the character of the parish; and a layout that maximises opportunities, where possible, to integrate development into the existing settlements through creating new connections and improving existing ones and which allows for easy, direct movement for people of all ages particularly to access local amenities; and the use of materials, scale and massing that reinforces the existing character; and regard for the content of the Darley Dale Place Analysis. The Policy sets out that well-designed buildings should be appropriate to their location and context - this may include innovative and contemporary design solutions provided these add to the overall quality of the area, enhance character and local distinctiveness. The Policy states that for major development the use of national design guidance (BFL12 or equivalent) should be used in developing design concepts, testing the final designs for quality and demonstrating how local distinctiveness has been reinforced.
- 7.25 Policy NP 17: Design Principles for C3 Residential Development in Upper Hackney sets out that planning permission will be supported for residential development in Upper Hackney where the proposal is of a high design quality that will positively contribute to the character of its setting and may demonstrate: inspiration taken from local materials (mostly local stone, with some render and slate roof tiles) to ensure a narrow range of colours reflecting the hues of local materials; simple design detailing like banding and stone window headers to reinforce local distinctiveness; a scale and mass that does not obstruct views to the wider landscape; and the use of boundary treatments (low stone walls or hedging) that are hard against the footpath to help enclose the street with greenery in front plots.
- 7.26 It is opined that the dwellings do not address the street and would have a higher land level than the road frontage with the road dominating the south eastern corner. The land is grassed land sloping to the north east enclosed by low level stone walling on the Old Hackney Lane frontage and along the north western boundary. The existing hipped roof dormer bungalows are visible from the road frontage stepping up gradually with the existing land levels. The majority of the site would be dwellings and gardens with perimeter landscaping along the road frontage and in the south eastern corner. The area of landscaping adjacent to the road appears to be dictated by the drainage solution of a large engineered attenuation tank which means dwellings are set back from the road. Comprehensive development has the potential to allow for drainage to be incorporated within areas of open space. A pair of bungalows adjacent to the north western boundary then two storey detached properties with a semi-detached dual aspect dwelling with the main front elevation facing to the north east is proposed along the Old Hackney Lane frontage. The finished floor levels would be approximately 2m higher than the road level which would sit above the stone boundary wall. A section of the south eastern part of the wall would be removed in order to provide the required visibility splay and to the north west it would be realigned to facilitate the visibility splay.
- 7.27 The density is considered comparable with the Darley House estate to the north west, however, the layout is very much dictated by the road which would not have been the case if the whole allocation was being considered as the existing access location could be utilised allowing frontage development which would be in character with properties to the north west. The two storey dwellings are all proposed adjacent to the open land. These dwellings would dominate the surrounding open landscape without any significant landscape buffer which could be secured if developed with the adjoining land.
- 7.28 The dwellings would be a mix of traditional style stone (reconstituted) and buff brick properties with stone cills and headers, bay windows and chimneys on the two storey dwellings. The reconstituted stone is proposed on the Old Hackney Lane boundary and the north eastern boundary adjacent to the open land with buff proposed in the north

western part adjacent to existing properties. The appearance of the dwellings is considered acceptable subject to natural stone replacing the reconstituted stone, as they fit within the design and scale of properties in the surrounding area and are housetypes that have already been approved on Bakewell Road development. Therefore, whilst there are no issues in terms of the design and appearance of the dwellings it is the layout that is considered to poorly integrate being dominated by the road and the lack of meaningful landscaping and open space.

7.29 The applicant has amended the layout and a housetype during the application process and has requested that they be given the opportunity to amend the scheme in light of the issues that have been identified. However, it is considered that changes to the layout would not overcome the fundamental flaws in the proposal due to the constraint of the way the site is proposed to be developed in a piecemeal manner. This could only be achieved by the development of the allocation as a whole.

Flood Risk

7.30 Policy PD8: Flood Risk Management & Water Quality sets out that new development shall incorporate Sustainable Drainage Measures (SuDs) in accordance with National Standards for Sustainable Drainage Systems. This should be informed by specific catchment and ground characteristics, and will require the early consideration of a wide range of issues relating to the management, long term adoption and maintenance of SuDs.

7.31 The Lead Local Flood Authority objected in their consultation response in November 2020 and there remains outstanding information required in order to review this response.

- The current greenfield runoff rate,
- The applicant should demonstrate they have considered a range of sustainable drainage features,
- The applicant should demonstrate that soakaway is not an option to show that surface water is being discharged as high up the drainage hierarchy as possible.
- The applicant to consider of flows entering the site from the retained land at a higher elevation, and
- Proof that the proposed receiving stone culvert has the capacity and is of a suitable condition to accept the additional flows.

7.32 The proposal as submitted includes a drainage scheme with a large attenuation tank adjacent to the road frontage with the layout failing to incorporate natural drainage features such as swales. There is a requirement to indicate that a range of SUDS features have been explored and ruled out prior to proposing such an engineered structure and this has been requested by the LLFA. Therefore as submitted the proposal fails to accord with Policy PD8.

Highway Safety

7.33 Policy S3 requires development to have appropriate access and parking provision and Policy HC19 seeks to ensure that development can be safely accessed in a sustainable manner and adequate parking is provided. The site location is within reasonable walking distance to local services and facilities. It should be noted that at the allocation stage the Highways Authority have set out that it is preferable if one access point serves this site and the adjacent site allocated under Policy HC2(i) as a larger development rather than developing two separate access points.

7.34 The Highways Authority state that the point of access, visibility splays and fronting footway issues have all be satisfactorily addressed, and the internal road widths have been increased. The Implementation Team of the Highways Authority consider that the modifications required to provide an adoptable layout would be relatively easy to achieve at this stage. However, there still remain some outstanding items which are likely to prejudice the future adoption of the road on the amended plan:

- the lack of fronting footway and the layout of the turning head – although this has been extended slightly and provided with dimensions,
- there is now no swept path to demonstrate that it can accommodate an appropriately sized refuse vehicle.

7.35 If the applicant is minded to proceed with a private development, a temporary dwell area for bins to be stored on collection day, immediately adjacent to the highway would need to be demonstrated. This is shown on the planning layout plan 008 Rev H received on the 16th March 2021. The applicant has confirmed that it is not anticipated that the onsite roadway would be adopted by the authority due to the gradient of around 1:10 (see section drawing) which is dictated to us by the site topography. In that event we propose the roadway would be controlled by a management company. Therefore, provided that a bin area is proposed adjacent to the highway, there are no highway objections to the scheme and it is considered to accord with Policies S3 and HC19.

Developer Contributions

- 7.36 Policy S10: Local Infrastructure Provision and Developer Contributions sets out that the release of land for development will be informed by capacity in the existing local infrastructure to meet the additional requirements arising from new development. New development should only be permitted where the infrastructure necessary to serve it is either available, or where suitable arrangements are in place to provide it within an agreed timeframe.
- 7.37 In requirement for public open space to accord with Policy HC14 is discussed in sections 7.11 and 7.12 above and sufficient provision has not been provided, contrary to Policies S10 and HC14.
- 7.38 The Education Authority have identified a requirement for £132,534.55 towards additional education facilities at Highfields School for 5 secondary phase (with post 16) pupils.
- 7.39 Policy HC4: affordable housing requires all residential developments of 11 dwellings or more or with a combined floorspace of more than 1000 m² should provide at least 30% of net dwellings proposed as affordable housing. The proposal only provides for 2 affordable dwellings on site (11%), whereas the policy sets out that at least 5.39 dwellings (30%) are to be provided as affordable dwellings on site. For the whole allocation of 57 dwellings 30% would equate to 17 dwellings and could cater for a range of needs across the site. Where the proposed provision of affordable housing is below the requirements set out above, the District Council will require applicants to provide evidence by way of a financial appraisal to justify a reduced provision. A robust argument for accepting below 30% has not been made in this case. The Policy does state “in exceptional circumstances, the District Council may allow provision of affordable housing off-site or by means of a financial contribution of equivalent value or through the provision of serviced land or a combination thereof”.
- 7.40 The Council’s Head of Housing considers that Darley Dale has benefited from several affordable housing schemes in recent years and a substantial all affordable housing scheme is currently on site, not far from this proposed development. It is therefore recommended that the Council seek to secure an affordable housing contribution that reflects the local supply but that also ensures the strong likelihood that a suitable housing provider will take on a small number of units. It is proposed that applicant transfers 2 completed homes to the Council for the nominal sum of £1, specifically, build and transfer 2 x 1 bed two person bungalows built to M4(2) standard plus a commuted sum payment of £29,750. Chevin Homes would enter into a sales contract with the council making full payment on completion of the units following an exchange of contracts at the start of the site.

7.41 On this basis, the Head of Housing considers that the option of the developer providing two homes, preferably bungalows, at nil cost, is acceptable rather than the full 30% policy would require. However, the SPD on Developer Contributions requires that an off-site commuted sum of £45,464 + £745 (DDDC Enabling fee) per dwelling is paid, which would equate in this case to £46,209 x 3 = £138,627. It is unclear how the applicant arrived at the figure of £29,750 but it appears to be deficient by £108,877. Notwithstanding, the lack of clarity on this calculation a comprehensive scheme for the whole housing allocation would be capable of providing a range of affordable housing over a two to three year period. Therefore it is considered that the piecemeal development proposed frustrates the wider housing objective of meeting the range of community needs with a presumption of provision on site. Therefore, the proposal is not fully compliant with the requirements of Policy HC4.

Other Matters

7.42 Policy HC11: Housing Mix and Type requires all new residential development to contribute towards the creation of sustainable, balanced and inclusive communities by meeting identified local and District housing needs in terms of housing mix, size and tenure. The final mix on any site will be informed by the location, nature and size of the development site, character of the area, evidence of local housing need, turnover of properties at the local level and local housing market conditions. The required mix of Policy HC11 and the mix applied to the proposed development is presented in the table below:

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

7.43 Policy HC11 sets out that where proposals do not meet the prescribed housing mix, the applicant will be required to demonstrate how the development contributes to meeting the long term housing needs of the district particularly in regard to the housing needs of young people, families and the elderly. Planning permission will be granted for developments that provide an appropriate mix of housing having regard to the factors outlined above. In terms of market housing the proposal provides an under provision of 2 beds (22%), 3 bed (33%) housing and an oversupply of 4+ bed housing (33%) in relation to the requirements of this policy with no specific evidence to demonstrate the proposal meets the housing needs.

7.44 Energy efficiency should be secured through building design in accordance with Policy PD7: Climate Change. Whilst the Planning Statement mentions this policy it does not include any detail and this is also omitted from the Design and Access Statement. The Council consider that this should be central to the design of dwellings and has a draft SPD on Climate Change with a matrix to assess application submissions. On the basis that there is a total lack of information on this important element of developments it appears the proposal is contrary to this policy. No detail has been provided in terms of whether the proposal has been designed to reduce greenhouse gas emissions, reduce energy consumption and resilience to increased temperatures, contrary to Policy PD7.

Overall conclusions

7.45 The proposal amounts to piecemeal development of an allocation which fails to provide a suitable layout that is in character with the area which is dominated by the road layout in an area of high landscape sensitivity. The policy requirements of public open space and affordable housing provision have not been appropriately addressed and insufficient

information has been submitted on drainage and addressing climate change. It is on this basis that notwithstanding the current shortfall in the 5 year housing land supply and the tilted balance that has to be applied the adverse impacts of the proposals identified are considered to significantly and demonstrably outweigh the benefits of the provision of 18 dwellings within the District.

8.0 RECOMMENDATION

That planning permission be refused for the following reasons.

1. The proposal constitutes piecemeal development of an allocated housing site that would prevent the efficient use of land and delivers sub-optimal outcomes in terms of matters such as layout, landscaping, open space and sustainable drainage which need designing on a comprehensive basis across the site, contrary to Policy S1 of the Adopted Derbyshire Dales Local Plan (2017).
2. The proposed layout poorly addresses Old Hackney Lane, would be dominated by the estate road and fails to reflect the character of the surrounding area due to the largest dwellings being proposed adjacent to the open land without any significant landscaping buffer for mitigation in an area identified as having a high landscape sensitivity, contrary to Policies S3, PD1, PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1, NP8 and NP11 of the Darley Dale Neighbourhood Plan Jan 2020.
3. The proposed piecemeal development of a larger housing allocation precludes the proper consideration of affordable housing to meet a mix of needs across the site and over time, contrary to the aims of Policy HC4 of the Adopted Derbyshire Dales Local Plan (2017).
4. Insufficient information has been supplied in order to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage to accord with the SUDS hierarchy contrary to Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).
5. Insufficient information has been supplied in terms of whether the proposal has been designed to reduce greenhouse gas emissions, reduce energy consumption and resilience to increased temperatures, contrary to Policy PD7 of the Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it. Negotiation was undertaken on highways issues and drainage and partially overcome, on this basis the requirement to engage in a positive and proactive manner was considered to have been undertaken, however, it was considered that the Local Planning Authority should issue a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

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

retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

This decision notice relates to the following documents:

Drawing No's 008-02 Rev A and Received on the 23rd February 2021 and 008 Rev H received on the 16th March.

Drawings No's 001 Rev C, 002, 003 Rev B, 004 Rev B, 005 Rev B and 020 Rev B received on the 16th March 2021

House Type Pack February 2021

Ecological Impact Assessment March 2020

Arboricultural Impact Assessment September 2020

Planning Statement September 2020

Design and Access Statement October 2020

Geophysical Survey

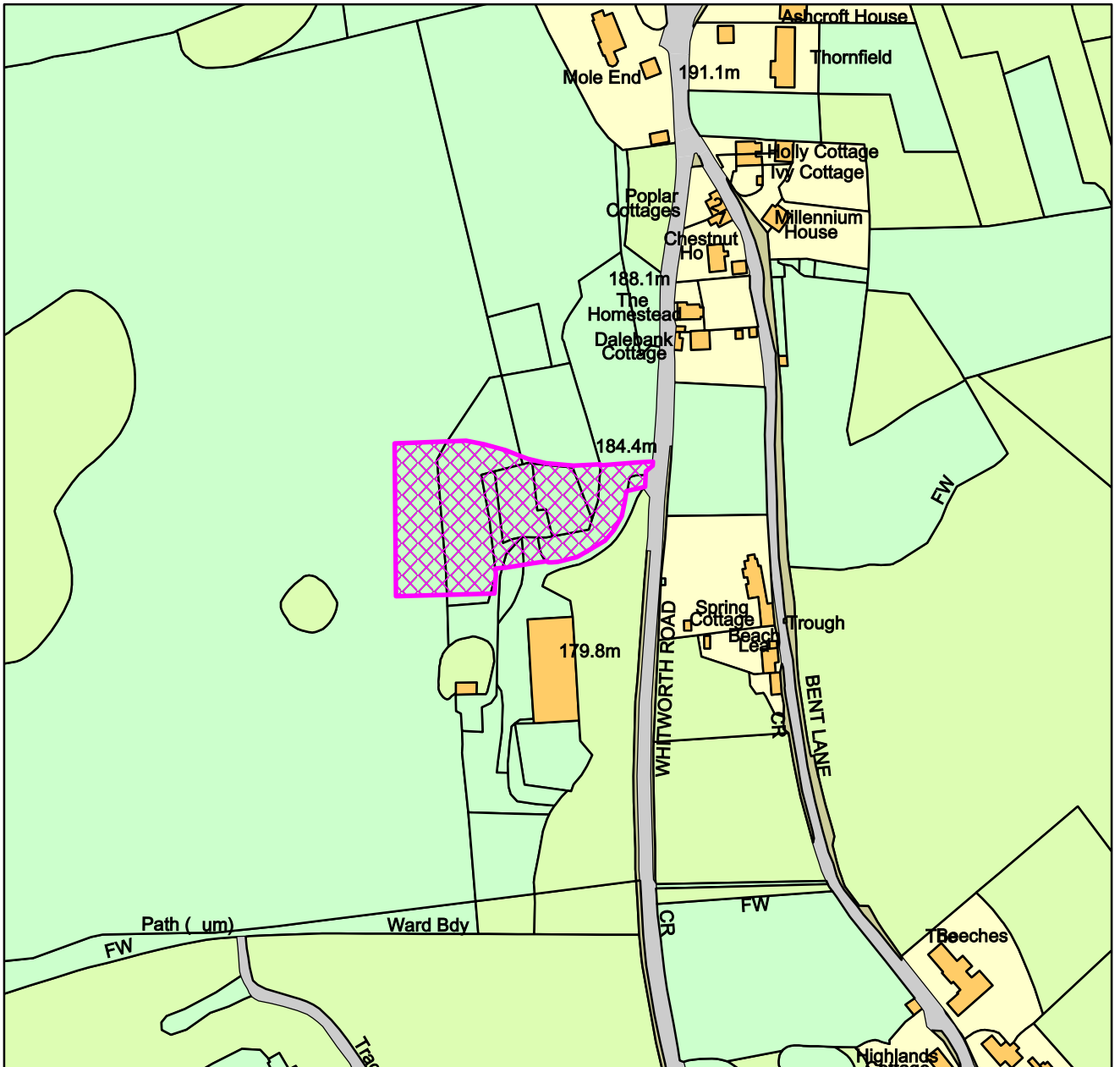
APPLICATION NUMBER		21/00494/FUL	
SITE ADDRESS:		North Park Farm, Whitworth Road, Darley Dale	
DESCRIPTION OF DEVELOPMENT		Retention of horse exercise arena and the use of land as a dog exercise area	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Ms. H. Lowe
PARISH	Northwood and Tinkersley	AGENT	Roger Yarwood Planning Consultant Ltd.
WARD MEMBERS	Cllr. M. Buckler	DETERMINATION TARGET	8 th June 2021
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member and given the number of objections received with respect to the application	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the impact of the proposed development in the rural surroundings

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Policy principle • Impact on the character and appearance of the area • Impact on amenity • Site contamination • Land drainage • Impact on trees • Highway matters

RECOMMENDATION
Approval

21/00494/FUL

North Park Farm, Whitworth Road, Darley Dale



Derbyshire Dales DC

1:2,500

Date: 30/06/2021

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The application site forms part of an agricultural holding to the south east of Northwood. The site is accessed via a track off Whitworth Road. This is an east to west sloping field which has had engineering works undertaken on part of the site to create a levelled area for the purposes of providing a horse exercise arena, which is the subject of part of this planning application.
- 1.2 There is an agricultural building to the south of the application site which had planning permission for an extension to provide for stabling and breeding of horses (planning permission (Ref: 01/01/0038) granted in March 2001 and subsequently permission to extend the building further to prior approval 11/00294/AGR.
- 1.3 Part of the building was then granted permission in December 2015 to be used to provide two animal pens and a dog grooming facility; this permission also included the installation of septic tank and animal turnout area (ref: 15/00461/FUL). It is unclear if this permission was implemented and part of the building has now been extended and altered to create a dwelling, without planning permission, for which an enforcement notice has been served and is currently subject to a Planning Appeal.
- 1.4 The land surrounding the site is agricultural land, albeit planning permission (ref: 15/00208/FUL) was granted in July 2015 for a horse training area and hardstanding, to the north west of the building; this permission was not implemented.





