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01 February 2021

To: All Councillors

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

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

Yours sincerely

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

James McLaughlin
Director of Corporate Services & Customer Services

AGENDA

PLEASE NOTE CHANGE TO PUBLIC PARTICIPATION SCHEME AND DEADLINE

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

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

12 January 2020

3. INTERESTS

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

4. PUBLIC PARTICIPATION

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

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

Email: committee@derbyshiredales.gov.uk

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

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

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

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

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

5. APPLICATIONS FOR DETERMINATION

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

	Page No.
5.1 APPLICATION NO. 20/00872/FUL (Presentation)	04 - 21
Retention of replacement dwelling as built and additional changes to external finishes (modifications to planning permission 16/00054/FUL – Erection of replacement dwelling and annex) at formerly Goodacres, Furlong Lane, Hognaston.	
5.2 APPLICATION NO. 20/01071/FUL (Presentation)	22 - 31
Proposed external alterations to building, in association with approved Prior Notification reference 20/00261/PDC, for change of use of agricultural building to a flexible use (C1 holiday accommodation with ancillary stabling) at the Grain Store Building, Somersal Farm, Church Lane, Somersal Herbert, Derbyshire DE6 5PD.	
5.3 APPLICATION NO. 20/01165/FUL (Presentation)	32 - 40
Change of use of hairdressing salon, with residential accommodation, to house in multiple occupation (Use Class C4) at 50 Wellington Street, Matlock.	
5.4 APPLICATION NO. 20/01223/FUL (Presentation)	41 - 50
Demolition of depot building and erection of 4 no. dwelling houses at the former Hallmark Tractor Site, Ashbourne Road, Sudbury.	

6. **INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS** 51 - 61
7. **APPEALS PROGRESS REPORT** 62 - 65

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

Members of the Committee:

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

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

Nominated Substitute Members:

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

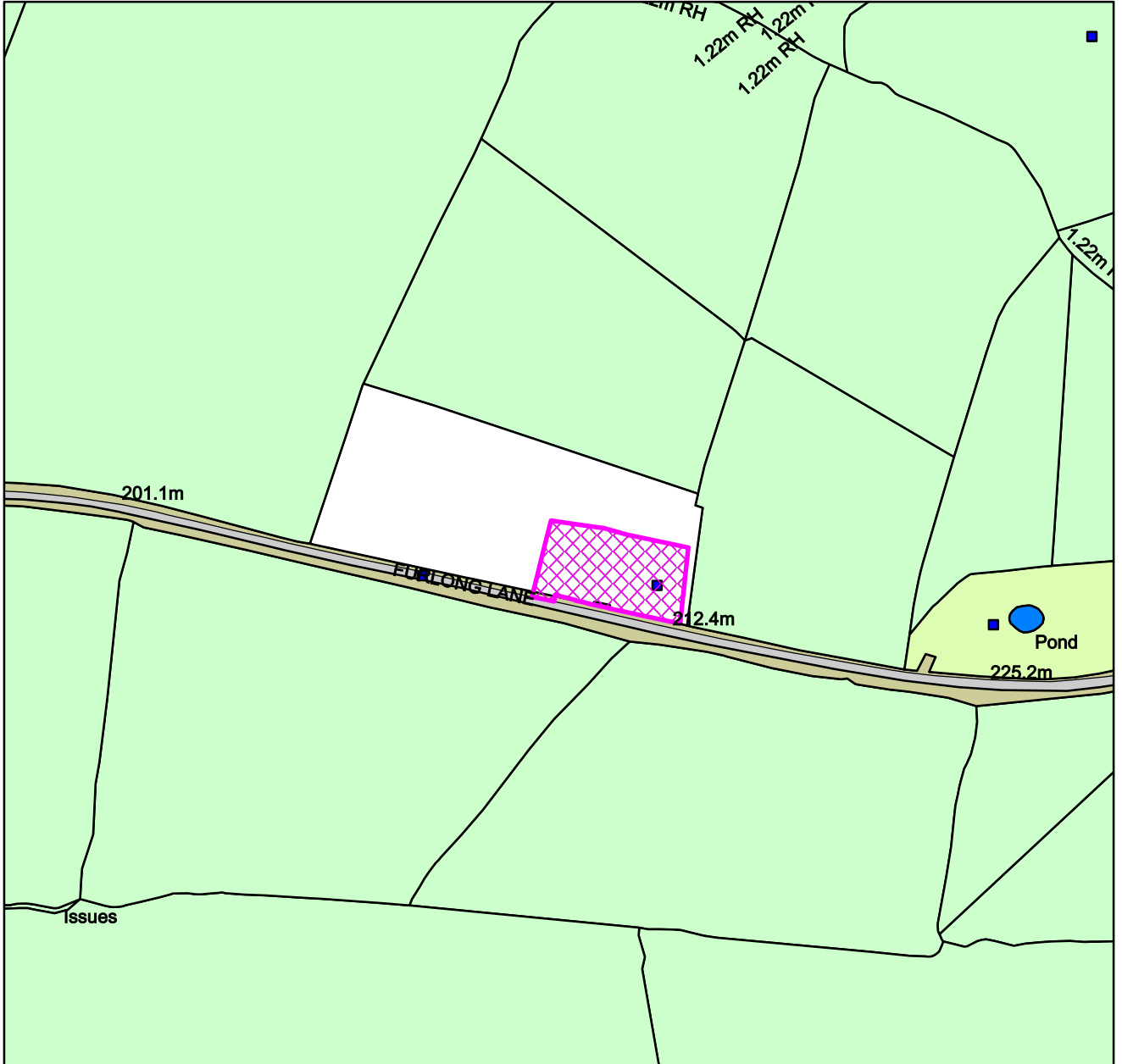
APPLICATION NUMBER		20/00872/FUL	
SITE ADDRESS:		Formerly Goodacres, Furlong Lane, Hognaston	
DESCRIPTION OF DEVELOPMENT		Retention of replacement dwelling as built and additional changes to external finishes (modifications to planning permission 16/00054/FUL – Erection of replacement dwelling and annex)	
CASE OFFICER	Mr Chris Whitmore	APPLICANT	Mr Leonard
PARISH/TOWN	Atlow	AGENT	Mr Harry Capstick
WARD MEMBER(S)	Cllr. Rose	DETERMINATION TARGET	3 rd December 2020
REASON FOR DETERMINATION BY COMMITTEE	Considered sensitive by the Development Manager and 5 unresolved objections received	REASON FOR SITE VISIT (IF APPLICABLE)	n/a

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • The scope of the application having regard to application code ref. 16/00054/FUL to replace the original farmhouse, office and agricultural building at the site, approved at planning committee on the 12th April 2016; • the impact of the changes to the dwellings size and appearance on the local environment, including the character and appearance of this part of the countryside and the local landscape, and; • the amenity of the occupants of nearby residential properties.