2. DETAILS OF THE APPLICATION

- 2.1 Full (part retrospective) planning permission is sought for the retention of a horse exercise arena with its associated engineering works. Permission is also sought for the use of another area of adjacent land for a dog exercise area. A horse arena was granted planning permission (ref: 15/00208/FUL) in 2015 but this was located further to the south of the site. This was proposed to measure 42m by 32m and was proposed to be contained within a timber fence.
- 2.2 The horse arena is now proposed in a different location approximately 1m to the north east of the approved site. This is now proposed to cover an area of 50m by 32m. This is proposed as a flat site and has to date involved cutting and filling the land to create such an area. These works have been undertaken without the benefit of planning permission and hence the submission of this part retrospective planning application. The embankment which has been cut into, and the material deposited, remain exposed as works have ceased pending consideration of this planning application. There is evidence of land drains having been provided.

- 2.3 It is proposed that a retaining wall, of some 0.4m in height would be provided at the base of the excavated slope and that the banked land would be seeded and planted. Where the land has been raised to the west, it is proposed that this will have a blockwork wall of some 0.5m to the rear of the bank and that the bank will be seeded and planted. The surfacing of the horse arena is proposed to be a sand/fibre mixture of a grey/brown colour. It is advised that the horse arena would be not be fenced. No lighting is proposed.
- 2.4 The dog exercise area is proposed to the south west of the embankment created for the horse arena. This is proposed to measure 77m by 35m and encapsulates the previously approved site for the horse arena which was not constructed. The land has not been regraded in this area and has a natural slope to it. It is proposed that this will remain as grass and would be fenced with a 1.2m high post and wire fence to secure the dogs from getting out onto the horse arena and field.
- 2.5 It is advised that the level of employment at the site would be the equivalent of 1.5 persons.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1 Sustainable Development Principles
 - S4 Development in the Countryside
 - PD1 Design and Place Making
 - PD3 Biodiversity and the Natural Environment
 - PD5 Landscape Character
 - PD6 Trees, Hedgerows and Woodlands
 - PD7 Climate Change
 - PD8 Flood Risk Management and Water Quality
 - PD9 Pollution Control and Unstable Land
 - HC19 Accessibility and Transport
 - HC21 Car Parking Standards
- 3.2 Derbyshire Dales Supplementary Planning Document – Landscape Character and Design
- 3.3 National Planning Policy Framework
- 3.4 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- 0196/0009 Erection of livestock pens and retention of hardstanding and access to field – Granted
- 0199/0045 Construction agricultural building, yard area, drive and vehicular access – Refused
- 01/01/0038 Extension of barn to provide building for stabling and breeding of horses – Granted
- 11/00294/AGR Agricultural Prior Notification - Erection of agricultural storage building – No objection
- 12/00033/AGR Agricultural Prior Notification - Extension to agricultural storage building – No objection
- 15/00208/FUL Proposed horse training arena and hardstanding – Granted
- 15/00641/FUL Partial change of use of agricultural building to provide two animal pens and dog grooming facility and installation of septic tank and animal turnout area - Granted

5. CONSULTATION RESPONSES

Parish Council

- 5.1 - feel there is a lack of clarity regarding this application and the enforcement notice
- concern that the applicant has not followed the proper procedures and this could set a precedent for future applicants
 - the development may cause traffic problems such as traffic generation, access or safety problems due to it now clearly being a commercial business with many planned customers for the dog grooming service
 - approval would create a precedent meaning that it would be difficult to object to similar proposals due to several previous retrospective permissions having already been approved for this site, hence it is becoming a precedent
 - local infrastructure (both roads and drains) are not adequate to service the proposed development
 - proposal may have environmental health impacts such as the use of hazardous materials or ground contamination as there are concerns over the material already used for filling
 - proposal is an inappropriate development within a green belt
 - proposed development will damage the natural environment and will result in significant loss of trees or the loss of trees for which tree protection orders are in place.

Local Highway Authority (Derbyshire County Council)

- 5.2 - based on the existing approved permissions on the site and the conditions controlling activity for both the dog grooming and horse training, and taking in to account that the latest application is only for a relocation of the horse training facility and the dog exercise area, it is considered that these proposals will have no detrimental highway impact, hence there are no highway objections raised subject to the same conditions attached to both 15/00641 and 15/00208 also being attached to any consent granted for this application.

Councillor M. Bucker

- 5.3 - if officers are minded to approve planning permission request application go to the Planning Committee due to the level of public opposition to the scheme

6 REPRESENTATIONS RECEIVED

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

Planning Policy

- by fragmenting the development into phases, the scale, mass and environmental impact of the whole is never assessed or subject to full scrutiny of planning policies
- strategic objectives and Policy PD5 seek to 'protect, enhance and restore landscape character of the plan area' and only permit development where the 'location, materials, scale and use are sympathetic and compliment the landscape character' and 'trees should be retained and managed'

Previous Planning Permission (15/00208/FUL)

- original planning permission proposed minimal cut and fill with no need to import material, with a small banked area and was significantly distanced (56m) from Whitworth Road and set in low, shallow sloping ground
- set in low, shallow sloping ground specifically avoiding the water table sensitive slopes to the east adjacent to Whitworth Road
- original design proposed sympathetic minimal escarpment banks 1.58 to 1.93m high
- the highly valued existing tree screening was to be retained and enhanced

- served to accommodate enforcement for previous unlawful engineering works, landfill and planning breaches
- proposals were not judged as prominent or visually intrusive and considered to have negligible impact on the character and appearance of the landscape
- specific controls were imposed limiting the use for the applicant only for exercising horses and the site not to be used by visitors or as a commercial facility
- officer report did not refer to consistent unlawful engineering breaches, land fill and attendant enforcement cases (ENF/01/0094, ENF/10/00030 and ENF/15/00008)
- every positive proposal, supportive officer recommendation and condition has been breached
- current development bears no relation to the original application which can now be considered a deceptive ploy to obtain a planning approval foothold in principle for negotiations
- the works did not commence within three years and the permission lapsed and concentrated on building a concealed house within the adjacent barn
- would not be in this situation if DDDC had monitored the 2015 approval, assessed breaches or implemented appropriate robust enforcements
- public consultation letters in 2015 predicted the current situation, with approval for commercial scale landfill, but were dismissed

Errors in the Current Application

- errors in drawings
- cross section shows a simple cut and fill and unclear whether this relates to the works that have already been built or a new feature that is yet to be constructed
- not a simple cut and fill and estimate 2,500- 3,000 metric tonnes of imported waste material
- application not drawn to scale (1:500) and does not accurately show the relocation of the horse riding arena as built which are several metres further north toward Northwood Farm houses plus banking
- significant excavations undercutting trees and the massive plateau and escarpment are not shown on the plan
- proposed western bank to the horse riding arena, scaled at 2.5m on the applicant's plan, is actually 10m in length/girth and 4.5-5m in height
- bank and a steep access ramp to field level extend to the centre of the original horse riding arena, precluding any dog exercise area
- plan does not show the removed tree screen previously lauded as 'retained and enhanced' in the 2015 approval or the adjacent TPO Zone 88G3
- refers to incorrect reference of the previous permission and, accordingly, the drawing is disingenuous and represents a biased, false representation of the development completed without planning permission
- refer to Design and Access Statement which states that 'unlike the previous location for the arena, no significant levelling of the site will be necessary' is false, disingenuous and misleading
- applicant claims site is well hidden – this is a false statement

Impact on the Character and Appearance of the Area

- the horse riding arena plateau is 75m long and some 5-8m higher than the local field level and 6-7m higher than the original approved plans
- current phase of illegal works extend the existing plateau, now aggregated to 150m in length and raised between 4.5-7.5m above the local field level with a continuous escarpment of some 10m in girth, the size and volume of a quarry which has significant impact on the character and nature of the landscape and has no context in the natural landform
- shows a very upsetting change in the landscape and a huge change in levels

- scars the landscape and will continue to do so when it is grown over with plant cover as it matures as the intrusive, man-made shape will always be there unless it is restored to the natural previous slope
- presents a highly prominent, elevated artificial mass readily viewed from the south field footpath below, from the Northwood houses, from Northwood Farm neighbours, from Whitworth Road and Bent Lane in the winter when reduced deciduous trees are not in leaf (photographs attached) – trust Committee will be encouraged to see the development from all aspects and not limited, as before, to preferential views from Whitworth Road and deciduous trees in the summer
- previous permission proposed a minimal plateau of neutral cut and fill with no imported landfill and was significantly distanced 56m from Whitworth Road and set in low sloping ground with minimal escarpment banks of 1.58-1.93m high - site now 26m closer to Whitworth Road and 30/35m further north and closer to Northwood Farm residences
- scale, mass and environmental impact fails Local Plan policies K1.1, policy S4, Strategic Objectives S01/06 and particularly policy PD5 which seeks to protect, enhance and restore the landscape character of the plan area and only permit developments where location, materials, scale and use are sympathetic and compliment the landscape character and that trees should both be retained and managed
- statement that no significant levelling of the site will be necessary is false, disingenuous and misleading

Amenity

- more earth plant machines on this smallholding than agricultural machines and attendant industrial plant noise
- noise generated by moving the materials from the dumping site to the final placement is very loud and intrusive across a wide area and happens relentlessly even across weekends

Contamination and Drainage

- have seen many loads of imported materials into the site by various random vehicles such as tractors with large trailers and lorries of various shapes and sizes and with different drivers – feels like an illegal dumping of rough waste
- estimated 1,000 – 2,000 tonnes of waste building materials has been imported onto the site to create a manmade plateau for the horse riding arena
- location of the waste processing enterprise/horse riding arena plateau is unacceptable given such a sensitive, readily flooded hillside with natural springs, high water tables and protected trees
- scale of land drains installed in response to flooding
- concern with the washout from undisclosed imported materials into the local water table/aquifer and river valley
- have discussed the suitability of a waste landfill site in such an environmentally sensitive location relative to natural springs, with high water table and frequent flooding with the Environment Agency and County Council
- both DDDC and DCC have been unwilling, or unable, to resolve matters, delaying assessments and diverting responsibility
- notwithstanding the technical legitimacy of the Environment Agency U1 exemption, seriously question the specific location of the proposed horse riding arena in terms of environmental impact sensitivity and environmental planning policy
- although the site benefits from an U1 exemption, the EA are critically examining the provenance and registration of imported waste (U1 exemptions require records of provenance, status, amounts/size and origins of imported waste via Waste Transfer Notes and, if necessary, a Section 34 Notice)
- notwithstanding the technical legitimacy of the U1 exemption, seriously question the specific location of the proposed horse riding arena in terms of environmental impact sensitivity (water table/flooding) and environmental planning policy

- given the materials on site and the ad hoc nature of local builders/third party tipping and land clearances, less than confident in the full registration and traceability of imported fill estimated in excess of 1600 cubic metres
- such fragmentation of planning applications supports continuous commercial scale landfill

Commercial Use of Site and Traffic

- notwithstanding the technical U1 exemption for materials and volumes, issue of different use of a commercial business on the site and increased traffic in relation to planning conditions and strict highway limitations
- application indicates that there is to be an increase in number of employees from 1 to 1,5 – understand this is not permitted by the previous permissions and that the dog grooming business was to be carried out by the applicant only
- dog exercise area would be 70m long and 30m deep which is significantly larger than the previously approved horse training area of 40m long by 25m wide
- size and scale of the proposed facilities would appear neither consistent with personal use nor existing permissions
- there is a commercial scale landfill enterprise on the site via a range of local builders, contractors, Council approved subcontractors (at Riversdale Depot, Darley Dale located at Matlock Transports old A6 yard) and land/site clearances
- Paragraph 14 of the National Planning Procedure Framework states that ‘whilst there should be favour towards sustainable development there should be none to accommodate adverse environmental impacts and be no mitigation for material gain’

Impact on Trees

- in forming the raised plateau, the tree screening to the east, much lauded in the 2015 planning application, has actually been removed and destroyed in part rather than retained and enhanced
- the protected trees and water table have been undermined by the plateau excavations and backfilled at road level with imported landfill

Other Matters

- applicants continue to act as if they are immune to planning laws – now seemingly common practice at DDDC with regularisation
- sixth time the applicant has carried out major unapproved developments or has had enforcement notices applied
- to date there have been 6 planning applications, 3 agricultural GDO applications and 4 related enforcement cases/notices
- Localism Act 2011 mandates the local authority to consider Clauses SS123 and 125 regarding selection of effective enforcement and in particular retrospective planning permissions in relation to enforcement cases – token enforcement measures chosen by DDDC on this site have consistently been less than appropriate, proportionate or effective indeed some would say complicit in allowing the landowner to complete works and negotiate from a strong foothold leaving the planning committee uniquely vulnerable to please of compromise and capitulation
- prejudgement, assessment and neutrality – neither neutral or transparent to consider approximately 1200 – 1500 cubic metres of imported fill and an elevated plateau 75m long x 4.5- 5m high as trivial or technical
- token enforcement measures by DDDC on this site have consistently been less than appropriate, proportionate or effective – some would say complicit in permitting the landowner to complete works and negotiate from a strong foothold leaving the Planning Committee uniquely vulnerable to please of compromise and capitulation – witness the failure of all enforcements on this site and consistent accommodation by regularisation
- such manipulation seeks to render the Planning Committee compromised, irrelevant and required to rubber stamp retrospective applications in the guise of regularisation

- planning assessments should be informed, not judged by, previous relevant breaches and failures in enforcement – suggest the application be judged in its individual and aggregated form and consider the legitimacy and credibility of previous wilful breaches
- letter from Officers confirms that since ‘the principle of the development has previously been considered by the council, and has been determined to be acceptable....it is reasonable to assume that permission for the current work might be granted’
- 15/00208/FUL approval demonstrates a naïve trust in the landowners false pretences and wilful deceptions via positive and proactive dialogue where significant public consultation concerns were dismissed as ‘not sufficient to oppose the application’ – find the above assessments are targeted, prejudiced and appear to pre-judge approval
- it is the duty of care and responsibility of the committee to independently arbitrate between applicant, the local authority and the public without favour – there has to be an independent assessment by all parties to avoid undermining public confidence and credibility in the planning system
- if planning report echoes the assessment of the development as trivial, technical or having no harm or adverse impact and found to be acceptable on planning merits, if it is limited to the individual case and isolated from aggregated total development, relevant history or bypassing full scrutiny of policies, prejudged as acceptable by principle of the previous approval but precludes relevant history of previous breaches/enforcements, is again dismissive of public consultations, if committee inspection is limited to summer views from Whitworth Road and not from below the plateau and footpath, then contend such a report would indicate a less than independent or balanced assessment
- given previous assessments and token enforcements, it will be instructive and telling to see where the planning officer’s beliefs and sympathies are placed and what degree this, and other public consultation letters, are again dismissed
- in the process of preparing a submission to the Local Government and Social Care Ombudsman

7 OFFICER APPRAISAL

Policy Principle

- 7.1 Policy S1 (Sustainable Development Principles) of the Adopted Local Plan (2017) advises that all developments should seek to make a positive contribution towards the achievement of sustainable development by improving the economic, environmental and social conditions of the area wherever possible. This includes seeking to secure developments which provide a high standard of amenity for all existing and future occupants of land and buildings, ensuring communities have a healthy, safe and attractive living environment and the risks from pollution and other potential hazards are minimised and, where appropriate, mitigated.
- 7.2 The policy seeks to secure high quality, locally distinctive and inclusive design and layout in all development and to minimise the risk of damage to areas of importance for nature conservation and/or landscape value, both directly and indirectly and ensuring that there is suitable mitigation for a net gain in biodiversity and the creation of ecological networks. The policy also seeks to encourage pollution prevention and to give priority to the use of Sustainable Drainage Systems (SuDS) to limit surface water run-off and improve and protect the District’s water quality and groundwater resources from potentially polluting development.
- 7.3 Policy S4 (Development in the Countryside) advises that the District Council will seek to ensure that new development preserves and/or enhances the character, appearance and local distinctiveness of the landscape, and landscape setting of the Peak District National Park, whilst also facilitating sustainable rural community needs, tourism and economic development. This policy allows for equestrian development where it does not have an adverse impact upon the character of the area.