RECOMMENDATION
That the application be approved with conditions

20/00872/FUL

Formerly Goodacres, Furlong Lane, Hognaston, Derbyshire



Derbyshire Dales DC

1:2,500

Date: 27/01/2021

100019785

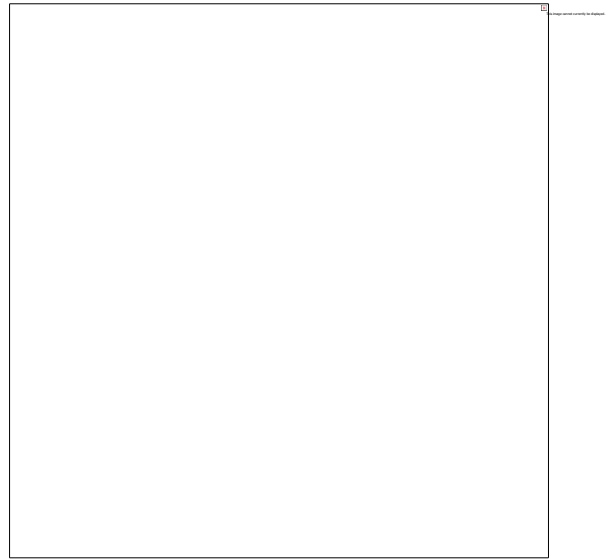
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Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
website :www.derbyshiredales.gov.uk

1. THE SITE AND SURROUNDINGS

- 1.1 The application site lies just off Furlong Lane to the south of Hognaston and north east of Atlow in open countryside and covers an area of 0.2ha. It occupies a prominent and elevated position in the landscape and is visible in views from Hognaston, including Hognaston Public Footpath no. 19 and Turlowfields Lane. A dwelling and annex is currently being constructed on the site. It occupies a similar position to the farmhouse, separate office building and large modern, low slung barn it replaced (i.e the former buildings at Goodacres).
- 1.2 A roadside hedge defines the southern boundary. The other boundaries are either open or defined by hedge and tree planting. The wider land holding (agricultural field) extends to the north and west. The land falls away to the north and west, A Public Footpath (no.1 Atlow) is located on the opposite side of Furlong Lane and runs in a south easterly direction towards Hill Crest.



(Former Goodacres farmhouse – viewed from Furlong Lane)



(Replacement Dwelling– viewed from Furlong Lane)



(Former Goodacres farmhouse – viewed from Furlong Lane)



(Replacement Dwelling– viewed from Furlong Lane)



(Gable to rear of former Goodacres farmhouse)



(Rear of as constructed replacement Dwelling)



(Adjoining agricultural building to former Goodacres)



(Annex to replacement dwelling)



(Former Goodacres farmhouse – Long distance view from Furlong Lane)



(Replacement Dwelling – Long distance view from Furlong Lane)



(View of the replacement dwelling from Turlow Bank / Hognaston direction)



(Render Sample Panels)

2. THE APPLICATION

- 2.1 This application follows the approval of planning application code ref. 16/00054/FUL for the erection of a replacement dwelling and annex on the site at planning committee on the 12th April 2016. A start on the development took place within the requisite period, with the agreement of officers having discharged some of the details reserved by conditions. However, the applicant continued with construction, including elements of the build that required details to be submitted to and approved in writing by the Local Planning Authority. This application seeks to retrospectively agree these and other details, including the render finish (yet to be applied), the depth of the window reveals and a soft landscaping scheme (albeit in relation to the applicant's wider landholding).
- 2.2 The application also seeks to regularise changes that have been made to the size of the replacement dwelling and position and shape of window openings. In particular, the following changes to the approved dwelling have been made:
- Block work has been introduced above feature windows in the rear (north) elevation, increasing the height of the exterior wall where it meets the butterfly roof by 0.5m.
 - Increase in the height of the front (south) exterior wall by 0.3m (the point where it meets the butterfly roof).
 - The length of the building has increased by 2m
 - The size, shape and position of the windows in the rear elevation has changed.
- 2.3 Submitted with the application are a series of revised elevations and floor plans, including a site survey drawing which shows the as constructed dwelling, previously approved dwelling and former Goodacres farmhouse which highlights the differences in built mass. Following receipt of the representations received in respect of this application, the following additional information has been received:
- Confirmation of cladding type/colour (matt white / grey).
 - A landscaping plan prepared by the applicant's landscape designer showing additional trees to help filter views from the north, west and east of the replacement dwelling on land they control.
 - 3D modelling showing how the windows and proposed zinc cladding will be recessed 65mm behind the outer render.

- Confirmation that the zinc on the roof and the zinc used for these trims is matt, pre-weathered and does not glare at all.
- Amended elevation drawings proposing additional zinc cladding so that the zinc ‘turns the corner’ above the corner window in the north (rear) elevation.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan 2017:

S4: Development in the Countryside
 S9: Rural Parishes Development Strategy
 PD1: Design and Place Making
 PD5: Landscape Character
 PD7: Climate Change
 HC7: Replacement dwellings
 HC19: Accessibility and Transport
 HC21: Car Parking Standards

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

4. RELEVANT PLANNING HISTORY

16/00577/FUL	Installation of 12 kw solar array - Granted
16/00054/DCOND/2	Discharge of Conditions 2, 3, 4 and 5 – Conditions not discharged
16/00054/DCOND/1	Discharge of Conditions 1, 2, 3, 4 and 5 – Conditions not discharged
16/00054/FUL	Erection of replacement dwelling and annex – Granted
10/00158/FUL	Erection of 6kW micro wind turbine on a 9m mast and associated infrastructure – Granted
08/00519/FUL	Change of use and conversion of farm building to office accommodation – Granted
07/00680/FUL	Two storey rear extension – Granted
ASR/149/1	Erect a detached two storey house at Atlow comprising kitchen, living room, parlour, three bedrooms and bathroom. Walls to be either in facing bricks or colourwashed, roof in approved tiles – Granted

5. CONSULTATION RESPONSES

5.1 Local Highway Authority:

No further highway comments subject to previously recommended conditions.

5.2 Atlow Parish Council:

Atlow residents have been consulted about the above application and there have been no objections.

Several have spoken to express their reservations about the building itself. Whilst nobody objected to the original application in 2016, those of us who are not fans of modern architecture have watched the construction with some anxiety. However, during these conversations it was universally recognised that technology; design; and tastes change over time and that this house is at the cutting edge of architectural innovation.

Whilst it is absolutely right that any deviation from a permitted plan is addressed through due process, in this case the key points seem to be:

- The over-riding issue here from the perspective of the impact on the landscape is that a large modern building is being built in a prominent position on a hill. Proportionately small differences to the size and design are not going to have an enormous effect on the overall impression.
- The original house was itself far from an architectural gem and it is important to note that the ridge line of the new house does not exceed those of the buildings it has replaced.
- The house will doubtless look a lot better once it has been clad and finished and allowed to “bed in” to the planned landscaping.

Atlow therefore supports the application and looks forward to seeing the house finished and lived-in.

Following receipt of the representations received the following comments from Atlow Parish Meeting Chair have been received:

I understand that many people remain unhappy with the 2016 decision and have become increasingly upset as the building has gradually taken shape over the last 3 years. However, Application 20/00872 is not about this, it is about the unauthorised alterations in the building process which have led to the main part of the house being 5% longer and between 4 and 6.8% higher than the plan approved in 2016, and also led to some changes in window position.

Whilst I completely back the Council in insisting that these alterations go through a retrospective planning process, it would surely be a retrograde step to allow the re-examination of issues already approved by Committee.

I understand that if you are unhappy about a building, you will be even more unhappy if it is built larger than originally planned, even if the increase is proportionally minor. However, having been present at the Planning Meeting in 2016 when the design was approved by Members, I cannot recall any discussions of the specific dimensions of the proposed building, apart from the reassurance that it would not be higher than the original building, which is still the case. My recollection is that Members were enthusiastic about the opportunity to approve a state-of -the-art design with exceptional environmental credentials which was to be built in the best possible materials.

As stated in Atlow’s earlier representation, the main issue here for local residents has always been the replacement of two traditional (albeit rather ugly) buildings with a large modern house. Whilst unfortunate, and requiring authorisation, I do not believe that the changes from the plan have a major impact on this main issue. Modern architecture is a divisive topic, especially in the countryside, but I do hope that we are not going to revisit the original matter of principal in this application.