- 7.4 Policy PD1 (Design and Place Making) advises that all developments should respond positively to both the environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place. It also requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity
- 7.5 Policy PD3 (Biodiversity and the Natural Environment) advises that the District Council will seek to protect, manage, and where possible enhance the biodiversity of the Plan area and its surroundings by ensuring that development proposals will not result in harm to biodiversity.
- 7.6 Policy PD5 (Landscape Character) advises that development proposals be informed by, and be sympathetic to, the distinctive landscape character areas as identified in 'The Landscape Character of Derbyshire' and 'Landscape Character of the Derbyshire Dales' assessments and also take into account other evidence of historic landscape characterisation, landscape sensitivity, landscape impact and the setting of the Peak District National Park and where appropriate incorporate landscape mitigation measures.
- 7.7 It also requires that development proposals recognise the intrinsic character, appearance and local distinctiveness of the landscape and landscape setting of the Peak District National Park and can be accommodated without unacceptable impact. And to resist development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement. Policy PD6 (Trees, Hedgerows and Woodlands) advises that trees and hedgerows of value should be retained and integrated within development wherever possible.
- 7.8 Policy PD7 (Climate Change) requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions to reduce likely energy consumption and resilience to increased temperatures. Policy PD8 (Flood Risk Management and Water Quality) advises that development will be supported where it is demonstrated that there is no deterioration in ecological status in line with the Water Framework Directive, either directly through pollution of surface or groundwater or indirectly through pollution of surface or groundwater.
- 7.9 Policy PD9 (Pollution Control and Unstable Land) advises that the District Council will ensure that sites are suitable for their proposed use, taking account of ground conditions and land instability and that planning permission will only be granted for development on land potentially affected by land contamination provided effective and sustainable measures are taken to assess, treat, contain or control the contamination so as to ensure that it does not expose the environment and neighbouring land uses to any unacceptable risk, lead to or allow the contamination of any watercourse or cause or allow the contamination of adjoining land.
- 7.10 Policy HC19 (Accessibility and Transport) advises that the District Council will seek to ensure that development can be safely accessed in a sustainable manner and that proposals should minimise the need to travel, particularly by unsustainable modes of transport. Policy HC21 (Car Parking Standards) requires adequate parking provision to serve the site.
- 7.11 The aims of Policies PD3, PD5, PD6 and PD8 are also reflected upon in the District Council's Supplementary Planning Document 'Landscape Character and Design.' This advises that the District Council is concerned about the impact of development on the local environment, the way it integrates with its surroundings, the contribution it makes to the wider street scene and the quality of the site environment itself. This guidance seeks to ensure the sympathetic integration of all development with its surroundings and to promote, encourage and facilitate

the creation of high quality landscapes as part of all development. Changes made to the environment, as a result of development, can affect the quality and character of the local landscape and its appearance and the effect can be damaging (adverse or negative), neutral (negligible), or beneficial. The District Council expects all development to either maintain or enhance the quality of the landscape.

7.12 The proposals are assessed against these policies as follows.

Impact on the Character and Appearance of the Area

7.13 It is pointed out in the representations that the previous planning permission (15/00208/FUL) for the horse riding arena has lapsed; that is the case. What is now being considered is whether a horse riding arena can be provided on an alternative site on land in the applicant's ownership.

7.14 The proposals, in their engineered appearance, do cause a degree of harm in the immediate landscape as the horse arena has clearly been engineered, with cut and fill, to form the flat surface for horse training. However, this has been created with what is apparently licensed tipping by the Environment Agency and the horse riding area is proposed on this manufactured land form. Nevertheless, such facilities often require such engineering works given the topography of the District and planning permissions have been granted throughout the District for such facilities. In terms of assessing harm, it has to be considered whether this facility would cause significantly more harm in the landscape than other such equestrian developments to justify a recommendation of refusal.

7.15 To this end, the site is not open to close public scrutiny and, whilst it may be possible to view this site in the distance, this would be from across the valley and the visual intrusion of such a facility would be negligible given that this is a type of development found in the rural landscapes. Whilst such proposals should seek to preserve or enhance the landscape, if this was applied to all horse riding arenas in the District, many would not exist as they generally do not preserve or enhance the character and appearance of the landscape. Nevertheless, such developments are broadly in accordance with Plan policy and are considered acceptable as part of the rural landscape.

7.16 The engineering works may be considered substantial to form the flat area. However, the excavated area and the filled area would be expected to be grassed or planted to assimilate the site back into its surroundings when works are completed and will conceal an area of, what appears to be, authorised tipping of inert material.

Impact on Amenity

7.17 A horse riding arena and a dog exercise area have been approved with planning permissions 15/00208/FUL and 15/00641/FUL. It is not considered that the relocation of these facilities (some 35m) is so much closer to residential properties that a recommendation of refusal could be substantiated on the basis of the development being of significant harm to the amenity of local residents.

7.18 In terms of the dog exercise area, this has also been previously approved and requires no more than being fenced; fencing can normally be erected as permitted development and the proposed fencing falls well within the permitted limits and only requires consent by virtue of the use proposed for the land.

Site Contamination

7.19 Concern has been raised by local residents with regard to the material which has been brought to the site being contaminated. Policies PD8 and PD9 the Adopted Local Plan

(2017) advise that development should seek to ensure that development does not lead to the creation of unstable land, pollution or contamination. There is no evidence that this is the case and the Environment Agency have previously issued a licence for inert material tipping (U1 exemption). Whilst it is noted that this lapsed, a further exemption was applied for by the applicant on 22nd March 2021 to run for a further three years.

- 7.20 It has been advised by a local resident the Environment Agency are looking into the provenance and status of the imported material and the suitability of the field, which is advised is subject to a high water table and which is readily flooded. If the Environment Agency find contamination, they are able to use their own powers to address such matters.
- 7.21 Whilst the County Council has advised that the tipping should be considered by the District Council, the Local Planning Authority for minerals and waste is the County Council and they could investigate this matter further, and the complaints raised, if they deem it necessary. This does not prejudice the granting of planning permission for the development. As the arena area is now largely formed, a condition could be attached that further material shall not be imported unless otherwise agreed in writing by the Local Planning Authority.

Land Drainage

- 7.22 The applicant has provided land drainage facilities but it is considered that these will not lead to any issues with regard to flooding or water contamination as they essentially move land drainage from the slope above the horse arena to the land below it with a substantive field and a wooded area below for water capture below the site.

Impact on Trees

- 7.23 It is considered that the works undertaken have possibly resulted in the loss/harm to trees on the site but the application site is located further away from the protected trees to the south west which the previously approved arena was closer to. The applicant has advised that landscaping would be undertaken to the embankments and details of this can be required as a condition on any grant of planning permission. The applicant has set aside turf removed from the land.

Highway Matters

- 7.24 The Local Highway Authority has previously advised that the existing access is at a point on Whitworth Road where geometry is limited and visibility also obscured by high walls either side, the one to the northern side not appearing to be in the applicant's control.
- 7.25 Whilst this application refers to there being 1.5 people at the site, the planning permission for the dog grooming business (ref: 15/00641/FUL) was granted in 2015 and had the following condition attached:

The dog grooming operation shall be carried out only by the applicant and by no other person, shall be by appointment only and shall not operate outside of the hours 8.00am and 8.00pm Monday - Saturday and 9.00am and 1.00pm on Sundays, and not be operated on Bank Holidays. No dogs shall be kept at the site overnight.

- 7.26 In terms of the horse riding arena, this was previously granted permission (ref: 15/00208/FUL), in the nearby location, with the following condition:

The horse training area hereby approved shall be used by the applicant only for the exercise of their horses. The training area shall not be utilised by visitors or operated as a commercial facility.

7.27 As such, despite the applicant advising that there would be 1.5 people present at the site, the above condition relating to the dog grooming business specifically restricts that to being only the applicant. With this current planning application, the dog exercise area is being considered for relocation on site; this does not override the previous permission regarding the dog grooming business and the conditions attached to that permission. With regard to the horse riding area, a condition could be attached similar to that of planning permission 15/00208/FUL. This accords with the comments of the Local Highway Authority.

Conclusion

7.28 The proposal is not considered to significantly change the nature of the previously approved development and activity on the site. The principle matter for consideration is whether the engineering works are so harmful in the landscape to justify a recommendation of refusal.

7.29 The site needs to be flat for purpose and there are often instances where the provision of horse riding arenas in the District have required excavation and fill of the site. In this regard, it is considered that the site is not readily visible in the public realm and that, whilst it is currently visible with the soil to the cut and fill areas, it is considered that these areas can be grassed or appropriately landscaped to blend with the fields/wooded area. The site also has the advantage of being further away from the protected trees to the south west to which the previously approved horse arena was more closely located.

7.30 In terms of the dog exercise area, this has also been previously approved and requires no more than being fenced; fencing can normally be erected as permitted development and the proposed fencing falls well within the permitted limits and only requires consent by virtue of the use proposed for the land.

7.31 The objections have been taken into consideration, but they are not considered to provide sufficient grounds to oppose the application and, therefore, it is recommended that planning permission be granted subject to conditions that no additional material is brought onto the site unless otherwise approved, that appropriate landscaping is provided, that the facilities are only operated by the applicant and that the horse riding arena is not used for commercial purposes.

7.32 Given the above, it is considered that the proposal for the horse riding area is broadly in accordance with policies S1, S4, PD1 and PD5 of the Adopted Local Plan (2017) in that the works are associated with an activity that is found within the open countryside and requires a level area. Whilst this part of the field would be reprofiled, it is considered, with appropriate planting and grassing of the embankments, that the arena, whilst being apparent in the landscape, would assimilate into it and not be so harmful to justify a recommendation of refusal.

7.33 The works to form the dog exercise area amount to the erection of fencing which can be erected without the requirement for planning permission. It is considered there will be little impact in the landscape with the creation of that area and such a proposal has been previously approved in close proximity.

7.34 As such, the recommendation is one of approval subject to the conditions requested by the Local Highway Authority and conditions to ensure that the retaining walls are appropriately constructed and that the landscaping is approved and implemented within the first planting season to address the impact of the unauthorised works to date.

8 RECOMMENDATION

That planning permission be granted subject to the following conditions

1. This permission shall be implemented in accordance with the original submitted drawings and information, except as require by the additional drawing and additional information received on 2nd June 2021, and except as may otherwise be required by any other condition to which this permission is subject.

Reason:

To define the permission for the avoidance of doubt and ensure the satisfactory appearance of the site to accord with policies S1, S4, PD1 and PD5 of Adopted Derbyshire Dales Local Plan (2017).

2. Within 12 months of the date of this permission, the retaining walls and the surfacing of the horse riding arena shall be undertaken in accordance with the submitted details.

Reason:

To ensure the satisfactory appearance of the site given the permission is part retrospective and to accord with policies S1, S4, PD1 and PD5 of Adopted Derbyshire Dales Local Plan (2017).

3. Within three months of the date of this permission, a detailed landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall thereafter be provided in in accordance with the approved scheme in the first planting season after the date of this permission.

Reason:

To ensure the satisfactory appearance of the site given the permission is part retrospective and to accord with policies S1, S4, PD1 and PD5 of Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To ensure the satisfactory standard of landscaping to accord with policies S1, S4, PD1 and PD5 of Adopted Derbyshire Dales Local Plan (2017).

5. Other than any soil required for the purposes of landscaping, no additional materials shall be brought onto the site, for the purpose of tipping, unless otherwise first agreed in writing by the Local Planning Authority.

Reason:

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

6. Notwithstanding the details submitted with the planning application, the dog exercise area shall only be used in conjunction with the dog grooming operation, which itself shall be carried out only by the applicant and by no other person, shall be by appointment only and shall not operate outside of the hours 8.00am and 8.00pm Monday - Saturday and 9.00am and 1.00pm on Sundays, and not be operated on Bank Holidays. No dogs shall be kept at the site overnight.

Reason:

For the avoidance of doubt and in the interests of sustainable development and highway safety, in accordance with policies S1 and S4 of the Adopted Derbyshire Dales Local Plan (2017).

7. The horse training area hereby approved shall be used by the applicant only for the exercise of their horses. The training area shall not be utilised by visitors or operated as a commercial facility.

Reason:

For the avoidance of doubt and in the interests of sustainable development and highway safety, in accordance with policies S1 and S4 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
2. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in the submission of further information with regard to the proposed retaining wall, the surfacing material for the horse riding arena and clarification on the usage of the horse riding arena and dog exercise area.
3. This decision notice relates to the following documents:

Site Location Plan 1:2500 received on 13th April 2021

Block Plan 1:500 received on 13th April 2021

Additional Draw9ing and Information received on 2nd June 2021

Design and Access Statement received on 13th April 2021.



Planning Committee 13th July 2021

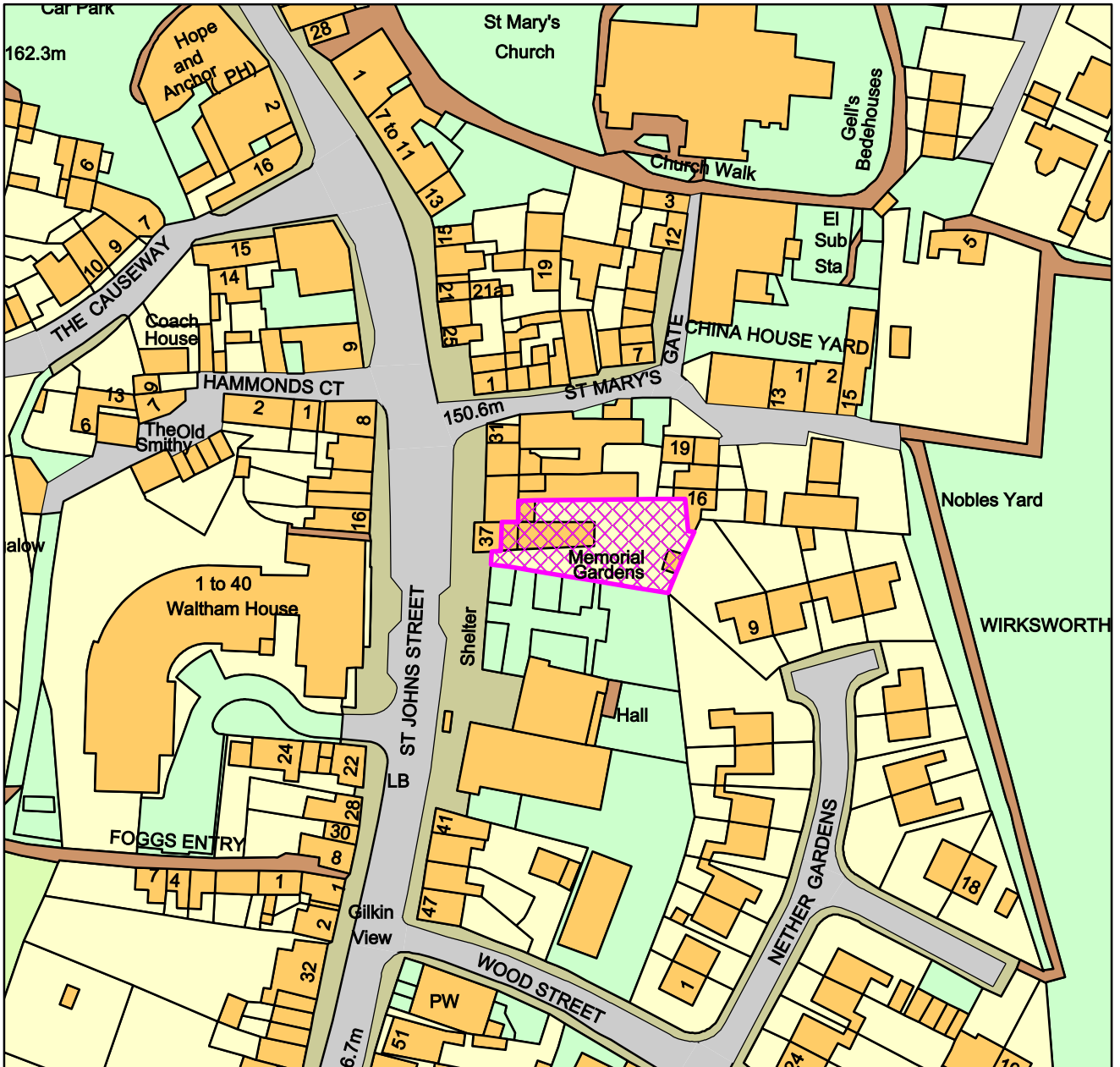
APPLICATION NUMBER		21/00311/FUL	
SITE ADDRESS:		37A St John Street, Wirksworth	
DESCRIPTION OF DEVELOPMENT		Solar Panels, housing for smart meter and erection of shed	
CASE OFFICER	Sarah Arbon	APPLICANT	Miss A McLaren
PARISH/TOWN	Wirksworth	AGENT	
WARD MEMBER(S)	Cllr P Slack Cllr M Radcliffe	DETERMINATION TARGET	21 st May 2021
REASON FOR DETERMINATION BY COMMITTEE	Called in by Cllr Slack	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context and the impacts to heritage assets arising from the proposal.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of development - Impact upon Heritage Assets

RECOMMENDATION
Refusal

21/00311/FUL

37A St John Street, Wirksworth



Derbyshire Dales DC

1:1,250

Date: 30/06/2021

100019785

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

1.0 THE SITE AND SURROUNDINGS

- 1.1 The property is grade II listed building (listed 1973) located off St John Street, within the Wirksworth Conservation Area. It is dated 1719, with later alterations and additions. It is built in stonework with part of its southern elevation being in red brick (a probable later re-facing). There are a mixture of window types and frames including sashes, casements and a leaded light window. The roofs are laid with natural slate and the lower, eastern range, is covered with clay tiles.
- 1.2 The application site is located on the main street through the centre of Wirkworth with its southern elevation adjacent to the Memorial Gardens where the Tuesday market is held. The front elevation of the brick part of the building is obscured by the existing stone wall on the boundary.