Several outstanding issues are mentioned repeatedly in the representations:

1. **Zinc Roof and Cladding material** - *I understand that the architects have confirmed this is a matt and pre-weathered material but neighbours are still concerned about glare: Do you have any comments about this?*
2. **Change to Windows** - *One of the representations states that there are far more windows and they are far larger than in the 2016 plan. However, my understanding from the layering plans on the portal is that the windows are the same in number and similar in shape and size to that on the original plan and that the Planning Department’s main concern here was largely due to the change in position of some of the windows, which is why more of the zinc cladding has been added to the north elevation. I believe also that the window divisions have been removed, leaving plain glass which I gather, from an architectural perspective is supposed to make the building appear “lighter”. I would be grateful for your comments on this.*

3. **Render Colour** - *My understanding in 2016 was that the precise render colour would be chosen after the building was otherwise finished, to ensure it blended in well with the other materials, once they had a chance to weather. The colour was to be agreed with the Planning Department. I am a little confused that a choice seems already to have been made as part of this latest application.*
4. **Landscaping** - *Besides one comment that the proposed landscaping would turn an agricultural field into parkland inappropriate in a rural area, most of the other representations urge that planting is used generously and effectively to break up the appearance of the building and screen it as much as possible. I thought this was a condition of the 2016 permission and hope that you can reassure the neighbours that if the current application succeeds a landscaping plan will be agreed with the applicant and put into action as a matter of urgency.*

One of the comments refers to the site still being a mess. This will obviously no longer be the case if the house can be finished and the owners move in.

5.3 Hognaston Parish Council:

Make the following comments:

SCALE - although the building has been built 2m longer (5%) and 0.6m higher (7%) than was approved, the expectation isn't that this should be amended at this advanced stage but that the visual impact should be decreased as much as possible.

Suggestions are through the choice of colour and an extensive planting scheme, and that the domestic curtilage should not be extended beyond the permitted development lines to the north of the building. No information is shown on this application and this needs to be provided.

The SKYLINE position of the building makes it very visible from Hognaston and Turlow Fields Lane, especially at night with the extent of the glazing creating a "light box on the hill". The owner has assured us the automatic electric blinds to be installed mean that this should not be a problem.

NEIGHBOURING PROPERTIES – the original farmhouse had small windows and an elevation overlooked the neighbouring properties due to the prominent elevation of the plot. However, the new building has a stature (48% larger), scale and 'modernist' design which overwhelms the landscape and feels oppressive and intrusive to those living near by.

The LOCAL RURAL LANDSCAPE is increasingly becoming dominated by industrial style buildings. Both the cladding and planting should be in keeping with the local area. Although the trees would partly obscure the view from the property, in particular of Carsington Reservoir, the view for one property should not be a priority over (or be any more valid) than that of many properties, the vast majority of which predate the construction of the reservoir. Also, with the advancing effects of ash dieback many trees currently hiding the property will die, and the property will become increasingly visible.

NOISE POLLUTION is already being experienced by some neighbours (and their livestock). It is essential that this is noted for the future, and controls be agreed.

6. REPRESENTATIONS

- 6.1 Representations have been received from five local residents, objecting to the proposed development. These comments have been categorised as follows in terms of the issues raised:

Visual Impact

- After over 4 years the site is still a complete mess and the huge building emerging from that mess can only be described as a monstrosity, totally out of keeping with its surroundings. It might be acceptable hidden in a wood somewhere, but it is in a very prominent position and visible from miles around, including most of Hognaston village. Now it seems it has not been built to the original specification and requires retrospective permission for the infringements. I objected to the original application and I object strongly to this current one.
- The skyline location of the building when viewed from the village, making it widely and prominently visible from the Hognaston side – including at night, when the extent of the glazing means it runs the risk of being a ‘light box on the hill’
- The materials proposed – in particular the extensive use of glass and white render on the face of the domestic part of the building, and the zinc roof used throughout; cumulatively these serve to highlight the structure rather than to help it merge into the landscape.
- The overall size of the building and the impact of the massing of what were previously separate elements, making it overbearing when viewed from the village and other properties below
- In its current form it looks like two residential dwellings and not one, as applied for in the original application. The house towers over us and the rest of Hognaston, as it has been situated in such a prominent position.
- The small amount of additional cladding that is being suggested by the architect and supported by the planner (if this is correct) is not an adequate solution and will not make the building sit ‘comfortably within the site’ or ‘appear unduly prominent’.
- The increase in height which according to the calculations provided by the new consultants is approximately 500mm higher than the original design. The current consultants (Planning Design) have never seen the demolished property.
- If there is to be no enforcement of the design as originally approved, I would suggest changing the colour of the rendered section from white (or any variation of white) to a neutral stone colour. This colour should be a lasting condition of the planning decision – i.e. it should prevent the selected colour being replaced at a future date.
- The current structure is clearly visible from multiple locations on our property and in its current shape and form it appears to be incongruous with the rural surroundings, both in terms of the materials used and the actual design.

Impact on Residential Amenity

- The roof is already proving to create glare at different times. In the planner’s report to the Committee in 2016 (para 7.10) it stated that these concerns would be addressed by using a pre-treated / weathered zinc sheet. This does not appear to have been done and should be corrected with some kind of treatment to reduce the reflection.
- Within the current application there is no quantification of the increase in surface area of the windows or increased height of the windows. Privacy was not considered by the planners in the original application – presumably they felt the property was sufficiently distant from neighbouring properties for this not to be a consideration. I suggest that given their size, this should be looked at again. The windows in the current building could easily be reduced in area (by cladding or replacement) to the height allowed in the original

application. This should not impact on the views achieved from Goodacres to the reservoir but would reduce the loss of privacy to the neighbouring properties.

- In relation to glare can it be confirmed that the glazing has been chosen to prevent light spillage as suggested by the planner in his report to the Committee (para 7.10). This should have been agreed prior to development and part of the discharge of condition 4 of the original decision.
- The windows that have now been installed are so large that we can see straight into and through the house from our property in normal lighting conditions. During the construction work, we have noticed that individual conversations can be very clearly heard outside the property so we are equally concerned by the level of noise that potentially could be generated by such a large building, which clearly has the capacity and capability to host and entertain a significant number of visitors/guests. There are a number of horses in the neighbouring fields, which are prone to a flight response, particularly when exposed to loud or unfamiliar noises. It therefore seems entirely reasonable for the current owner to put measures in place to mitigate the level of noise and light from the property.

Application Submission

- The application lacks any details on landscaping and how this would help to mask the building.
- Prior agreement of a landscaping plan was required as a condition of planning prior to construction commencing and it is disappointing that this remains outstanding. Before any decision is made on the application, acceptable landscaping plans (both hard and soft) to ensure the structure is appropriately screened to minimise its impact need to be agreed.
- The landscaping to provide a setting and screening for the building should be within the domestic curtilage of Goodacres. Ash trees in the adjoining fields are likely to succumb to ash dieback and will require removal at some point so the landscaping plan needs to take account of this. Again there should be a condition to ensure that the screening is maintained, and replaced as and when necessary.

Other comments

- There are a number of horses in the neighbouring fields, which are prone to a flight response, particularly when exposed to loud or unfamiliar noises. It therefore seems entirely reasonable for the current owner to put measures in place to mitigate the level of noise and light from the property.
- I presume this will make it difficult for you to require the structure to be altered. I would therefore request that serious efforts are made to reduce the impact of the building to the north side. For example, that:
 - The colour/treatment of the domestic part of building is changed from (off-)white render to something that will be more recessive – and that restrictions are placed on the ability of this colour to be changed at a later date
 - An alternative to zinc that will not create the risk of glare is used for cladding below the roofline
 - Domestic curtilage is not extended beyond the permitted development lines to the north of the building
 - A landscaping plan is agreed as an immediate priority and that this details how the building's north elevation will be effectively masked using natural planting native to the area, taking into account the fact that some of the existing trees that may

currently help in this regard (albeit to a very limited extent) will probably be lost to ash die-back in the not too distant future.

- I request that the following measures are considered as part of the revised planning application process:
 1. That specific requirements in terms of materials and colour palette are laid down and adhered to, in order to significantly soften the structure and enable it to blend in more effectively with the immediate rural aesthetic.
 2. That a defined tree planting scheme of resilient native tree species (e.g. Hornbeam and Beech) is established and adhered to on the property's Eastern and Northern boundaries. This would further help to soften the visual impact of the property, whilst also supporting the on-going development/reinstatement of local habitats and not disrupting the distant views of Carsington Reservoir and the neighbouring countryside that the property clearly seeks to benefit from. The current trees on these boundaries are mostly mature Ash, which could well succumb to Ash Die-Back, as a number of trees in the local area are already doing. I also believe that such a scheme would be entirely in keeping with the property owner's stated intention to limit the long-term environmental impact of the property and drive a sustainable, carbon-neutral agenda.

Comments received on the additional information received

- The information provided is not comprehensive for the extent of the non-compliance
 - changes to window configuration are not adequately covered - the windows in the first application were not put forward as large swathes of opening glass but had subdivisions
 - clear plans to show the extent of changes in window configuration for the north and east elevation
 - inadequate landscaping plan
 - assurance of structural integrity given the change in size
- The information is inconsistent
 - render colour - the sample colour is white as opposed to the mid grey shown on the artist's impression
 - window configuration in the artist's impression is not the same 'as built' for example, the gap between the high level area and the first floor doors, the white markings between glazed doors are not shown
- No consideration as to the reflective nature of the roof material - the proposed solution is likely to increase reflection
- Noise was raised as a concern in the first application and the extent of glazed openings should be considered
- The proposed landscaping will turn an agricultural field into 'parkland' and is not appropriate in a rural area
- The reliance on the existing ash trees providing screening when they are likely to be short lived due to ash dieback and there is no plan for their replacement

7. OFFICER APPRAISAL

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017).
- 7.2 Before considering the relevant provisions of the development plan to assess the development against it is necessary to consider the scope of this application, which seeks

to retain the replacement dwelling, as built and proposes additional changes to its external appearance. As set out in the application section of this report, planning permission has been previously granted at planning committee for a replacement dwelling and annex at the site. Officers accept that construction began on this approved development within the requisite period, with its agreement having discharged some of the details reserved by condition. The applicant, however, continued with construction and carried out changes to its size and appearance without the approval of the Local Planning Authority. This application is limited to these changes only, namely the introduction of blockwork / masonry above feature windows in the rear (north) elevation, increasing the height of the south facing exterior wall where it meets the butterfly roof by 0.5m, the increase in height of the front (south) facing exterior wall by 0.3m (the point where the wall meets the butterfly roof), the 2m increase in the length of the building and the changes to the size, shape and arrangement of the windows in the rear elevation.

- 7.3 Having regard to the above, it is not necessary to consider the acceptability of erecting a new dwellinghouse on the site, as the Local Planning Authority, in utilising planning enforcement powers could only reasonably enforce back to the dwelling that has approval under application code ref. 16/00054/FUL. The decision taker, therefore needs to consider the appropriateness of the changes to the dwelling only in terms of their impact on the local environment, including the character and appearance of this part of the countryside and the local landscape and the amenity of the occupants of nearby residential properties. If it is concluded that the changes are unacceptable and members are minded to refuse planning permission, the Local Planning Authority would need to consider its options in terms of taking formal enforcement action to require the applicant to revert back to the approved plans.

The impact on the local environment, including the character and appearance of this part of the countryside and the local landscape

- 7.4 Policy PD1 of the Adopted Derbyshire Local Plan 2017 deals with design and place making and requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features amongst other considerations. The applicant opted to erect a modern replacement dwelling on the site that was more energy efficient (A* rated) and met their needs. The form, scale and general appearance of the dwelling and annex was carefully designed as a modern interpretation of the original building group. The annex was designed and continues to be set at a lower level than the principal building and occupies a similar position to the low slung agricultural building that previously occupied the site. Being faced in timber it reads as a secondary outbuilding in terms of its scale and form and helps to break up the scale of the dwelling.
- 7.5 The changes mainly affect the principal building that was to be faced in render and incorporated large areas of glazing. The general form, which incorporates a butterfly roof remains. The most significant change relates to the height of the north and south facing exterior walls. This has resulted in changes to window openings in the north elevation. Block work has been introduced above feature openings at a high level, resulting in a heavier visual appearance. The approved dwelling had a corner window and full height glazing that resulted in a more lightweight building in views from Hognaston / the north. The windows have also been installed flush with the current blockwork. To address this the applicant proposes to introduce zinc sheeting (to match the main roof) with standing seam detail laid vertically above the feature windows where blockwork has been introduced. The remainder the building will continue to be faced in render. The applicant has proposed to use an off-white coloured render (1305) (the far left sample panel in the photograph set out in the site and surroundings section of this report), however, concerns have been raised by a local resident that this is white and therefore unacceptable for a building of this scale. The right

balance between an off white and grey colour is important to ensure that the dwelling does not appear too stark in the landscape and to provide an appropriate contrast with the windows and zinc sheeting. If members are minded to approve the application a condition will need to be imposed to require a sample panel of the render (which shall be an off white colour) to be provided on site for inspection and that this is agreed and applied to the exterior walls prior to occupation.

- 7.6 A 3D model of the dwelling with the changes has been submitted which indicates that once the render has been applied, a 65mm reveal will be formed between the outer wall and glass. This will provide some definition of the openings, however, is less than originally envisaged.
- 7.7 Local residents and Hognaston Parish Council have raised concern with the scale and visual prominence of the as constructed dwelling and stressed the importance of a robust landscaping scheme to help filter views of it, if members are minded to approve the application. In response to this the applicant has presented a native tree planting schedule and had undertaken tree planting on their wider landholding. In addition to an appropriate landscaping scheme which relates specifically to the application site, which can be controlled by condition this will help ensure an appropriate landscaped setting and filter views of the dwelling from the direction of Hognaston and Public Footpath no. 19.
- 7.8 The submitted survey / overlay drawing indicates that the as constructed dwelling, whilst slightly higher than approved sits below the ridge height of the original farmhouse. Whilst the extent of exterior wall is greater, due to the butterfly roof design, with the changes proposed to better articulate windows, reduce the visual mass of the building and the delivery of appropriate landscaping it is not considered that the changes to the as approved dwelling are so harmful to its original design and contribution to the local landscape or result in a dwelling that it unduly prominent / out of scale and character that a recommendation of refusal could be sustained at appeal.