2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the following:-
- Installation of 14No. solar panels and associated brackets etc. to the south facing roof slopes of the property:
 - New timber shed to the rear garden measuring 1.9m x 0.7m x 1.5m
- 2.2 Fourteen solar panels (in two unified blocks) are proposed attached to the roof to the south facing roof slopes of the listed building, mounted on brackets affixed through the roof covering. The panels are to have an anti-reflective finish and black edgings/frames.
- 2.3 The small timber garden shed is proposed adjacent to the boundary wall on the northern boundary and enclosed by the building to the west and south.
- 2.4 The ground source heat pump referred to in the original description of development is permitted development and does not require planning permission.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

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
 - PD7: Climate Change
2. Wirksworth Neighbourhood Plan 2015
 - NP17: Upgrading existing buildings
3. Wirksworth Conservation Area Appraisal
4. National Planning Policy Framework
 - National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

20/00775/LBALT	Internal and external alterations, repairs and refurbishment	PERC	07/10/2020
20/01228/LBALT	Internal and external alterations	PERC	26/01/2021
21/00312/LBALT	Internal and external alterations to facilitate renewable energy equipment/infrastructure	Pending	
21/00549/LBALT	Re-build of gable end wall and internal cross wall, replacement of lintel and additional internal structural work	PERC	21/06/2021

5.0 CONSULTATION RESPONSES

Wirksworth Parish Council

- 5.1 No comment. Wirksworth Town Council has declared a Climate Emergency and therefore any development or change should seek to reduce the carbon footprint.

Design and Conservation Officer (Derbyshire Dales)

- 5.2 The proposal would be visible from the public realm and would present a sizeable and alien addition to the roofscape of the listed building which, currently, displays its original built plain form and appearance and traditional roof coverings. It is considered that the proposed solar array would fail to preserve the special architectural interest and significance of the listed building and would also fail to preserve the character and appearance of the Wirksworth Conservation Area. In this regard there is a finding of harm. It is considered that the level of harm would not be substantial and, in that regard, paragraph 196 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset(s), that harm should be weighed against the public benefits of the proposal.

Cllr P Slack

- 5.3 Support the renewable energy aspects of the application and have no problem with erection of shed.

6.0 REPRESENTATIONS RECEIVED

- 6.1 No representations have been received from residents. Representations have been received for the related Listed Building Consent 21/00312/LBALT which is reported separately.

Wirksworth Civic Society

They are mindful and supportive of the desire by many people to assist towards combatting adverse climate changes by installing renewable energy appliances in their homes but do not support this at the cost of the loss of historic character of the Wirksworth Conservation Area or where to allow such installations would be harmful to the special character of the town's listed buildings.

The statutory list description covers only the taller, gritstone-faced section, incorporating the frontage premises on No.37 St John Street, of which the eastern half comprises part of No. 37A, along with the brick-faced lower part. This brick section with a tiled roof is, by attachment to the part described in the statutory list, protected in the same way. The taller section of the building has a slated roof covering. The lower section has a clay-tile roof covering. Although set back from the frontage of St John Street at right angles to it, the south-facing roof slopes of No.37A are very visible from the new market area and St. John Street, by virtue of the openness of the market area. The large and beautiful plane tree outside the Memorial Hall would do very little to shield views of the roofs, as has been argued by the applicant, especially when not in leaf.

Their view is that the shiny black finish of the solar panels and their installation on short legs standing above the level of the slated and tiled roofs, would be detrimental to the character and appearance of the listed building and to the appearance of the Conservation Area, which are characterised by traditional materials and forms. The imposition of the panels on the slated roof would be particularly harmful to the appearance of that roof with its grey/green slate covering. They consider that the application should be refused as it stands and that a fresh application without the solar panels, could be approved.

However, if the Council is minded to approve the installation of solar panels on this property, they ask

- a) That the panels be confined to the lower, clay-tiled roof AND
- b) That the type of panel be changed to a product which is fitted flush with the roof plane and replaces the tiles from the same area, thus avoiding upstanding mounting legs required. (A model of this product can be seen from Water Lane in Wirksworth on a refurbished house).

7.0 OFFICER APPRAISAL

- 7.1 The following material planning issues are relevant to this application:
- Principle of development
 - Impact on Heritage Assets
- 7.2 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 environment and heritage assets as well as their settings; it has been designed and sited to minimise any adverse impact on the surrounding area and direct benefits to the area and local community.

- 7.3 Wirksworth Neighbourhood Plan Policy NP17 on upgrading existing buildings states *“planning applications for alterations to buildings required to improve their energy conservation qualities will be permitted, provided that works to heritage assets do not cause harm to their significance”*.

Therefore whilst renewable energy installations are supported an assessment on impacts in respect of the listed building, its setting and Conservation Area is essential in order to weigh the benefits against any harm identified.

- 7.4 Policy PD2 seeks to conserve heritage assets in a manner appropriate to their significance, taking into account the desirability of sustaining and enhancing their significance and ensuring that development proposals contribute positively to the character of the built and historic environment. It states that any proposed works should be informed by a level of historical, architectural evidence proportionate to their significance. Extensions and alterations are required to demonstrate how the proposal has taken account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset.
- 7.5 Policy PD2 requires proposals that affect a heritage asset and/or its setting to demonstrate how it has taken into account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset. The application is accompanied by a Design, Access and Heritage Statement which assesses the significance of the asset as medium taking account of Historic England Guidance and mentions the Key Issues in the Local Plan, Wirksworth Neighbourhood Plan and Wirksworth Conservation Plan.
- 7.6 In the Statement of Significance and Impact there is a recognition that the panels *“will have a negligible impact on the historic fabric”* and acknowledges that *“while the panels do cover the roof, the design / location has been considered to be as visually unobtrusive as possible”*. The current roof coverings are of two types – slates and clay tiles. In the submitted Design, Access & Heritage Statement (DAHS) it concludes that the proposed solar panels *“will have as minimal physical and visual impact as possible”*, that they are *“reversible”* and will have a *“negligible impact on the original built fabric”*.
- 7.7 The principal issues are to consider and assess their impact(s) and whether the proposal would preserve the listed building, or any feature of special architectural or historic interest that it possesses, and whether the proposal would preserve or enhance the character and appearance of the Wirksworth Conservation Area. The property is a grade II listed building, dated 1719, with later alterations, located prominently within this part of the Conservation Area. The submitted DAHS identifies the weighting of significance for this property and categorises it as *“Medium: Grade II Listed Buildings/ Conservation Areas containing buildings that contribute significantly to its historic character”*.
- 7.8 The proposed solar panels are to be located on the south facing roof slopes to the listed building. The property can be seen in views from the public realm from St John Street and from the adjacent Memorial Gardens. Whilst the tree provides some concealment, from certain viewpoints, the property remains visible. The south facing roof slopes of the property are prominent and are architecturally significant elements of the listed building. Roofs and roofing materials are significant attributes to the character and appearance of the Conservation Area in providing a variety of traditional tones and textures and in their blank, robust and solid forms. Whilst the proposed solar panels are to be slim profile, black framed, have an anti-reflective finish and would be reversible they would present a sizeable and alien addition to the roofscape of the listed building which, currently, displays its original built plain form and appearance and traditional roof coverings. It is also of significance that in 360 degree views adjacent and within the vicinity to the property no other roofs within that view

have solar panels installed on their roofs. In this regard, the proposed solar panels would be exceptional and anomalous.

- 7.9 It is considered that whilst the proposed solar panel array has some positive aspects to its design and installation the presence of the solar array to this south facing roof slopes to the listed building would introduce a visually apparent alien shape and texture in place of the existing matt finish, texture and appearance of the slated and tiled roof coverings and would visually disrupt the robust solid form of the roof slopes.
- 7.10 This stance is apparent in appeal decisions for solar panels either on listed building or affecting their setting. The Inspector for an appeal in Morpeth (APP/P2935/Y/15/3139639) stated that the difference in appearance of the panels from the existing roof tiles “makes them stand out as modern, incongruous additions which draw the eye, harmful to the historic character of the listed building on which they are sited”. In this appeal the array would be visible for public vantage points and states that setting of a heritage asset is the surroundings in which the asset is experienced. The proposed array would be highly visible from the Memorable Gardens and the main street in the centre of Wirksworth.
- 7.11 Furthermore in an appeal decision in Northampton the Inspector states “the significance of the barn and stables lies in their architectural interest which along with their attractive village setting makes a positive contribution to the general area”. This is true of the application property which sits in a prominent location where its historic interest includes its group value where roof materials are traditional.
- 7.12 Paragraph 193 of the NPPF (2019) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. It is considered that the proposed solar array would fail to preserve the special architectural interest and significance of the listed building and would also fail to preserve the character and appearance of the Wirksworth Conservation Area. In this regard there is a finding of harm. It is considered that the level of harm would not be substantial and, in that regard, paragraph 196 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset(s), that harm should be weighed against the public benefits of the proposal.
- 7.13 The submitted reports states the energy generation would be 4KW at peak times, sufficient to power the Ground Source Heat Pump (GSHP) proposed as part of the Listed Building Consent and other household appliances as well as providing opportunity to sell back excess power to the grid. Power optimisers within the panels would maximise efficiently when in shade. The estimated monthly energy graph submitted indicates that solar energy production would exceed consumption for 7 months of the year and the company estimates that 71% of the production could be exported with a CO₂ saving of 1.25t. It is clear that a public benefit of the panels would be to make a contribution to the production of renewable energy and lowering carbon emissions. However, in this instance the very minor contribution to national targets in favour of sustainable energy generation would produce a very modest public benefit. Therefore due to the significance of the heritage asset affected, this benefit would be outweighed by the harm identified. On this basis, the solar panels are not considered acceptable, contrary to Policies PD2 and PD7.
- 7.14 A new timber shed proposed to be located in the rear garden which is enclosed within the garden and would be located against the garden boundary wall (and not attached/against the listed building). It is to be relatively small in scale and form. Details of its proposed finish have not been submitted and it is considered that it should be painted or (opaque) stained a dark, recessive, colour which can be controlled by condition. This part of the proposal is considered to be acceptable and accords with Policies PD1 and PD2.

7.15 The proposed electric meter housing (steel meter box painted green) located on the south elevation of the property is considered to be acceptable in constituting no adverse harm to the overall significance of the listed building.

8.0 RECOMMENDATION

That planning permission be refused for the following reason.

The proposed solar panels on the southern roof slope of this listed building would present a sizeable and alien addition to the roofscape of the listed building which, currently, displays its original built plain form and appearance and traditional roof coverings, thereby failing to preserve the special architectural interest and significance of the listed building and the character and appearance of the Wirksworth Conservation Area. It is considered that the level of harm would be less than substantial harm to the significance of a designated heritage assets whereby the limited public benefit of renewable energy generation would not outweigh the harm, contrary to Policies PD2 and PD7 of the Adopted Derbyshire Dales Local Plan, Policy NP17 of the Wirksworth Neighbourhood Plan 2015 and NPPF paragraphs 193 and 196.

9.0 NOTES TO APPLICANT:

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

This decision notice relates to the following documents:

Plan no's 1148-2/P01 A, P07A, P08A, P09A and P10A

Photo Survey

Schedule of works / Statement of Significance and Impact – Renewable Energy

Historic Building Appraisal

Design, Access and Heritage Statement

Trigen letter dated 28/9/2020



Planning Committee 13th July 2021

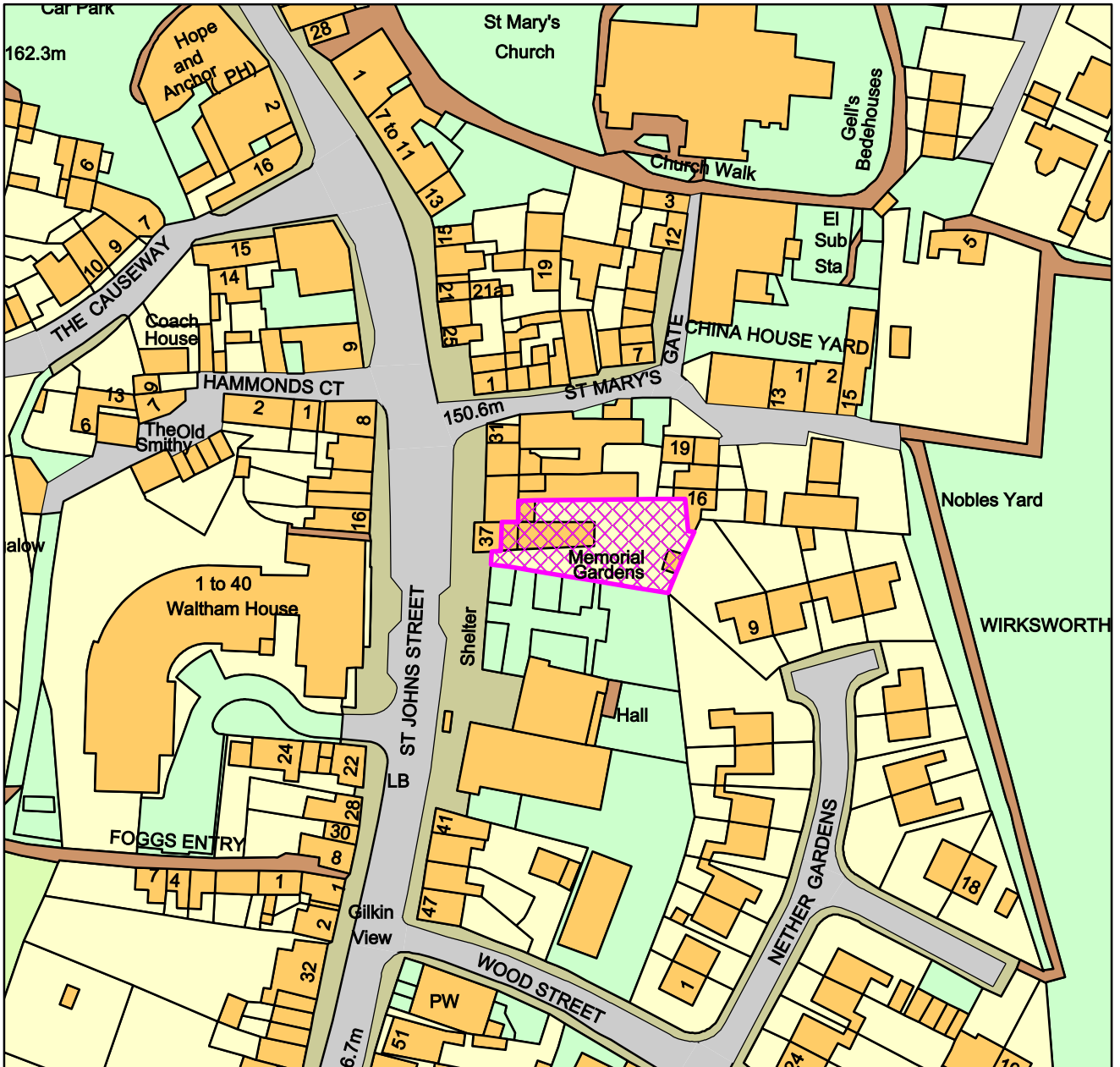
APPLICATION NUMBER		21/00312/LBALT	
SITE ADDRESS:		37A St John Street, Wirksworth	
DESCRIPTION OF DEVELOPMENT		Internal and external alterations to facilitate renewable energy equipment/infrastructure	
CASE OFFICER	Sarah Arbon	APPLICANT	Miss A McLaren
PARISH/TOWN	Wirksworth	AGENT	
WARD MEMBER(S)	Cllr P Slack Cllr M Radcliffe	DETERMINATION TARGET	3 rd May 2021
REASON FOR DETERMINATION BY COMMITTEE	Called in by Cllr Slack	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context and the impacts to heritage assets arising from the proposal.

MATERIAL PLANNING ISSUES
<p>– Impact upon Heritage Assets</p>

RECOMMENDATION
Refusal

21/00312/LBALT

37A St John Street, Wirksworth



Derbyshire Dales DC

1:1,250

Date: 30/06/2021

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1.0 THE SITE AND SURROUNDINGS

- 1.1 The property is grade II listed building (listed 1973) located off St John Street, within the Wirksworth Conservation Area. It is dated 1719, with later alterations and additions. It is built in stonework with part of its southern elevation being in red brick (a probable later re-facing). There are a mixture of window types and frames including sashes, casements and a leaded light window. The roofs are laid with natural slate and the lower, eastern range, is covered with clay tiles.
- 1.2 The application site is located on the main street through the centre of Wirkworth with its southern elevation adjacent to the Memorial Gardens where the Tuesday market is held. The front elevation of the brick part of the building is obscured by the existing stone wall on the boundary. There is a Sycamore tree on the southern boundary of the site covered by TPO 135.