Impact on Residential Amenity

- 7.9 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.10 Concerns regarding glare from the zinc sheets, loss of privacy and light from the windows and noise from the development have been raised from local residents and Hognaston Parish Council. Although the Local Planning Authority did not discharge condition 2 (relating to materials) in respect of application 16/00054/FUL it did agree to pre-treated / weathered zinc sheets with standing seam detail to the roof. The applicant has confirmed that this has been installed to the roof and is a matt, non-reflective variety. The same material will be used to the walls. They have also explained the circumstances surrounding the glare shown on the long distance photograph taken by a local resident (when wet and the sun is low and bright in the sky). The non-reflective nature of the zinc is such that it would not result in any significant glare, particularly on the walls where it will not hold water.
- 7.11 The overlay drawing demonstrates that there would be no significant increase in the amount of glazing (above that previously approved). The details of the windows was previously controlled by condition and provisional agreement was given to the use of the anti-glare glass that has been installed. Notwithstanding the distance between the site and nearest dwelling and that any loss of privacy from overlooking would be no greater than what has already been approved, the applicant has confirmed that privacy blinds will be installed to protect the residential amenity of the occupants of the nearest dwellings and excessive light.

7.12 The dwelling occupies a similar position on site as the former buildings associated with Goodacres. The extent of curtilage remains the same and the additional size of the dwelling brought about by the changes would not give rise to any significant additional noise that could be deemed a nuisance to neighbouring land uses, to the extent that refusal on such grounds could be merited.

Summary

7.13 In summary officers consider that the changes to the approved dwelling, the subject of this application have resulted in some dilution of the original design and resulted in a larger replacement dwelling that is more conspicuous in views from the surrounding countryside. The degree to which the dwelling is more prominent and the measures to reduce the visual mass / heaviness of the building and the proposal to introduce significant tree planting to help filter views from the north is such, however, that it would not constitute development that is so out of scale and character with its surroundings that a recommendation of refusal would be merited. The changes do not give rise to any additional adverse impacts on the residential amenity of the occupants of nearby dwellings. Subject to conditions to ensure a satisfactory external appearance and appropriate landscaping a recommendation of approval is put forward.

8. RECOMMENDATION

8.1 That planning permission be granted subject to following conditions:

1. ST02a: Time Limit On Full.

Reason:

ST02a.

2. This permission relates solely to the submitted application documents except as amended by the revised as built north and west elevations plans with finishes received by the Local Planning Authority on the 11th December 2020 numbered 2824 – 001 Rev A and 2824 – 004 Rev A.

Reason:

For the avoidance of doubt.

3. Prior to being applied or works commencing on the exterior walls of the dwellinghouse to be faced in an off white / grey render or stone, details and samples of such materials, including type, colour and in the case of the stone, size, origin, laying pattern and surface finish shall be submitted to and approved in writing by the Local Planning Authority. The render, zinc sheeting and stone shall thereafter be applied to the exterior walls of the dwellinghouse in accordance with the approved drawings prior to first occupation and maintained / retained in their approved form / colour in perpetuity.

Reason:

To ensure a satisfactory external appearance of the development in accordance with the aims of Policies S4, PD1 and HC8 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2019).

4. Concurrently with the submission of a sample of the walling materials, a 2 square metre sample panel of the exterior stonework shall be erected on site for inspection prior to the commencement of such work. The development shall thereafter be constructed in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development in accordance with the aims of Policies S4, PD1 and HC8 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2019).

5. Prior to installation, details of all exterior doors (including garage doors) shall be submitted to and approved in writing by the Local Planning Authority. The doors shall thereafter be installed in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development in accordance with the aims of Policies S4, PD1 and HC8 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2019).

6. Prior to occupation of the dwellinghouse a timetable for completion of the tree planting on land the applicant controls, set out on the Tree Planting Plan numbered 15, details of the new phase 3 trees (species type and size) and a hard and soft landscaping scheme relating to the application site which includes the following and shall be submitted to and approved in writing by the Local Planning Authority:
 - a) indications of all existing trees, hedgerows and other vegetation on the land;
 - b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - c) measures for the protection of retained vegetation during the course of development;
 - d) soil preparation, cultivation and improvement;
 - e) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - f) grass seed mixes and sowing rates;
 - g) finished site levels and contours, and;
 - h) hard surfacing materials.

Reason:

To ensure a satisfactory standard of landscaping in accordance with the aims of Policies S4 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2019).

7. With the exception of the tree planting shown on Tree Planting Plan numbered 15 which shall be carried out in accordance with the timetable agreed in respect of condition 5, all soft and hard landscaping comprised in the approved details of landscaping relating to the site shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:

To ensure a satisfactory standard of landscaping in accordance with the aims of Policies S4 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2019).

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

Reason:

To preserve the unique design of the dwelling in this open countryside location in accordance with the aims of Policies S4, PD1 and HC8 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2019).

9. Prior to first occupation of the dwelling, the new vehicular access to Furlong Lane (NC) shall be carried out in accordance with the application drawings approved in respect of application 16/00054/FUL, laid out, constructed and provided with 2.4m x 43m visibility splays in either direction. The area in advance of the sightlines shall thereafter be maintained throughout the life of the development 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 interests of highway safety in accordance with the aims of Policy S4, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2019).

10. Before any other operations are commenced (excluding conditions 8 above), the existing vehicular access to Furlong Lane (NC) shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as grassed verge in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.

Reason:

In the interests of highway safety in accordance with the aims of Policy S4, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2019).

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

Reason:

In the interests of highway safety in accordance with the aims of Policy S4, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2019).

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the garage accommodation / parking space to be provided in connection with the development shall not be used other than for the above stated purpose except with the prior permission of the Local Planning Authority granted on an application submitted to it.

Reason:

In the interests of highway safety in accordance with the aims of Policy S4, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2019).

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

Reason:

In the interests of highway safety in accordance with the aims of Policy S4, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2019).

NOTES TO APPLICANT:

1. The Local Planning Authority considered the application, with the additional information submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any problems with the application and consent was granted without negotiation.
2. NFA21 Conditions Fee Discharge.
3. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 538549.
4. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
5. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

6. This Decision Notice relates to the following documents:
- 1:1250 Scale Site Location Plan numbered 2824 – 005;
 - 1:200 Scale Block Plan;
 - 1:150 Scale North Elevation Plan Showing Current and Final Ground Levels numbered GA - 02
 - 1:100 Scale As built South Elevation with finishes Plan numbered 2824 – 002;
 - 1:100 Scale As built East Elevation with finishes Plan numbered 2824 – 003;
 - Design Statement;
 - Planning Statement by PlanningDesign;
 - Perspective Drawing of North Elevation numbered 2824 - SK 002;
 - 1:100 Scale Overlay Drawings (Showing original farmhouse, approved and as constructed dwelling) numbered GA-01 – 04, and;
 - 1:50 Scale Floor Layout Plans numbered 1336 01 – 05 received by the District Council on the 8th October 2020, and;
 - 1:100 Scale As built North Elevation with finishes Plan numbered 2824 – 001 Rev A;
 - 1:100 Scale As built West Elevation with finishes Plan numbered 2824 – 004 Rev A;
 - North Elevation – Window Reveal Drawing numbered 2824 – 007;
 - 1:100 Scale Tree Planting Drawing numbered 15, and;
 - Supporting Photographs received by the District Council on the 11th December 2020, and;
 - Letter from the applicant's agent dated 15th January 2021.