2.0 DETAILS OF THE APPLICATION

- 2.1 Listed Building Consent is sought for the following:-
- Installation of 14No. solar panels (& associated brackets etc.) to the south facing roof slopes of the property;
 - Electric meter housing;
 - 2No. 75mm diameter holes (below ground level) on north elevation for ground source heat pump (GSHP);
 - GSHP and Invertor housed in the Utility Room;
 - Domestic hot water (DHW) cylinder and buffer tank for GSHP housed in a cupboard on first floor landing;
- 2.2 Fourteen solar panels (in two unified blocks) are proposed attached to the roof to the south facing roof slopes of the listed building, mounted on brackets affixed through the roof covering. The panels are to have an anti-reflective finish and black edgings/frames.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 2 Wirksworth Conservation Area Appraisal
3. National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

20/00775/LBALT	Internal and external alterations, repairs and refurbishment	PERC	07/10/2020
20/01228/LBALT	Internal and external alterations	PERC	26/01/2021
21/00312/FUL	Solar Panels, housing for smart meter and erection of shed	Pending	
21/00549/LBALT	Re-build of gable end wall and internal cross wall, replacement of lintel and additional internal structural work	PERC	21/06/2021

5.0 CONSULTATION RESPONSES

Wirksworth Parish Council

- 5.1 No comment. Wirksworth Town Council has declared a Climate Emergency and therefore any development or change should seek to reduce the carbon footprint.

Design and Conservation Officer (Derbyshire Dales)

- 5.2 The electric meter housing, housing the ground source heat pump, solar panel inverter within the utility room and new domestic hot water cylinder and buffer tank within a cupboard in the first floor landing are considered to be acceptable in constituting no adverse harm to the overall significance of the listed building. The two, proposed, 75mm diameter holes for the GSHP are to be formed through the external north wall of the listed building, *below* existing ground level. In this regard, following the formation of the two holes and the re-covering of the earth over them their presence will not be visible. It is considered that the minor loss of historic fabric would not be harmful to the overall significance of the listed building and the proposed works are considered acceptable.

The proposed solar panels would be visible from the public realm and would present a sizeable and alien addition to the roofscape of the listed building which, currently, displays its original built plain form and appearance and traditional roof coverings. It is considered that the proposed solar array would fail to preserve the special architectural interest and significance of the listed building. In this regard there is a finding of harm. It is considered that the level of harm would not be substantial and, in that regard, paragraph 196 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset(s), that harm should be weighed against the public benefits of the proposal.

Cllr Peter Slack

- 5.3 Support renewable energy aspects of the application.

6.0 REPRESENTATIONS RECEIVED

6.1 Nine representations in support have been received from residents and these are summarised below:-

- a) A major aim of Transition Wirksworth is to increase the sustainability of our community.
- b) The climate emergency demands that our community should rapidly decrease its carbon footprint to net zero.
- c) The District Council has declared a climate emergency and pledged to make its own carbon footprint net zero by 2030.
- d) The national government has committed to a net zero Britain.
- e) The government's Climate Change Committee had calculated that local councils can directly influence approximately one third of all carbon emissions and will be crucial in achieving this goal as rapidly as possible. A major way the District Council can do this is through planning.
- f) The Planning Department therefore needs to have a presumption in favour of any application that will reduce carbon emissions that outweighs a presumption of no change in the appearance of buildings in conservation areas or with conservation status.
- g) The proposal is a well thought through scheme with every effort made to make the improvements unintrusive.
- h) The proposal to save an historic building from disrepair and also to turn it around and make it a greener property for the use of a family with very strong links to both the historical arts and our town, would be an absolute asset.
- i) The plans submitted are respectful to the surrounding area and to see this property being brought back to life will be absolutely beneficial to our community.
- j) Having seen the sympathetic transformation that has been achieved already, both inside and outside no 39a there is confidence that the works would be carried out with the utmost care and attention to retaining the character of this beautiful yet tired property.
- k) Matlock Bank is a Conservation Area but from the Town Hall there are lots of PV and 20 panels were passed on a listed barn off Hurds Hollow.
- l) The Council support climate change and have been positive in allowing and enabling home owners to achieve goals to reduce their carbon footprint.
- m) GSHP is ideal in this situation as it is hidden.
- n) The property is barely visible to the public and planning permission has already been given to renovate.
- o) The designs are discrete and tasteful.
- p) A member of the Derbyshire Dales Climate Hub comments that the Government's Independent Committee on Climate Change (CCC) has published its 6th Carbon budget . The CCC identifies that local authorities are responsible for 2 – 5% of local emissions but potentially have powers or influence approximately a third of an area's emissions through place-shaping and leadership.
- q) Having declared a Climate Emergency the Authority is well aware that this crisis now forms the context within which planning decisions must be made. The National Planning Policy Framework (19.02.2019) sets out how the local planning authority, in making a decision about possible harm to a heritage asset, should look at balancing the harm of a scheme against the sustainability benefits of the proposal.
- r) In balancing this equation, the authority might also consider the fact that the UK is missing nearly all its renewable energy targets - 75% of our electricity must come from clean energy sources by 2030 if the UK is to meet its legally binding commitment to zero emissions by 2050.
- s) The 'whole building approach' is well conceived, thoroughly researched, appropriate to the condition, location and future preservation of this special heritage asset.

Wirksworth Civic Society

They are mindful and supportive of the desire by many people to assist towards combatting adverse climate changes by installing renewable energy appliances in their

homes but do not support this at the cost of the loss of historic character of the Wirksworth Conservation Area or where to allow such installations would be harmful to the special character of the town's listed buildings.

The statutory list description covers only the taller, gritstone-faced section, incorporating the frontage premises on No.37 St John Street, of which the eastern half comprises part of No. 37A, along with the brick-faced lower part. This brick section with a tiled roof is, by attachment to the part described in the statutory list, protected in the same way. The taller section of the building has a slated roof covering. The lower section has a clay-tile roof covering. Although set back from the frontage of St John Street at right angles to it, the south-facing roof slopes of No.37A are very visible from the new market area and St. John Street, by virtue of the openness of the market area. The large and beautiful plane tree outside the Memorial Hall would do very little to shield views of the roofs, as has been argued by the applicant, especially when not in leaf.

Their view is that the shiny black finish of the solar panels and their installation on short legs standing above the level of the slated and tiled roofs, would be detrimental to the character and appearance of the listed building and to the appearance of the Conservation Area, which are characterised by traditional materials and forms. The imposition of the panels on the slated roof would be particularly harmful to the appearance of that roof with its grey/green slate covering. They consider that the application should be refused as it stands and that a fresh application without the solar panels, could be approved.

However, if the Council is minded to approve the installation of solar panels on this property, they ask

- a) That the panels be confined to the lower, clay-tiled roof AND
- b) That the type of panel be changed to a product which is fitted flush with the roof plane and replaces the tiles from the same area, thus avoiding upstanding mounting legs required. (A model of this product can be seen from Water Lane in Wirksworth on a refurbished house).

7.0 OFFICER APPRAISAL

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

- Impact on Heritage Assets

7.2 The principal issues are to consider and assess the impacts and whether the proposal would preserve the listed building, or any feature of special architectural or historic interest that it possesses. The property is a grade II listed building, dated 1719, with later alterations, located prominently within Wirksworth adjacent to the public area of Memorial Gardens.

7.3 The submitted DAHS identifies the weighting of significance for this property and categorises it as *“Medium: Grade II Listed Buildings/ Conservation Areas containing buildings that contribute significantly to its historic character”*.

7.4 In the Statement of Significance and Impact there is a recognition that the panels *“will have a negligible impact on the historic fabric”* and acknowledges that *“while the panels do cover the roof, the design / location has been considered to be as visually unobtrusive as possible”*. The current roof coverings are of two types – slates and clay tiles. In the submitted Design, Access & Heritage Statement (DAHS) it concludes that the proposed solar panels *“will have as minimal physical and visual impact as possible”*, that they are *“reversible”* and will have a *“negligible impact on the original built fabric”*.

- 7.6 The proposed solar panels are to be located on the south facing roof slopes to the listed building. The property can be seen in views from the public realm from St John Street and from the adjacent Memorial Gardens. Whilst the tree provides some concealment, from certain viewpoints, the property remains visible. The south facing roof slopes of the property are prominent and are architecturally significant elements of the listed building. Whilst the proposed solar panels are to be slim profile, black framed, have an anti-reflective finish and would be reversible they would present a sizeable and alien addition to the roofscape of the listed building which, currently, displays its original built plain form and appearance and traditional roof coverings. the proposed solar panels would be exceptional and anomalous.
- 7.7 It is considered that whilst the proposed solar panel array has some positive aspects to its design and installation the presence of the solar array to this south facing roof slopes to the listed building would introduce a visually apparent alien shape and texture in place of the existing matt finish, texture and appearance of the slated and tiled roof coverings and would visually disrupt the robust solid form of the roof slopes.
- 7.8 This stance is apparent in appeal decisions for solar panels either on listed buildings or affecting their setting. The Inspector for an appeal in Morpeth (APP/P2935/Y/15/3139639) stated that the difference in appearance of the panels from the existing roof tiles “makes them stand out as modern, incongruous additions which draw the eye, harmful to the historic character of the listed building on which they are sited”. In this appeal the array would be visible for public vantage points and states that “setting of a heritage asset is the surroundings in which the asset is experienced”. The proposed array would be highly visible from the Memorial Gardens and the main street in the centre of Wirksworth.
- 7.9 Furthermore in an appeal decision in Northampton the Inspector states “the significance of the barn and stables lies in their architectural interest which along with their attractive village setting makes a positive contribution to the general area”. This is true of the application property which sits in a prominent location where its historic interest includes its group value where roof materials are traditional.
- 7.10 The submitted reports states the energy generation would be 4KW at peak times, sufficient to power the Ground Source Heat Pump (GSHP) proposed as part of this Listed Building Consent and other household appliances as well as providing opportunity to sell back excess power to the grid. Power optimisers within the panels would maximise efficiently when in shade. The estimated monthly energy graph submitted indicates that solar energy production would exceed consumption for 7 months of the year and the company estimates that 71% of the production could be exported with a CO₂ saving of 1.25t. It is clear that a public benefit of the panels would be to make a contribution to the production of renewable energy and lowering carbon emissions. However, in this instance the very minor contribution to national targets in favour of sustainable energy generation would produce an extremely modest public benefit. Therefore due to the significance of the heritage asset affected, this benefit would be outweighed by the harm identified.
- 7.11 Sections 16(2) and 66(1) of the 1990 Act require that when considering whether to grant Listed Building Consent for any works affecting a listed building, or its setting, special regard must be had to the desirability of preserving or enhancing the building, or its setting, or any features of architectural or historic interest it possesses. Paragraph 193 of the NPPF (2019) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. It is considered that the proposed solar array would fail to preserve the special architectural interest and significance of the listed building. In this regard there is a finding of harm. It is considered that the level of harm would not be substantial and, in that regard, paragraph 196 of the NPPF states that where a development will lead to less than substantial harm to

the significance of a designated heritage asset(s), that harm should be weighed against the public benefits of the proposal.

7.12 The applicant was made aware of the Conservation Officers concerns regarding the solar panels, however, confirmed that the application should be determined as submitted. The applicant stated the following:

“The Conservation Officer is not negative / saying no to the panels, in fact the concluding words of their paragraph are”:

"It is considered that the level of harm would not be substantial and, in that regard, paragraph 196 of the NPPF states that were a development will lead to less than substantial harm to the significance of a designated heritage asset(s), that harm should be weighed against the public benefits of the proposal".

“There is also not a single negative comment amongst the responses. Overall it is considered that this could be a landmark case for Wirksworth, and hope it has a positive outcome to show how progressive the council can be”.

7.13 The applicant also sited that solar panels have been installed on the Almhouses on Causeway Road in Matlock. This are not listed and are within Old Matlock Conservation Area. Therefore they are not comparable as that government allows solar panels in a Conservation Areas via permitted development rights, but requires approval for them on listed building as a considered assessment on impacts on significance on listed buildings is required.

7.14 The other works proposed as part of this listed building consent include:- the proposed electric meter housing (steel meter box painted green) located on the south elevation of the property. The proposal to house the ground source heat pump, and the solar panel invertor, in the Utility Room and new Domestic hot water (DHW) cylinder and buffer tank for GSHP proposed to be housed in a cupboard on first floor landing These works are considered to be acceptable in constituting no adverse harm to the overall significance of the listed building.

7.15 The two, proposed, 75mm diameter holes for the GSHP are to be formed through the external north wall of the listed building, *below* existing ground level. In this regard, following the formation of the two holes and the re-covering of the earth over them their presence would not be visible. It is considered that the minor loss of historic fabric would not be harmful to the overall significance of the listed building and the proposed works are considered acceptable. The application details indicate the position of the associated pipes and bore holes and whilst this element of the scheme does not require Listed Building Consent, the applicant has confirmed that the contractor has measured to ensure the boreholes would have adequate clearance from the protected tree on the southern boundary to avoid damage to its roots system.

7.16 It was suggested to the applicant that the solar panels be removed from the application, however, this option was dismissed. Therefore, as the Council cannot issue a split decision all other aspects of the scheme discussed below, whilst are acceptable, form part of the listed building consent application where the recommendation is refusal.

8.0 RECOMMENDATION

That Listed Building Consent be refused for the following reason.

The proposed solar panels on the southern roof slope of this listed building would present a sizeable and alien addition to the roofscape of the listed building which, currently, displays its original built plain form and appearance and traditional roof coverings, thereby failing to preserve the special architectural interest and significance of the listed building. It is considered that the level of harm would be less than substantial harm to the significance of a designated heritage assets whereby the limited public benefit of renewable energy generation would not outweigh the harm, contrary to NPPF paragraphs 193 and 196.

9.0 NOTES TO APPLICANT:

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

This decision notice relates to the following documents:

Plan no's 1148-2/P01 A, P07A, P08A, P09A and P10A

Photo Survey

Schedule of works / Statement of Significance and Impact – Renewable Energy

Historic Building Appraisal

Design, Access and Heritage Statement

Trigen letter dated 28/9/2020

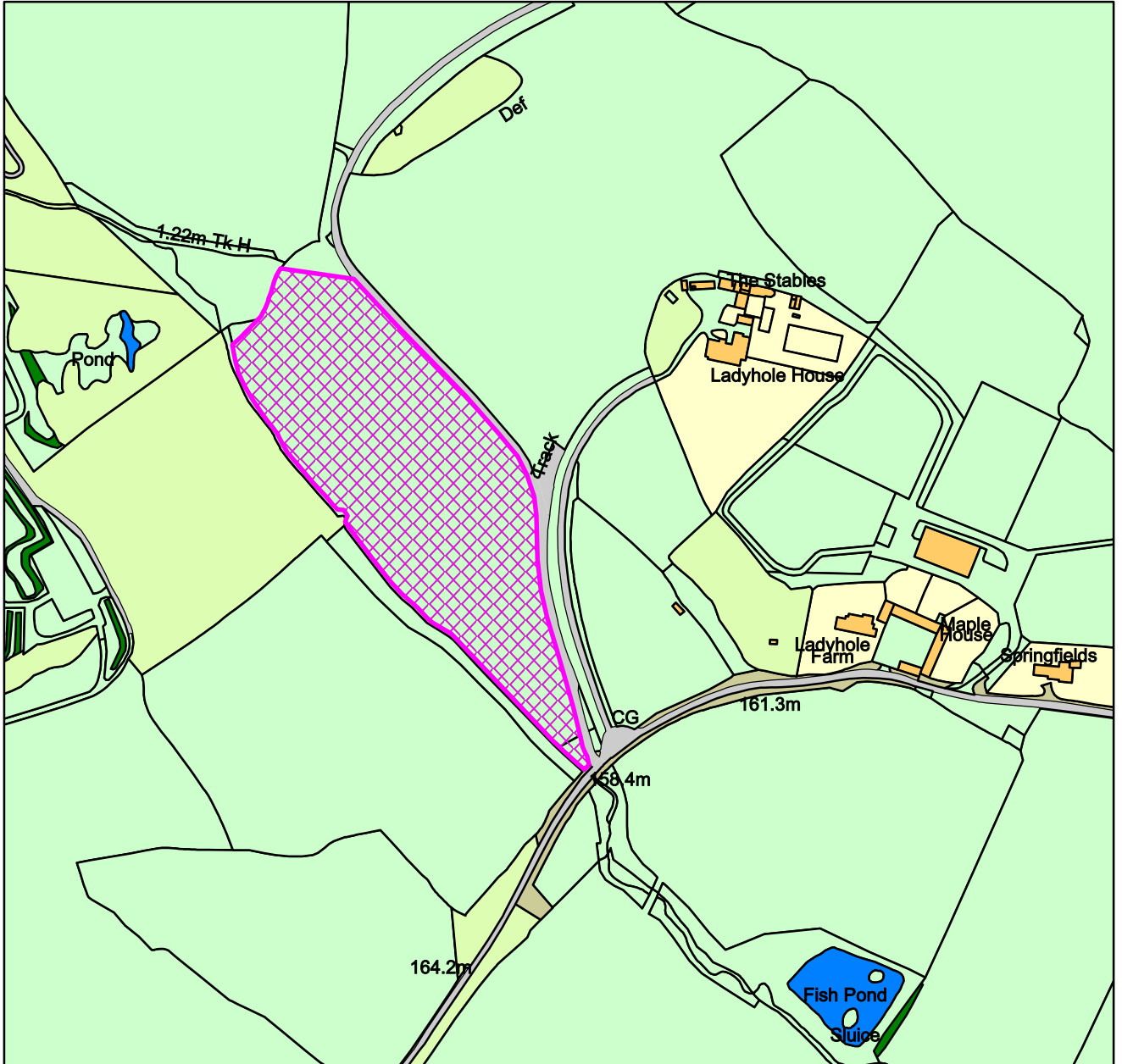
APPLICATION NUMBER		20/01043/FUL	
SITE ADDRESS:		Lady Hole Farm, Lady Hole Lane, Yeldersley, Derbyshire, DE6 1LR	
DESCRIPTION OF DEVELOPMENT		Change of use of land to canine exercise field	
CASE OFFICER	Mr Andrew Stock	APPLICANT	Mr Johnson
PARISH/TOWN	Yeldersley	AGENT	Bagshaws
WARD MEMBER(S)	Cllr A. Shirley	DETERMINATION TARGET	20 th January 2021
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	Not required.

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

RECOMMENDATION
Approval.

20/01043/FUL

Lady Hole Farm, Lady Hole Lane, Yeldersley



Derbyshire Dales DC

1:3,500

Date: 30/06/2021

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The application site lies within the open countryside, to the east of Ashbourne and is accessed directly off Lady Hole Lane. The site forms an area of open agricultural land with a natural valley running through the centre of the site from north-west to south-east. The site is entirely bounded by a mixture of mature trees and dense hedgerows. The application site lies within Flood Zone 1.
- 1.2 A single residential dwelling (Ladyhole House) lies to the north-east of the application site.



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the change of use of the land from an agricultural use to a canine exercise field, as illustrated on submitted revised plans date stamped 29th June 2021.
- 2.6 As part of the application it is proposed to install 2 no. benches, no. 2 canine waste bins, 1.7m post and wire fencing around the boundary of the site and an area of hardstanding for parking and manoeuvring space. A mixed hedge/tree planting scheme is also proposed along the eastern boundary using several native species.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
- S1 Sustainable Development Principles
 - S4 Development in the Countryside
 - PD1 Design and Place Making
 - PD5 Landscape Character
 - PD6 Trees, Hedgerows and Woodlands
 - PD9 Pollution Control and Unstable Land
 - HC19 Accessibility and Transport
 - HC21 Car Parking Standards

- 3.2 Other:
National Planning Policy Framework (2019)
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- 4.1 None relevant.

5. CONSULTATION RESPONSES

5.1 Town Council

Osmaston and Yeldersley Parish Council support the application. However, the Parish Council has received a complaint regarding noise from the field (dogs barking) as training is already taking place in the field. Cllrs would like the applicants to consider installing some form of noise baffling / acoustic fencing or similar to minimise the noise and disturbance to residents.

5.2 Derbyshire County Council (Local Highway Authority)

Initial response –

Lady Hole Lane in this location is subject to a 60mph speed limit and therefore visibility sightlines of 2.4m x 203m will be required at the access unless it can be demonstrated that the proposal will not result in an increase in use of the land. The application details do not state how many dogs will be permitted on the land at any one time, this information would be useful and also help to establish if sufficient space is available for parking. The size of the parking and manoeuvring space should also be shown on the plans. If the above mentioned visibility sightlines cannot be achieved within controlled land the applicant may wish to obtain speed readings and then the 203m can be adjusted in accordance with the actual vehicle speeds. Please hold the application in abeyance until the above details have been submitted, at which point I will be in a position to comment further on the proposal.

Final response –

The sightlines shown are acceptable and subject to the proposal not being used by any dog training groups and for individual families only there are no highway objections to the proposal.

5.5 Natural England

No comments to make on this application.

5.6 Environmental Health Officer

Initial response –

I have concerns regarding this application and so would recommend the following conditions:- Noise attenuation scheme before use of the development commences - a noise mitigation scheme shall be submitted in writing and approved in writing by the Local Planning Authority detailing measures that will be implemented to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity.

6. REPRESENTATIONS RECEIVED

- 6.1 A single letter of representation has been received from the occupants of Lady Hole House raising concern with barking dogs, poor access and flooding of the entrance of the site.

7. OFFICER APPRAISAL

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

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

Principle of the development, having regard to its location

- 7.2 Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) which deals with development in the countryside will seek to ensure that new development protects and where possible, enhances the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment whilst also facilitating sustainable rural community needs, tourism and economic development.
- 7.3 Policy EC1 of the Adopted Derbyshire Dales Local Plan (2017) supports proposals for new or expansion of existing business or industrial development in sustainable locations that contribute towards the creation and retention of a wide range of jobs, and increase in higher value employment opportunities.
- 7.4 The application site is located with the defined countryside however, it does fall within close proximity to Ashbourne, which is designated as a first tier settlement. Tier 1 settlements are identified as the District's main towns which are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres where they will continue to provide significant levels of jobs and homes, together with supporting community facilities and infrastructure to meet their economic potential in the most sustainable way, consistent with maintaining or enhancing key environmental attributes.
- 7.5 It is acknowledged that whilst the site does lie within the defined countryside given the short distance from the neighbouring market town of Ashbourne the proposed change of use in this rural location is not considered to be unsustainable in this case and is therefore considered to be acceptable, in principle.

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

- 7.6 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) relates to design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development so as not to cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.7 Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017) seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement.

- 7.8 As part of the application it is proposed to install 2 no. benches, no. 2 canine waste bins, 1.7m post and wire fencing around the boundary of the site and an area of hardstanding for parking and manoeuvring space. A mixed hedge/tree planting scheme is also proposed along the eastern boundary using several native species.
- 7.9 Given the modest number of additions proposed including the siting of benches and canine waste bins which are not permanent fixtures and the comprehensive mixed hedge/tree planting scheme along the eastern boundary the proposed development would not result in significant adverse impacts on this part of the countryside.

Impact on residential amenity

- 7.10 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development so as not to cause unacceptable effects by reason of noise or other adverse impacts on local character and amenity.
- 7.11 The application site forms an area of open agricultural land with a natural valley running through the centre of the site from north-west to south-east. The site is entirely bounded by a mixture of mature trees and dense hedgerows. The closest neighbouring dwelling is Lady Hole House which lies approximately 110 metres to the nearest boundary of the application site to the south-west.
- 7.12 The comments of the Councils Environmental Health Team are noted and the applicant has proposed that as the field is on two different levels any group training sessions will be undertaken at the lower section of the field away from nearby residents. Furthermore a comprehensive mixed hedge/tree planting scheme along the eastern boundary will also create a natural buffer to the site from the closest dwelling. A condition will be imposed subject to any approval requiring all dog training groups/classes to be contained within the lower section of the field (edged red on the submitted plans).
- 7.13 It is considered that given the topography of the land, distances between the existing neighbouring property and the scale of the operation the proposed change of use of land to from a canine exercise field would not result in any significant loss of privacy or amenity for residents of local properties.

Other matters

- 7.14 The application site would be accessed directly off Lady Hole Lane which is subject to a 60mph speed limit. The Local Highway Authority advised therefore visibility sightlines of 2.4m x 203m will be required at the access, unless it can be demonstrated that the proposal will not result in an increase in use of the land. Following clarification from the applicants with regard to the booking system, the submission of a speed survey and updated plan illustrating the required visibility splays the Local Highway Authority raise no objection to the application, subject to conditions.

Conclusion

- 7.15 Taking the above into consideration and subject to conditions the application satisfies the relevant provision of the Adopted Derbyshire Dales Local Plan (2017). A recommendation of approval is put forward on this basis.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason:

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

2. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority on the 29th June 2021.

Reason:

For the avoidance of doubt.

3. The approved soft landscaping plan shall be carried out in the first planting and seeding season following the first use of the hereby approved canine exercise facility; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the first use of any the hereby approved canine exercise facility.

Reason:

To ensure a satisfactory landscaped appearance of the development in accordance with Policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

4. Before any other operations are commenced, the existing access to Lady Hole Lane shall be modified in accordance with the revised application drawings, laid out, constructed and provided with visibility splays of 2.4m x 57m to the south west and 2.4m x 40m to the north east, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason:

In the interest of highway safety in accordance with Policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

5. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of visitors vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason:

In the interest of highway safety in accordance with Policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

In the interest of highway safety in accordance with Policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

7. All dog training groups/classes must be contained at all times within the lower section of the field (edged red on the submitted plans).

Reason:

To safeguard the amenity of occupiers of neighbouring in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

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

2. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department - Place 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: <https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx>, E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190.

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

4. 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.

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

6. This decision notice relates to the following documents:
Submitted plans date stamped 29th June 2021.

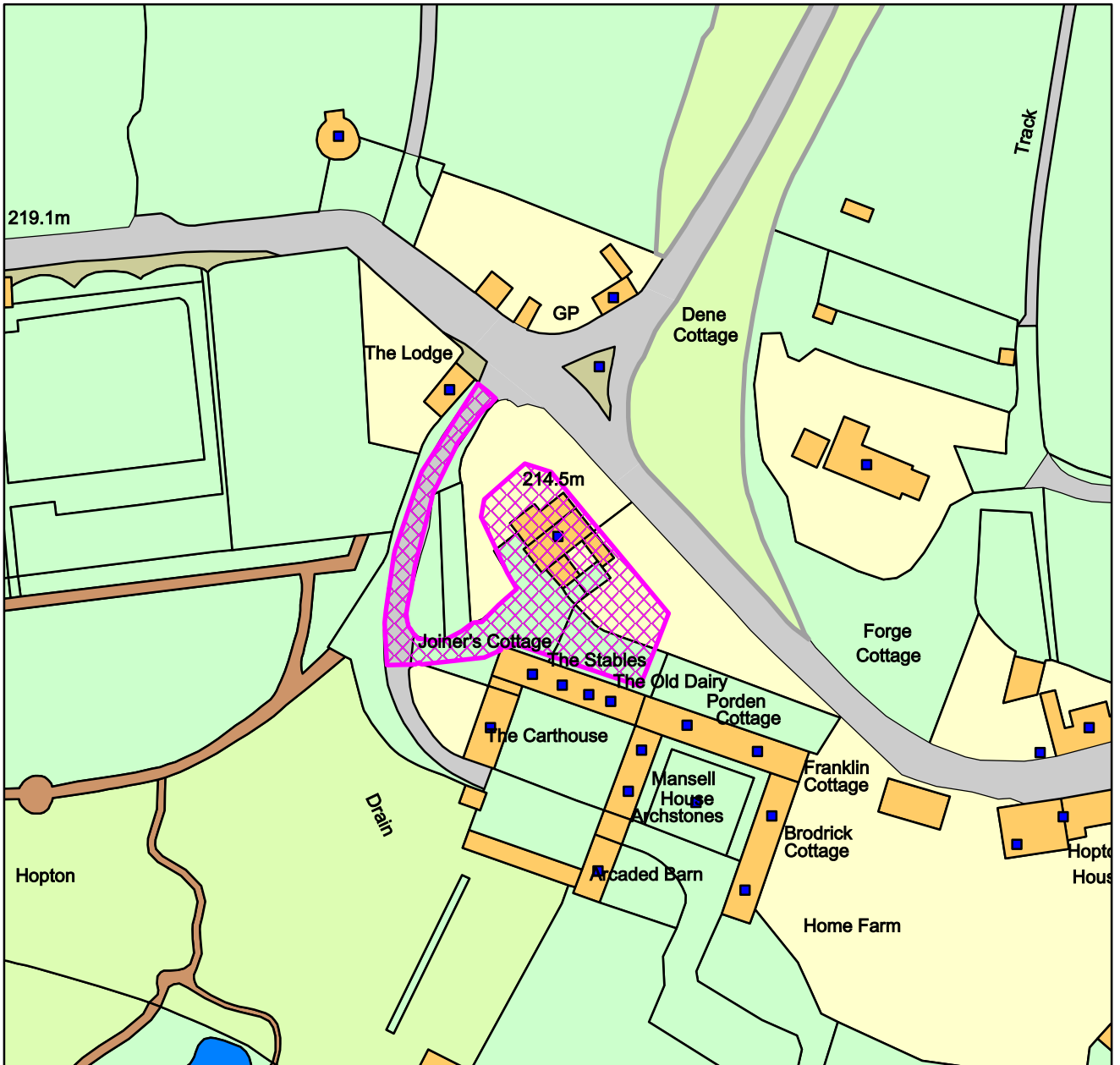
APPLICATION NUMBER		20/01280/FUL	
SITE ADDRESS:		Estate Yard, Home Farm, Main Street, Hopton, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Change of use and conversion of former coach house to dwelling and erection of garage	
CASE OFFICER	Mr Andrew Stock	APPLICANT	Mr Richard Burton
PARISH/TOWN	Hopton	AGENT	IMcH Planning and Development Consultancy
WARD MEMBER(S)	Cllr L. Rose	DETERMINATION TARGET	10 th February 2021
REASON FOR DETERMINATION BY COMMITTEE	5 or more unresolved objections	REASON FOR SITE VISIT (IF APPLICABLE)	Not required.

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

RECOMMENDATION
Approval.

20/01280/FUL

Estate Yard, Home Farm, Main Street, Hopton



Derbyshire Dales DC

1:1,250

Date: 30/06/2021

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The application site lies within Hopton and is accessed directly of Main Street via single track lane. The property is an historic building comprising of a two-storey rectangular building (the south-west elevation brick faced and the remaining elevations of stonework), an attached single-storey stable building of stone construction, a lean-to extension to the ground floor of the south-west elevation and a single storey lean-to extension attached to the north-west elevation of the main building.
- 1.2 The building lies adjacent to a former barn range which now comprises a number of residential dwellings, namely Joiners Cottage, The Stables, The Old Dairy, Porden Cottage and the The Carhouse. A number of other residential units lie further within the site to the south.
- 1.2 The application site lies within the Hopton Conservation Area and to the south is the Grade II listed 'Arcaded' barn and associated attached curtilage-listed outbuildings. The application site lies within Flood Zone 1.



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the change of use and conversion of the former coach house building to a dwellinghouse and the erection of a garage, as illustrated on submitted plans date stamped 16th December 2020.
- 2.2 The proposal is to remove the modern lean-to to the north-west elevation and erect a two-storey extension (with dual pitched roof over) set almost centrally on the north-west elevation. The modern extension to the south-west elevation of the main building is to be retained (rebuilt) as a porch/lobby. The stone stable building is to be retained but its eaves height is to be raised to create a room over. To the rear of this there is to be a replica of the stable block built with a flat-roofed connecting section. To the south-west there is to be a detached double garage block linked to the property with a cranked glazed link.

- 2.3 The development would be accessed via the existing access driveway which joins Main Street.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017):

- S1 Sustainable Development Principles
- S4 Development in the Countryside
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- PD3 Biodiversity
- PD5 Landscape Character
- PD7 Climate Change
- PD8 Flood Risk Management and Water Quality
- HC19 Accessibility and Transport
- HC21 Car Parking Standards

3.2 Other:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance
- Supplementary Planning Document: The Conversion of Farm Buildings Design Guidance (2019).

4. RELEVANT PLANNING HISTORY

- 4.1 20/00134/FUL Change of use and conversion of former coach house to dwelling and erection of garage – WITHDRAWN
- 4.2 03/08/0650 Change of use and extension of existing building to form dwelling and associated access alterations – APPROVED

5. CONSULTATION RESPONSES

5.1 Derbyshire County Council (Local Highway Authority)

Initial response –

The application is to convert an existing workshop/garage into a dwelling, however, I have some concerns with regards the visibility and the potential increase in use of the access. I appreciate that the proposal has previously gained planning consent which has now expired under application 03/08/0650FUL to which the Highway Authority did not raise any highway objection. As part of this previous application I believe the visibility at the access was to be improved, however, no improvements appear to have been submitted with this current application.

Without providing some improvements to the access the proposal is likely to be open to highway objection due to the increase in use of a substandard access.

Final response –

Based on the previous uses, the fact that planning consent has previously been granted and the other dwellings which use the existing access point, I do not consider that an objection could be sustained for the proposal of a single dwelling. Parking and manoeuvring should be provided within the site curtilage prior to the proposal being occupied and maintained thereafter free from any impediment to its designated use.

5.2 Derbyshire Wildlife Trust

No objection, subject to conditions.

5.3 Environment Agency

The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are also no other environmental constraints that we would like to formally comment on. However we should point out that the site does lie within a Source Protection Zone (SPZ) and the proposed means of foul sewage disposal is not the preferred option.

5.4 Derbyshire County Council (Lead Local Flood Authority)

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 7 January 2021. As this is a minor application the Lead Local Flood Authority (LLFA) has no formal comment to make and would refer the applicant to our informative notes.

Please note, the site according to Environment Agency Risk of Surface Water Flood Maps as has a high potential risk of surface water flooding and this should be mitigated through a suitable surface water drainage strategy and construction management plan to ensure that surface water flood risk is not increased during construction or post development to surrounding dwellings.

5.6 Trees and Landscapes Officer

This site is on the edge of the existing settlement and is bordered by existing residential development consisting of what appear to be other converted former farm buildings. I do not object to the development of this site for residential purposes, though the development should be appropriate for its location and in keeping with surrounding development in terms of scale, layout, design and density.

There are no Tree Preservation Orders on or immediately adjacent to the site. A number of trees are indicated for removal to facilitate the proposals largely because they are too close to the existing building and would present unacceptable risk of damage should they be retained. They are of low quality and their removal will not be harmful to the character and appearance of the site or the local landscape or the Conservation Area. The applicant should submit a plan for approval that indicates the specification and location for temporary tree protection fencing to be erected to protect retained trees during the development process and this should accord to the guidelines provided in BS5837:2012.

5.7 Conservation Officer

It is considered that the proposals would not constitute adverse harm to the setting of the adjacent listed/curtilage-listed buildings or to this part of the Conservation Area.