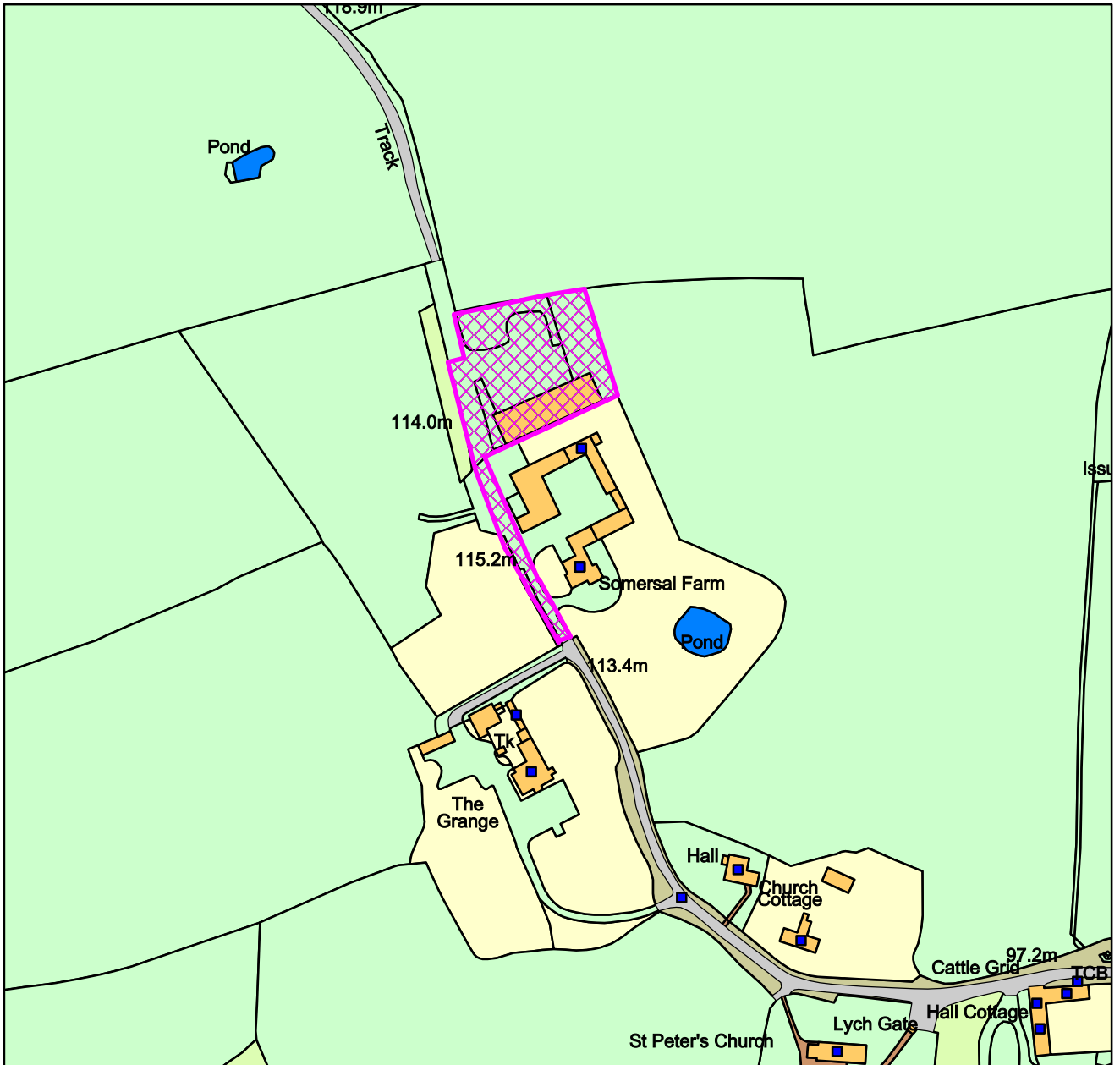
APPLICATION NUMBER		20/01071/FUL	
SITE ADDRESS:		Grain Store Building, Somersal Farm, Church Lane, Somersal Herbert, Derbyshire, DE6 5PD	
DESCRIPTION OF DEVELOPMENT		Proposed external alterations to building in association with approved Prior Notification reference 20/00261/PDC for change of use of agricultural building to a flexible use (C1 holiday accommodation with ancillary stabling)	
CASE OFFICER	Mr Andrew Stock	APPLICANT	Mr J Noakes
PARISH/TOWN	Somersal Herbert	AGENT	JVH Town Planning Consultants LTD
WARD MEMBER(S)	Cllr. A Morley	DETERMINATION TARGET	13 th January 2021
REASON FOR DETERMINATION BY COMMITTEE	5 or more unresolved objection	REASON FOR SITE VISIT (IF APPLICABLE)	n/a

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of the development, having regard to Class R, Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015; • Whether the proposed associated operational development works are reasonably necessary for the use proposed under Class R, and; • The impact of the proposed development on the character and appearance of the host building and its surroundings, specifically Somersal Herbert Conservation Area.

RECOMMENDATION
That planning permission be granted, subject to conditions.

20/01071/FUL

Grain Store Building, Somersal Farm, Church Lane, Somersal Herbert



Derbyshire Dales DC

1:2,500

Date: 27/01/2021

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 Somersal Farm is located towards the northern edge of Somersal Herbert. The site is accessed directly off Somersal Lane and is bounded by open countryside to the north, east and west and 3 no. holiday lets (within a former agricultural barn) to the south (application ref: 00/07/0462).
- 1.2 The concrete portal framed building is clad with profiled metal sheeting (painted green) and is set under an asbestos roof covering. Prior Approval was granted in May 2020 (application ref: 20/00261/PDC), for use of the building as a hotel (C1 Use Class) with ancillary stabling.



2. DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the associated operational development works in respect of the Class R approval (application ref: 20/00261/PDC).
- 2.2 External alterations include the removal of existing asbestos roof covering and replacement with a new insulated roof sheeting, replacement of existing external sheeting (where appropriate), infilling of existing blockwork up to eaves height and insulation of existing external blockwork.
- 2.3 As part of the associated operational development works a number of new window and door openings are proposed, as illustrated on submitted revised plans date stamped 12th January 2020.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
- S4 Development in the Countryside
 - PD1 Design and Place Making
 - PD2 Protecting the Historic Environment

- PD5 Landscape Character
- PD9 Pollution Control and Unstable Land
- HC19 Accessibility and Transport
- HC21 Car Parking Standards

4. RELEVANT PLANNING HISTORY

20/00261/PDC Change of use of agricultural building to a flexible use (C1 holiday accommodation with ancillary stabling) GRANTED

5. CONSULTATION RESPONSES

5.1 Derbyshire County Council (Highways)
No highway comments to make.

5.2 Environmental Health Officer
No objections raised.

6. REPRESENTATIONS RECEIVED

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

Impact on residential amenity:

- Noise disturbance
- Light pollution

Highway Safety:

- Increase in vehicular movements
- Narrow lane
- No passing places
- Lack of on-site parking
- Dangerous access
- Concerns for pedestrians

Other matters:

- Principle of development having regard to Class R
- Footprint of the building
- Impact on Conservation Area
- Handling of the application
- Lack of consultation
- Overwhelms the village
- Lack of local amenities
- Site contamination
- Not popular by local residents

7. OFFICER APPRAISAL

7.1 Having regard to the history of the application site and the policies contained within the development plan, the main issues to assess are:

- Principle of the development, having regard to Class R, Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015;
- Whether the proposed associated operational development works are reasonably necessary for the use proposed under Class R, and;

- The impact of the proposed development on the character and appearance of the host building and its surroundings, specifically Somersal Herbert Conservation Area.

Principle of the development, having regard to Class R, Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

- 7.2 It is important in assessing the current scheme to fully understand the history of the site. Prior Approval (application ref: 20/00261/PDC) was granted on the 5th May 2020 for the change of use of the agricultural building to form holiday accommodation (C1 General Uses Classes Order) with ancillary stabling. It was determined that the proposed change of use would constitute permitted development in respect of Class R, Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 7.3 The principle of the proposed use of the building has therefore been established following the grant of Prior Approval on the 5th May 2020 (application ref: 20/00261/PDC).