5.8 Development Control Archaeologist (Derbyshire County Council)

There is an interesting sequence of post-medieval estate buildings on the site, potentially including elements of a former kennels associated with Hopton Hall and later adapted for use as an estate office for Home Farm. The built heritage is relatively well-preserved and appears to retain significant original detailing including graffiti. There is also potential for below-ground archaeology on the site associated with this sequence of use (evidence for buildings no longer extant). Should consent be granted for the proposals this

archaeological/built heritage interest should be addressed through a planning condition requiring historic building recording before and in-conversion, to capture the historic sequence and detailing before alteration, and archaeological monitoring of the new-build groundworks within the site, in line with National Planning Policy Framework.

5.9 Ward Member

Given the fact that a previous application to convert to a dwelling was approved, but now extant, I have no objection. It is important to retain the history and heritage asset content of such buildings and provided that control is kept under planning conditions to ensure a sympathetic approach is made to retain its character with appropriate materials within the Conservation area then there is good reason to approve.

6. REPRESENTATIONS RECEIVED

6.1 A total of 5 letters of objection have been received. A summary of the representations are outlined below:

Highway Safety:

- Applicant does not have a right of access

Character and appearance:

- Loss of trees

Other matters:

- Increase flooding
- Surface water runoff issues

7. OFFICER APPRAISAL

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

- Principle of the development, having regard to its location;
- Impact on character and appearance of this part of the settlement, specifically Hopton Conservation Area, and;
- Impact on residential amenity.

Principle of the development, having regard to its location

7.2 The site is located with the defined countryside, as Hopton is not defined as a settlement in the Local Plan the principle of development should be considered against Policy S4 of the Adopted Derbyshire Dales Local Plan (2017). Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) lists a number of circumstances where residential development in what would otherwise be construed as unsustainable locations, may be supported.

7.3 Criterion (n) of Policy S4 advises that planning permission will be granted for development where in the case of proposals to re-use an existing building or buildings, that are capable and worthy of conversion and any such conversion will involve a building that positively contributes to an established local character and sense of place.

7.4 Criterion (i) of Policy S4 is the most pertinent to this application as it supports the conversion and re-use of buildings for new residential development in accordance with Policy HC8 of the Adopted Derbyshire Dales Local Plan (2017).

- 7.5 Policy HC8 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with the 'conversion and re-use of buildings for residential accommodation' advises outside defined settlement development limits, the conversion and/or re-use of existing buildings to residential use from other uses will be permitted where all of the following criteria are met;
- a) the building or group of buildings are of permanent and substantial construction;*
 - b) the form, bulk and general design of the existing building or group of buildings make a positive contribution to the character and appearance of its surroundings;*
 - c) the building or group of buildings can be converted without extensive alteration, rebuilding or extension;*
 - d) the conversion does not have a detrimental impact upon the character and appearance of the building or group of buildings and its surroundings.*
- 7.6 Whilst no structural report has been submitted as part of this application, following a site visit to the building it is acknowledged that the building appears to be of permanent construction.
- 7.7 The buildings history is complex, however, historic maps appear to indicate that the main rectangular building was a free-standing building up to the later 19th century. The attached stone stable block on part of the south-east elevation does not appear on the maps until the turn of the 20th century. The extension to the south-west elevation of the main building and the lean-to to its north-west elevation are both much later additions. The traditional form and appearance of the historic barn and its later additions are considered to make a positive contribution to the character and appearance of the site and its wider surroundings.
- 7.8 The application site has previously benefited from planning permission in 2004 for the change of use and extension of existing building to form dwelling and associated access alterations (application ref: 03/08/0650). In many respects the proposals follows the scheme as approved in 2004, including the general location, form and mass of the extension on the north-west elevation, the retention of the extension on the south-west elevation and the raising of the eaves/roof of the stone built stable building. Given previous permissions which did permit a number of new addition to the existing building the Local Planning Authority is satisfied the proposed extensions and alterations are relatively minor and not extensive, with no significant additional alterations proposed as part of this application.
- 7.9 Having regard to the above it is considered the proposed change of use accords with Policy HC8 of the Adopted Derbyshire Dales Local Plan (2017) and is therefore development is acceptable, in principle.
- 7.10 The consideration of whether the conversion does not have a detrimental impact upon the character and appearance of the building or group of buildings and its surroundings will be explored in the following section of this report.

Impact on the character and appearance of this part of the settlement, specifically Hopton Conservation Area

- 7.11 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) relates to design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development so as not to cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.12 Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) deals with protecting the historic environment which states the District Council will conserve heritage assets in a

manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

- 7.13 Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017) seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement.
- 7.14 It is considered that the associated conversion works would preserve the character and appearance of the former agricultural building and thus would appropriately uphold the character and appearance of this part of the countryside. The Councils Conservation Officer makes a number of observations with the proposed development, but concludes that subject to conditions relating to sample materials and constructional details it is considered that the proposals would not constitute adverse harm to the setting of the adjacent listed/curtilage-listed buildings or to this part of the Conservation Area.
- 7.15 There are no Tree Preservation Orders on or immediately adjacent to the site but the site does lie within Hopton Conservation Area. It is noted that a number of trees are indicated for removal to facilitate the proposals largely because they are too close to the existing building and would present unacceptable risk of damage should they be retained. There are no Tree Preservation Orders on or immediately adjacent to the site. The Councils Trees and Landscapes Officer comments that the trees are of low quality and their removal will not be harmful to the character and appearance of the site or the local landscape or the conservation area. No objection is raised by the Councils Trees and Landscapes Officer subject to condition which indicates the specification and location for temporary tree protection fencing to be erected to protect retained trees during the development process.

Impact on residential amenity

- 7.16 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development so as not to cause unacceptable effects by reason of noise or other adverse impacts on local character and amenity.
- 7.17 The building lies adjacent to a former barn range which now comprises a number of residential dwellings, namely Joiners Cottage, The Stables, The Old Dairy, Porden Cottage and the The Carhouse. A number of other the residential units lie further within the site.
- 7.18 It is noted that there will be some overlooking between the buildings, however given the level of separation between the historic farm grouping it is considered that the proposed change of use would not result in any significant loss of privacy or amenity for the future occupants the dwellinghouse or the occupants of neighbouring properties.

Other matters

- 7.19 The development would be accessed via the existing driveway which is linked to Main Street. Whilst the Local Highway Authority had initially raised concern with regard to the existing achievable visibility splays and the potential increase in use of the access following clarification of the building existing use the Local Highway Authority conclude that they raise no objection to the application, subject to a condition which secures parking and manoeuvring within the site curtilage prior to the proposal being occupied and should be maintained thereafter free from any impediment to its designated use.
- 7.20 Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to

reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design. Whilst no details submitted have been submitted to consider the requirements of Policy PD7, as measures to mitigate the impact of the development could be controlled via condition, the lack of consideration in this respect is not considered to be sufficient to warrant a reason for refusal on its own merits. An appropriately worded condition will be attached to any approval.

- 7.21 The application site lies within Flood Zone 1 land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%). The Lead Local Flood Authority comment that due to the nature and scale of the application they have no formal comment to make but they do recognise that area has a high potential risk of surface water flooding and this should be mitigated through a suitable surface water drainage strategy and construction management plan to ensure that surface water flood risk is not increased during construction or post development to surrounding dwellings.
- 7.22 Whilst not required by the applicant a Flood Risk Report was submitted for consideration. The Lead Local Flood Authority has reviewed the report and comments that whilst they can cannot look to impose conditions, as in accordance with the original comments in response to being a minor application, from reviewing the information supplied the Lead Local Flood Authority would only reiterate the advisory notes which the applicant has to adhere to, where applicable.
- 7.23 Having regard to the response by the Lead Local Flood Authority and the Environment Agency and subject to meeting the appropriate building regulations the Local Planning Authority considers that sufficient information has been provided to determine the application. Furthermore the Local Planning Authority does not consider that the proposed development would exacerbate the issue which occurs during heavy rainfall. However it is considered to be appropriate to include a condition requiring a suitable surface water drainage strategy and construction management plan to ensure that surface water flood risk is not increased during construction or post development to surrounding dwellings.
- 7.24 The application is accompanied by a Preliminary Bat Roost Appraisal and a Bat Emergence Survey Report prepared by the applicant's ecologist. Derbyshire Wildlife Trust comments that the reports are well-detailed and raises no objection to the application subject to appropriate conditions, the applicant can mitigate any harm to protected species.

Conclusion

- 7.25 Taking the above into consideration and subject to conditions the application satisfies the relevant provisions of the Adopted Derbyshire Dales Local Plan (2017), the Adopted Supplementary Planning Document: The Conversion of Farm Buildings Design Guidance (2019) and the guidance contained with the National Planning Policy Framework (2019).
- 7.26 A recommendation of approval is put forward on this basis.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To ensure the satisfactory appearance of the development to comply with Policies HC8 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

5. Prior to installation, full constructional details (including large-scale horizontal & vertical sections) of the large area of glazing within the north-west elevation of the main building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason:

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

6. Prior to installation, full constructional details of the head or lintels for the two windows to the porch/lobby shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason:

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

7. No development shall take place until a written scheme of investigation (WSI) for historic building recording and archaeological monitoring has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and: The programme and methodology of

site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

To secure the proper recording of the building in accordance with Policy PD2 of Adopted Derbyshire Dales Local Plan (2017).

8. The conversion of the former coach house, including any stripping, making good, changes to existing openings etc., shall not take place until a further nocturnal bat survey has been undertaken (strictly between May and August). Upon completion, any necessary licencing will be obtained from Natural England. Works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in the Bat Emergence Survey Report (The Bat Surveyor, September, 2020) and Drawing 007 (29.07.20), with any amendments required based on the additional bat survey. Such approved mitigation will be implemented in full. Confirmation of any licensing requirements will be submitted to the Local Planning Authority, if required. Confirmation will also be submitted to the Local Planning Authority once all mitigation is installed (regardless of licensing).

Reason:

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

9. Prior to the installation of services, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and the new roosting features incorporated within proposals. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Reason:

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

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

Reason:

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

11. Prior to any works which disturb existing trees a plan which indicates the specification and location for temporary tree protection fencing to be erected to protect retained trees during the development process and this should accord to the guidelines provided in BS5837:2012 must be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with that approval.

Reason:

In the interest of safeguarding protected trees in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To ensure a satisfactory landscaped appearance of the development in accordance with Policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

13. Parking and manoeuvring should be provided within the site curtilage prior to the proposal being occupied and maintained thereafter free from any impediment to its designated use.

Reason:

In the interest of highway safety in accordance with Policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

14. Prior to first occupation or use of the hereby approved dwelling a scheme of measures to mitigate the effects of and adapt to climate change at the site and associated timetable shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure the detailed design of the dwelling accords with the aims of Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

15. Prior to the works below ground a surface water drainage strategy and construction management plan to ensure that surface water flood risk is not increased during construction or post development to surrounding dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason:

To secure the proper draining of the site in accordance with Policy PD8 of Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

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

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

3. The applicants attention is drawn to the Lead Local Flood Authority's Advisory/Informative Notes, letter dated 1st February 2021 (Ref: DDDC/2021/1) where it is advised that where applicable, the details will be required as an absolute minimum in order to discharge any of the drainage conditions set by the Local Planning Authority.

4. The applicants attention is drawn to the Environment Agency's Advisory/Informative Notes, dated 8th January 2021 where applicable.

5. The pre-commencement conditions attached to this permission have been imposed having served the requisite notice on the applicant(s) and having received a positive response (deemed or otherwise) under section 100ZA(5) of the Town and Country Planning Act 1990.

6. This decision notice relates to the following documents:
Submitted plans date stamped 16th December 2020.

Ashbourne North

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

Ashbourne South

ENF/17/00038	Unauthorised works to listed building	Avanti Jewellers 2 - 4 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
ENF/18/00125	Breach of Conditions 6 (Soft Landscaping), 7(Landscape Management Plan), 8 (Amenity and Play Areas laid out before first occupation) and 27 (Landscape and Ecological Management Plan) of 14/00722/FUL	Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB	Notice Issued
ENF/18/00164	Unauthorised siting of caravan for residential purposes.	Land To The Rear Of Mayfield Road Cadet Hut Mayfield Road Ashbourne Derbyshire DE6 1AR	Pending Consideration
ENF/19/00040	Breach of Condition 10 (Construction Management Plan) of planning permission 15/00060/OUT	Land Off Lathkill Drive Ashbourne Derbyshire	Pending Consideration
ENF/20/00030	Breach of Condition 24 (Tree Protection) of planning approval 17/00250/REM and damage to protected trees	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Pending Consideration
ENF/21/00021	Siting of storage container	Henmore Trading Estate Mayfield Road Ashbourne Derbyshire DE6 3AS	Notice Issued

Brailsford

ENF/17/00058	Unauthorised erection of replacement fencing around boundary of South Lodge, Long Lane, Longford, Derbyshire	South Lodge Long Lane Longford Derbyshire DE6 3DS	Pending Consideration
ENF/18/00009	Unauthorised building works to barn at West Mammerton Farm, Sutton Lane, Longford	Buildings At West Mammerton Farm Sutton Lane Longford Derbyshire	Pending Consideration
ENF/18/00138	Unauthorised change of use of Agricultural land and the erection of a timber built cabin.	Land North East Of Willow Croft New Road Mercaston Derbyshire	Notice Issued
ENF/19/00062	Creation of new fishing lake	Birch House Fishing Lake Derby Lane Ednaston Derbyshire	Pending Consideration

Carsington Water

ENF/16/00034	Unauthorised erection of Dog kennels	Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ	Notice Issued
ENF/18/00013	Building not built in accordance with approved plans	Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR	Pending Consideration
ENF/18/00196	Works to Holiday Let - Installation of chimney, erection of conservatory and extension to single storey element. Other Works - Caravan hookups, associated timber structure and extension to shower block	New Harboro Farm Manystones Lane Brassington Derbyshire DE4 4HF	Pending Consideration
ENF/19/00067	Unauthorised engineering works to create a raised platform base for the approved building, and a new access and access track onto land off Manystones Lane, Brassington.	Land North Of Wirksworth Dale Brassington Derbyshire	Pending Consideration
ENF/19/00096	Unauthorised change of use of the building known as Shaws Barn, from B8 (Limited storage and distribution) use, to a use including the sale of alcohol.	Shaws Barn Winn Lane Atlow Derbyshire DE6 1NS	Pending Consideration
ENF/20/00128	Erection of shed and boundary fence	3 Haven View Mill Lane Bradbourne Derbyshire DE6 1PA	Pending Consideration

ENF/21/00025	Unauthorised engineering works to facilitate a wider access and hardsurfaced track around field to a newly created hardstanding area, stationing of a mobile caravan, domestication of the agricultural land with the erection of a childrens climbing frame with slide and a sunken childrens trampoline, and the erection of a decking area. Further works include the creation of an enclosure with a field shelter to accomodate an Alpaca and a couple of sheep.	Land North West Side Of Manystones Lane Brassington Derbyshire	Notice Issued
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Clifton And Bradley

ENF/19/00151	Alterations to bridleway including resurfacing to create access track, recessing of gateway and tarmac of entrance onto Sides Lane	Snelston BW 3 Sides Lane Snelston Derbyshire	Pending Consideration
ENF/19/00159	Formation of a new access off a Classified Road	The Flatts Wyaston Road Ashbourne Derbyshire	Pending Consideration
ENF/20/00005	Clearance of hedgerow at 'The Firs' residential development and erection of fence - Related planning applications 16/00340/OUT and 18/00699/REM	Land At The Firs Main Road Wyaston Derbyshire DE6 2DR	Pending Consideration
ENF/20/00141	Siting of static caravans	Cloud Barn Clifton Road Clifton Derbyshire DE6 2DH	Pending Consideration
ENF/20/00159	Erection of signage and change of use of yard to rear of premises	Duke Of York Filling Station Mayfield Road Mayfield Ashbourne Derbyshire DE6 2BN	Pending Consideration
ENF/21/00044	Engineering works to extend existing bunding	Darley Moor Motor Cycle Road Racing Club The Darley Moor Sports Centre Darley Moor Ashbourne Derbyshire DE6 2ET	Pending Consideration

Darley Dale

ENF/12/00034	Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.	Stancliffe Quarry, Darley Dale, Matlock.	Notice Issued
ENF/17/00016	Breach of pre commencement conditions on planning permission 15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building.	Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT	Pending Consideration
ENF/17/00139	Works comprising the siting of an office building on "the land"	Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR	Notice Issued

ENF/19/00102	Continued siting of mobile home (Breach of Condition 1 of Appeal Decision APP/P1045/C/15/3131891)	Woodside Farm Back Lane Darley Moor Matlock Derbyshire DE4 5LP	Pending Consideration
ENF/19/00144	Without planning permission the unauthorised use of the site as a camping and caravan site	Land Opposite Square And Compass Main Road Darley Bridge Derbyshire DE4 2EQ	Pending Consideration
ENF/20/00154	Felling of Scot's Pine tree subject to Tree Preservation Order 119 (G3)	Land At St Elphins Park Dale Road South Darley Dale Derbyshire	Pending Consideration

Doveridge And Sudbury

ENF/20/00129	Formation of a car park in association with the fishing club	Land Between Dove Villa And Tollgate Cottage Doveridge Derbyshire	Pending Consideration
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Hulland

ENF/15/00004	Unauthorised engineering works including substantive excavation on land at Common Farm.	Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP	Pending Consideration
ENF/15/00024	The unlawful use of the buildings outlined and hatched green on the 1:2500 and 1:1000 Scale attached plans, as a dwellinghouse (Use Class C3).	Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Notice Issued
ENF/18/00155	Replacement agricultural storage building not built in accordance with permission 15/00616/AGR, construction of car park and building being used as a dog training business	Moorside Farm Moor Lane Kirk Ireton Derbyshire DE6 3JZ	Pending Consideration
ENF/20/00123	Provision of additional caravan pitches, Breach of Condition 6 of Planning Permission Reference 16/00568/FUL and erection of storage buildings and band stand	Blackbrook Lodge Camping And Caravan Site Intakes Lane Turnditch Derbyshire DE56 2LU	Pending Consideration

Masson

ENF/15/00054	Unauthorised alterations to a Grade II Listed Building.	Rita's Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/18/00078	The painting of the shopfront with a paint colour that is not approved under the Matlock Bath Conservation Area Article 4 Direction	196-198 South Parade Matlock Bath Derbyshire DE4 3NR	Notice Issued
ENF/18/00140	Commencement on site prior to discharging conditions 3, 4 and 7 of planning application 17/01097/FUL	Outbuilding To The Rear Of 14 - 16 Yeoman Street Bonsall Derbyshire DE4 2AA	Pending Consideration

ENF/18/00177	Unauthorised erection of decking in the rear garden of Ranmoor, Waterloo Road, Matlock Bath	Ranmoor Waterloo Road Matlock Bath Derbyshire DE4 3PH	Pending Consideration
ENF/19/00086	Breach of condition 16 (paint finish and colour of all external joinery) of planning permission DDD/0697/0381/C - Repainting of premises without prior consent to variation	Unit 5 The Riverside South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/19/00139	Breach of Conditions - Use of premises as a hotel without compliance with conditions 2, 4, 6 and 7 of planning permission 17/01012/FUL and conditions 2, 3, 6, 7 and 8 of listed building consent 17/01013/LBALT	Cromford Court Derby Road Matlock Bath Derbyshire DE4 3PY	Pending Consideration
ENF/20/00015	Unauthorised erection of fence adjacent to a classified road, A6, and within close proximity to protected trees (DCCTPO/123/A1).	Rock Cottage Rock Lodge 69 Derby Road Cromford Derbyshire DE4 3RP	Notice Issued
ENF/20/00020	Construction of raised platforms	Weavers Cottage 45 Yeoman Street Bonsall Derbyshire DE4 2AA	Pending Consideration
ENF/20/00035	Externally illuminated signage	The Coven The George Centre 30 North Parade Matlock Bath Derbyshire DE4 3NS	Pending Consideration
ENF/20/00068	Unauthorised internal and external works to this listed building	90 The Hill Cromford Derbyshire DE4 3QU	Pending Consideration
ENF/20/00097	Use of shed as letting accommodation, installation of outdoor toilet and shower room and creation of wetroom in property	14 The Hill Cromford Derbyshire DE4 3QL	Notice Issued

Matlock All Saints

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

Matlock St Giles

ENF/13/00084	Unauthorised erection of workshop	Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY	Notice Issued
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ENF/17/00020	Unauthorised use of land for the storage and stationing of caravans.	Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ	Notice Issued
ENF/18/00178	The development is not in accordance with the approved plans.	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Pending Consideration
ENF/19/00008	Use of land for the parking of vehicles, unloading and storage of aggregates, unloading and storage of domestic and business waste and as a personal allotment with a greenhouse	Land To The Rear Of Sunnyside Farm Riber Road Riber Matlock Derbyshire DE4 5JU	Pending Consideration
ENF/19/00015	Formation of access onto a classified road (A615)	The Cottage Alfreton Road The Cliff Matlock Derbyshire DE4 5EZ	Notice Issued
ENF/19/00027	Tipping of materials additional to soil including rock, concrete and redundant farm machinery	Land At Junction Of Cunnery Lane And Alders Lane Tansley Derbyshire	Pending Consideration
ENF/19/00167	(a) Without planning permission, unauthorised engineering work, including retaining walls, to facilitate the formation of a compound area, the erection of enclosing walls and gate piers to this compound. (b) Without planning permission, utilising the compound for the storage of building materials, plant and equipment.	Land And Barn At The Corner Of Thatchers Lane And Alders Lane Tansley Derbyshire	Notice Issued
ENF/19/00168	Replacement windows in Grade II* Listed Building	St Andrews House Lumsdale Road Matlock Derbyshire DE4 5NG	Pending Consideration
ENF/20/00012	Unauthorised erection of garage within the domestic curtilage	20 Lynholmes Rise Matlock Derbyshire DE4 3DX	Pending Consideration
ENF/20/00092	The extension of domestic curtilage, engineering works and laying of hardsurfacing.	Land And Barn At The Corner Of Thatchers Lane And Alders Lane Tansley Derbyshire	Notice Issued
ENF/20/00103	Breach of Condition 14 of planning permission 15/00861/FUL and formation of roadway and associated engineering works (raising of land and formation of swales)	Land South Of Bentley Bridge Chesterfield Road Matlock Derbyshire	Pending Consideration
ENF/20/00145	Installation of air conditioning unit to exterior of Grade II Listed Building	Tavern At Tansley Nottingham Road Tansley Derbyshire DE4 5FR	Pending Consideration
ENF/20/00147	Erection of treehouse	Littlemoor Farm Littlemoor Lane Riber Matlock Derbyshire DE4 5JS	Pending Consideration

ENF/17/00056	Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire	Old House Farm Can Alley Roston Derbyshire DE6 2EF	Pending Consideration
ENF/17/00156	Unauthorised engineering works to create a vehicular access to the holiday lets from the Roston Inn car park	Roston Inn Mill Lane Roston Derbyshire DE6 2EE	Pending Consideration
ENF/18/00142	Siting of shipping container	Land Off Rodsley Lane Yeaveley Derbyshire	Pending Consideration
ENF/19/00034	Erection of Building	The Orchard Audishaw Lane Boylestone Derbyshire	Notice Issued
ENF/20/00006	Without planning permission the change of use of land for the stationing of caravans for the purposes of human habitation with associated building and engineering works comprising of the construction of amenity buildings, laying of hard surface and erection of fencing	Land East Of Grove Lane Somersal Herbert Derbyshire	Pending Consideration
ENF/20/00018	Unauthorised change of use of garage block to independent dwelling	Coton Wood Lodge Muse Lane Boylestone Derbyshire DE6 5AB	Pending Consideration
ENF/20/00148	Unauthorised stationing of static and mobile caravans for the purposes of human habitation and the change of use of land for the storage of vehicles and machinery not associated with agriculture	Shaw Lane Farm Shaw Lane Marston Montgomery Derbyshire DE6 2FJ	Notice Issued

Stanton

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

Winster And South Darley

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

ENF/17/00002	Unauthorised engineering operations to create a raised area	11 New Road Bolehill Derbyshire DE4 4GL	Pending Consideration
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ENF/17/00018	Unauthorised works to remove a fire surround in a Grade II Listed Building.	Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET	Pending Consideration
ENF/17/00023	Breach of conditions on planning permission 14/00891/FUL	Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS	Pending Consideration
ENF/17/00051	Unauthorised change of use of garage/store to beauty studio.	The Mews 3 Wirksworth Hall Farm Wash Green Wirksworth Derbyshire DE4 4FD	Pending Consideration
ENF/18/00126	Removal of front wall and erection of ply wood replacement	Kenwood Cottage Wash Green Wirksworth Derbyshire DE4 4FD	Pending Consideration
ENF/18/00216	Breach of conditions 3 and 4 of planning permission 15/00793/FUL - Conversion and extension of garage to form dependant relative unit.	38 West End Wirksworth Derbyshire DE4 4EG	Pending Consideration
ENF/19/00004	Installation of hot tub to front of property	Stowe Cottage 4 New Road Middleton By Wirksworth Derbyshire DE4 4NA	Pending Consideration
ENF/20/00008	Unauthorised ground works to facilitate a car park and large plant training area.	Land To The North Of Jacksons Ley And Porter Lane Middleton By Wirksworth Derbyshire	Pending Consideration
ENF/20/00077	Unauthorised building works, consisting of demolition of outbuilding and erection of two storey side extension to dwelling at 5 Churchill Avenue, Middleton by Wirksworth.	5 Churchill Avenue Middleton By Wirksworth Derbyshire DE4 4NG	Pending Consideration
ENF/20/00101	Erection of shed	The Old Barn Rise End Middleton By Wirksworth Derbyshire DE4 4LS	Pending Consideration
ENF/20/00164	Without planning permission, the unauthorised change of use of the building and associated land from office use (Use Class B1) permitted under Part 3, Class R of Schedule 2 of the Town and Country Planning (General Permitted Development (England) Order (2015) (as amended) to a Dwellinghouse (Use Class C3).	Land At Manor Lodge Little Bolehill Bolehill Derbyshire DE4 4GR	Pending Consideration

Total Open Cases

86

Enforcement Investigations Closed

In the Month Prior to 30/06/2021



Ashbourne North

ENF/19/00016	Installation of artificial grass to steps, neon internal signage and spotlights to Grade II Listed Building	5 Church Street Ashbourne Derbyshire DE6 1AE	Not in the Public interest to pursue	28/06/2021
ENF/19/00088	Unauthorised works to shop front (Grade II Listed Building)	Drink Zone Plus Ground Floor 5B St John Street Ashbourne Derbyshire DE6 1GP	Complied Voluntarily	28/06/2021
ENF/21/00100	Large fence being built approx 12 foot high around suspected new build which is in progress and seems to have no planning permission.	Buckholme Farm Mayfield Road Ashbourne Derbyshire DE6 2BJ	Complaint Unfounded	21/06/2021

Ashbourne South

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

ENF/20/00139	Dwelling not built in accordance with planning approval reference 18/00726/FUL	Former Sunny Bank Longford Lane Longford Derbyshire DE6 3DT	Planning Application Received	28/06/2021
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Carsington Water

ENF/21/00067	On 27th March 2021 a large trampoline was erected in the garden above the property	May Cottage The Town Carsington Derbyshire DE4 4PX	Complaint Unfounded	28/06/2021
ENF/21/00098	Green field being used as a pop up campsite having a new road/track for access.	Manystones Lane Brassington Derbyshire DE4 4HF	Duplicated Case	14/06/2021

Clifton And Bradley

ENF/21/00097	Building of Room at the Side of the Garage. Roofed Animal Building Erected. Wildlife Pond Used As Swimming Pool. Basketball Court Built Adjacent to The Drive.	Arbor Low 1 Long View Lane Clifton Derbyshire DE6 2GH	Duplicated Case	29/06/2021
ENF/21/00102	Advertising sign on a grass verge- distracting to drivers and unaware of any permission granted.	Darley Moor Motor Cycle Road Racing Club The Darley Moor Sports Centre Darley Moor Ashbourne Derbyshire DE6 2ET	Complied Voluntarily	28/06/2021

Darley Dale

ENF/21/00096	Erection of High Fence on Property Boundary	Cedar Lodge 23 Greenaway Lane Hackney Derbyshire DE4 2QB	Complaint Unfounded	18/06/2021
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Dovedale And Parwich

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

ENF/19/00017	Unauthorised commencement of development prior to correctly discharging planning conditions relating to planning permissions 15/00389/OUT - residential development of upto 70 dwellings and 18/00891/REM - Approval of reserved matters for the erection of 62 dwellings- Land East of Bakers Lane, Doveridge	Land To The East Of Bakers Lane Doveridge Derbyshire	Complied Voluntarily	28/06/2021
ENF/20/00010	Change of use of land to site a crane and condition 4 (landscaping works to screen mounding) of planning permission 11/00806/FUL not fully implemented	Steve Foster Crane Hire Units 1 To 3 Derby Road Doveridge Derbyshire DE6 5JU	Complied Voluntarily	29/06/2021
ENF/21/00050	The land in between Dove villa and Tollgate cottage was a field and has been turned into a carpark for a fishing club for up to 12 cars at a time	Dove Villa Doveridge Derbyshire DE6 5LH	Duplicated Case	29/06/2021

Hulland

ENF/18/00112	Unauthorised use of buildings for storage of mowers in connection to an off site business	Hough Park Farm Brunswood Lane Hulland Ward Derbyshire DE6 3EN	Complaint Unfounded	28/06/2021
ENF/18/00181	Unauthorised change of use of holiday cottage to permanent dwelling - Barn to rear of Fairfields, Waterlagg House, Turnditch, Belper, DE56 2LW	Waterlagg House Turnditch Derbyshire DE56 2LW	Complied Voluntarily	28/06/2021
ENF/19/00048	Breach of Condition 3 (building to be incidental/ connected to existing farmhouse) of planning permission 15/00538/FUL	Outbuilding At Blackbrook Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Planning Application Received	29/06/2021
ENF/19/00093	Use of outbuilding as a dwelling	Mukkibruk Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Planning Application Received	29/06/2021
ENF/19/00124	Development not being built in accordance with approved elevation plans of planning permission 18/01237/REM (Approval of reserved matters for the erection of 22 dwellings (outline application 16/00832/OUT))	Land East Of Les Ardennes Hulland Ward Derbyshire DE6 3EE	Complied Voluntarily	29/06/2021

ENF/20/00070	Works to barn not in accordance with planning permission 19/01286/FUL, potential use of site for residential rather than agricultural purposes, formation of soil bund on site and siting of a caravan	Hay Barn Upper Lane Hulland Ward Derbyshire	Complaint Unfounded	28/06/2021
ENF/20/00115	Unauthorised siting of caravan	Land To East Of Hoon Well Lane Biggin Ashbourne Derbyshire	Complied Voluntarily	28/06/2021

Masson

ENF/18/00077	Unauthorised change of use of buildings from contained holiday cottage. to fully self	The Carriage House Building 24 Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ	Not in the Public interest to pursue	28/06/2021
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Norbury

ENF/19/00079	Breach of condition 11 of planning permission 16/00587/FUL - No machinery shall be operated on the site, no process or operations shall be carried out and no deliveries shall be taken at or despatched from the site except between 8:00 and 18:00 hours Monday to Friday and 9:00 and 13:00 on Saturdays or at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.	Mushroom Farm Rodsley Lane Yeaveley Derbyshire DE6 2DT	Complied Voluntarily	28/06/2021
ENF/21/00040	Down pipe runs into a 4" gully but exits into a 3" perforated pipe thus leaving a gap to which the water can escape as well as the perforated pipe allowing water to go around both footings of the properties.	6 Rodsley Lane Yeaveley Derbyshire DE6 2DT	Complaint Unfounded	14/06/2021

Stanton

ENF/21/00022	Potential breach of conditions (operating hours)	Unity Complex Dale Road North Darley Dale Derbyshire	Duplicated Case	29/06/2021
ENF/21/00054	Black Rocks Car Valeting has been cleaning cars in the evening including the weekends up until 7 pm at night as was the case over the Easter period.	Black Rocks Car Valeting Unity Complex Dale Road North Darley Dale Derbyshire DE4 2HX	Complaint Unfounded	29/06/2021
ENF/21/00063	Are there any planning conditions limiting the hours of use at Forticrete, Warren Carr.	Forticrete Limited Masoncrete Factory Oldfield Lane Warren Carr Derbyshire DE4 2LN	Complaint Unfounded	01/06/2021
ENF/21/00081	Unauthorised change of use of buildings to Retail sale of flowers, plants, seeds, fertilizers, pet animals and pet food in specialised stores	North Park Farm Whitworth Road Darley Dale Derbyshire DE4 2HJ	Complaint Unfounded	28/06/2021

Wirksworth

ENF/21/00080

Raised patio over a well on the corner where residents used to put their bins but they now can't as it is raised.

7 Hillside Middleton By Wirksworth Derbyshire
DE4 4LN

Duplicated Case

28/06/2021

Total Closed Cases 29

PLANNING APPEALS – PROGRESS REPORT

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
18/00662/LBALT	Brook Cottage, Pethills Lane, Kniveton	WR	Appeal being processed
ENF/20/00006	Land east of Grove Lane, Somersal Herbert	IH	Appeal being processed
20/99972/FUL	87 Belper Road, Ashbourne	WR	Appeal being processed
20/01011/OUT	Reevsmoor, Hoargate Lane, Hollington	WR	Appeal being processed
20/01137/FUL	Barn at Oak Tree Farm, Nether Lane, Biggin, Ashbourne	WR	Appeal being processed
21/00189/PDA	The Barn, Upper Lane, Biggin	WR	Appeal being processed
21/00180/FUL	The Beehive, Well Banks, Kirk Ireton	WR	Appeal being processed
20/00617/FUL	Land east of Les Ardennes, Hulland Ward	WR	Appeal being processed
21/00096/FUL	Cloud barn, Clifton Road, Clifton	HOUSE	Appeal being processed
21/00134/VCOND	Dunswood 37 Buxton Road, Ashbourne	WR	Appeal being processed
19/01213/FUL	Four Lane Ends, Gibfield Lane, Hulland ward	WR	Appeal being processed
21/00149/PDA	Crystal Springs Farm, Cuscas Lane, Brailsfird	WR	Appeal being processed
Central			
ENF/20/00120	North Park Farm, Whitworth Road Darley Dale	IH	Appeal being processed

20/00581/FUL	5 Asker Lane, Matlock	IH	Appeal being processed
20/00974/FUL	Field adjacent to Oldfield Lane, Warren Carr, Matlock	WR	Appeal being processed
ENF/19/00144	Square and Compass, Main Road, Darley Bridge	WR	Appeal being processed
20/00535/FUL	Rock Cottage, 69 Derby Road, Cromford	WR	Appeal being processed
ENF/20/00164	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed

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

WR - Written Representations

IH - Informal Hearing

PI – Public Inquiry

LI - Local Inquiry

HH - Householder

OFFICER RECOMMENDATION:

That the report be noted.

BACKGROUND PAPERS

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

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

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

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

BACK TO AGENDA