Whether the proposed associated operational development works are reasonably necessary for the use proposed under Class R

- 7.4 At the time of determination it was acknowledged that permitted development legislation does not allow for any external building alterations as part of the Prior Approval application. At sub-paragraph (3), R.3 of Class R it is recognised that a subsequent planning application would be required to consider any ‘associated operational development’ matters in respect of Class R approvals. The General Permitted Development Order states where, in relation to a particular development under Class R, of the type described in paragraph R.3(1)(b), planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class R must begin within the period of 3 years starting with the date that planning permission is granted.
- 7.5 Class R clarifies for the purposes of sub-paragraph (3), ‘associated operational development’ means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class R. No further guidance is provided as to the exact limitations of associated operational development.
- 7.6 The Local Planning Authority sought clarification from the applicants’ agent with respect of the associated operational development works associated with the change of use to form holiday accommodation (C1 General Uses Classes Order) with ancillary stabling. A Construction Methodology has been submitted for consideration which sets out the associated conversion works. External alterations include the removal of existing asbestos roof covering and replacement with a new insulated roof sheeting, replacement of existing external sheeting (where appropriate), infill of existing blockwork up to eaves height and insulate existing external blockwork. As part of the associated operational development works a number of new window and door openings are proposed.
- 7.7 The existing structural concrete portal frame and blockwork would remain in situ with the majority of the works relating to repair/replacement of existing exterior cladding. No external structural works are proposed to accommodate the proposed use. As such, it is considered that the associated operational development works, set out within the supporting statement, are considered to be reasonably necessary to use the building approved under Class R, specifically holiday accommodation (C1 General Uses Classes Order).

The impact of the proposed development on the character and appearance of the host building and its surroundings, specifically Somersal Herbert Conservation Area

- 7.8 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.
- 7.9 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 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.
- 7.10 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.
- 7.11 The proposed conversion will retain the buildings existing form, with all the works relating to the exterior cladding. The building does not benefit from many existing openings, however some of the existing openings will be utilised for new windows and/or doors. A number of new openings are proposed as part of the conversion works, as set out on the submitted plans. The openings will be deeply recessed to protect the buildings existing agricultural appearance. Whilst no details have been submitted with regards to the precise choice of replacement materials it is understood that the use of insulated steel profile roofing material would match the existing finishes. An appropriately worded condition will be attached to any approval requesting confirmation of the exact finishes to ensure the building has no greater impact than in its current form.
- 7.12 Following amendments, it is considered that the details of the conversion works appropriately uphold the character, fabric and appearance of the original building. As such, no detrimental impacts are expected upon the character and appearance of the existing building or the surrounding area, specifically Somersal Herbert Conservation Area.

Other matters

- 7.13 The site would continue to be accessed directly off Somersal Lane. The Local Highway Authority comment that the site is in a rural location and is accessed off a private road some distance from the public highway. It is considered that the site is served by an acceptable access and the proposed parking layout is also considered to be sufficient to accommodate appropriate parking and turning facilities associated with the proposals. The Local Highway Authority raises no objections to the application, subject to conditions.
- 7.14 There are no records of contaminated land within the vicinity of the site and as such there appears to be no potential contamination risks to future occupants of the building. The District Councils Environmental Health Officer raises no objection to the application.
- 7.15 The barn lies within generous sized plot significantly detached from neighbouring residential properties. Given the location of the building and existing C1 (Holiday accommodation) uses onsite the proposal is considered not to result in a significant loss of privacy or amenity for the occupants of nearby properties.

Conclusion

- 7.16 Whilst it is noted that a number of objections to the application have been received from local residents, following a review of the previous approvals (application refs: 00/07/0462 and 20/00261/PDC) and statutory consultees responses, it is considered that the proposed expansion of the applicants' holiday accommodation provision will not result in any significant adverse impacts on the character and appearance of this part of the countryside / local landscape, residential amenity or highway safety, subject to conditions.
- 7.17 The development would, it is considered, comply with the relevant provisions of the development plan and guidance contained in the National Planning Policy Framework and a recommendation of approval is put forward on this basis.

8. RECOMMENDATION

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

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

Reason:

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

2. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority on the 12th January 2020.

Reason:

For the avoidance of doubt.

3. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987 and (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting those Order with or without modifications), the building shall be used for a purpose falling within Use Class C1 of the General Use Classes Order (Holiday accommodation) only unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017) and to comply with the conditions and limitations of Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015.

4. The stabling use shall remain ancillary to and for use of the occupiers of the hotel accommodation only.

Reason:

To comply with the conditions and limitations of Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 and in the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

5. This consent does not permit the removal, alteration or disturbance of any of the existing exterior walls/roof coverings other than as set out on the approved plans date stamped 12th

January 2020, unless otherwise agreed in writing by the Local Planning Authority before the commencement of works. The works shall then be constructed in accordance with the approved details.

Reason:

In the interests of according with Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

Reason:

In the interests of preserving the character and appearance of the existing building and its setting in accordance with Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To protect the external appearance and setting of the building in accordance with Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

8. All window and door frames shall be recessed in their openings behind the front face of the external walls of the buildings.

Reason:

To protect the external appearance and setting of the building in accordance with Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

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

10. This decision does not convey any authorisation to erect any floodlights or external lighting to the building hereby approved without the prior written approval of the Local Planning Authority on an application submitted to it.

Reason:

For the avoidance of doubt and to preserve residential and visual amenity in accordance with Policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

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

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. Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

4. Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

5. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

6. Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General

Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

7. A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

8. Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

9. Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit. Further advice is available at: <https://www.gov.uk/permits-you-need-for-septic-tanks> and <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

10. This decision notice relates to the following documents:
Submitted plans date stamped 12th January 2020.

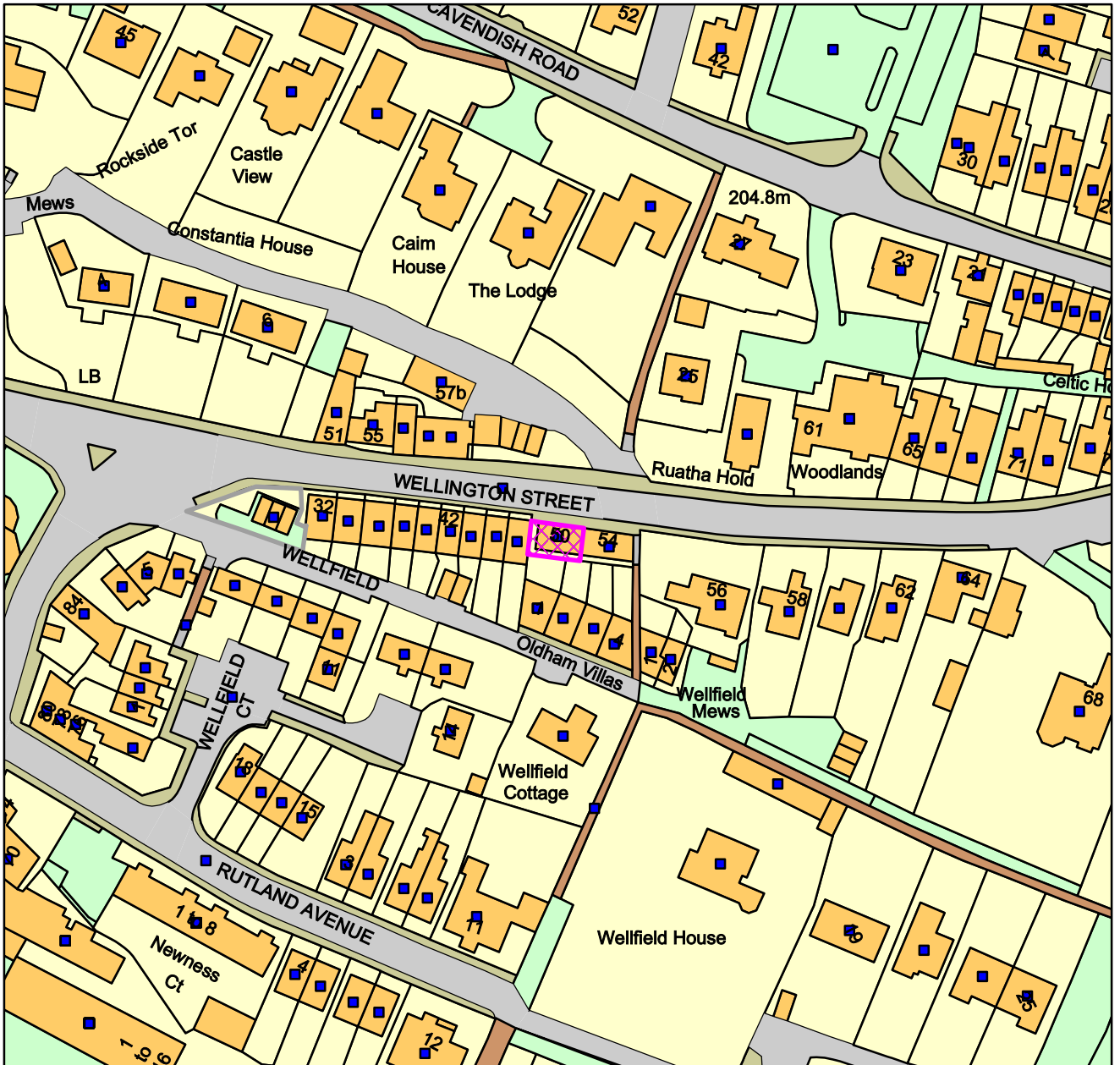
APPLICATION NUMBER		20/01165/FUL	
SITE ADDRESS:		50 Wellington Street, Matlock	
DESCRIPTION OF DEVELOPMENT		Change of use of hairdressing salon with residential accommodation to house in multiple occupation (Use Class C4)	
CASE OFFICER	Sarah Arbon	APPLICANT	Ms L Smithem
PARISH/TOWN	Matlock	AGENT	Mr R Yarwood
WARD MEMBER(S)	Cllr S Burfoot Cllr M Burfoot Cllr S Wain	DETERMINATION TARGET	13.01.2021
REASON FOR DETERMINATION BY COMMITTEE	Requested by ward councillors	REASON FOR SITE VISIT (IF APPLICABLE)	

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of development - Residential amenity - Highway safety

RECOMMENDATION
Approval

20/01165/FUL

50 Wellington Street, Matlock, Derbyshire



Derbyshire Dales DC

1:1,250

Date: 27/01/2021

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The property is located within the Matlock Bank Conservation Area on the southern side of Wellington Street close to the junction with Rutland Street. The property forms part of a terraced building that has over time been divided into two. The frontage is immediately onto the pavement with residential properties to the west stepping down. The terraced properties Oldham Villas are located close to the rear boundary at a lower land level. The property has a narrow path to the west to provide access to the rear terrace area which is at the level of the first floor windows of these properties and enclosed with a 1m wall and trellis.
- 1.2 The building dates to the late 19th century and is faced in coursed stonework with stonework dressings to the frontage with a rendered rear elevation and a slate roof. The original sash windows to the frontage of the property survive. The property was designed as a commercial premises and the stone pilasters to the original shopfront survive. However, the current shopfront is modern (possibly 1970s) with an artificial stone plinth, modern painted timber shopfront and a modern fascia board.



2. DETAILS OF THE APPLICATION

- 2.1 The proposal is to change the use and convert the property from a Hairdresser and Tanning Salon to a House of Multiple Occupation (HMO). The building has three floors of accommodation with the lower ground floor providing access to the outside terrace through the central stairway. Four en-suite bedrooms are proposed with a shared kitchen on the lower ground floor and a shared sitting room on the ground floor. The existing salon occupies the whole of the ground floor and this would be converted to the sitting room and one bedroom. No external alterations are proposed.

3 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
 - PD9: Residential Sub-Division of Dwellings
 - HC19: Accessibility and Transport

2. Matlock Bank Conservation Area Appraisal
3. National Planning Policy Framework
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY:

5. CONSULTATION RESPONSES

Parish / Town Council

- 5.1 Matlock Town Council object on the basis of the lack of detail in this application. In order to make a decision new plans are needed showing amongst other things, the size of the rooms, details of the entrances to each flat from the street, any access from the rear of the property on Wellfield, bin storage, treatment of what is now a shop window etc. Parking on Wellington Street is extremely difficult so it is not the place to introduce an HMO.

Derbyshire County Council (Highways)

- 5.2 The Highways Authority states that the proposal is to convert the existing hairdressers with residential use into a house of multiple occupancy containing four letting rooms with shared kitchen and living room. Wellington Street in this location is a classified road and given that most surrounding dwellings do not have off street parking, on street parking is at a premium. The property does not benefit from any off street parking and therefore if the residents owned a car they would also be looking for on street parking; some parking restrictions are in place on Wellington Street.

Whilst the proposal is not ideal from a highway viewpoint, given that all parking for the proposal would be on street and it is expected that drivers would park in a safe and legal manner, it is not considered that a highway objection could be sustained. This assessment is also on the basis that given the existing use of the property as a hairdressers and residential dwelling it is not considered that the proposal would result in a significant increase in use. However, it is considered necessary to limit any permission to the four proposed letting rooms proposed.

Design and Conservation Officer (Derbyshire Dales)

- 5.3 The application is accompanied by a Supporting Statement which clearly states that “*there will be no alterations to the exterior of the building*”. In terms of the Conservation Area this means that the original sash windows to the front elevation are to remain in-situ. Details of the fascia board should be conditioned due to its impact on the character and appearance of the Conservation Area.

Environmental Health (Derbyshire Dales)

- 5.4 The Environment Health Officer initially raised concerns with the property becoming a house in multiple occupation due to possible noise to nearby properties. In addition, no details of fire protection have been submitted and should 5 or more tenants be housed at the property this may also become subject to a need to be licensed. This would also affect the details of the fire protection implemented.

In order to mitigate any impacts it is recommended that a condition requires a scheme of noise insulation measures be submitted both to cover noise between rooms and noise leaving the property together with a scheme of fire protection measures be submitted for

the property. Conditions are also recommended to restrict the use to four persons and to ensure the adequate provision of bin storage.

6. REPRESENTATIONS RECEIVED

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

- There is not a precedence or need for a HMO in this area.
- There are concerns regarding the potential noise from the large number of residents.
- The outside space is small and backs onto 1-4 Oldham Villas with its use affecting the privacy and enjoyment of their gardens.
- The proposal would add pressure to the limited on street parking in the area which would make it more difficult for existing residents to park.
- There is also a potential for anti-social behaviour and who is responsible for controlling it.
- There is a concern based on evidence of an existing HMO in Matlock which has caused loss of amenity and anti-social behaviour to neighbours.
- The acoustics of the outdoor courtyard is such that noises would be amplified and with greater numbers of people residing at the property that do not live as a family the noise may be excessive.
- The character of the area means that people live in close proximity and thus a mutual respect is required and the proposal would be have a potentially continuous change of occupants where this would be lost.

Cllr M Burfoot has concerns about the lack of details submitted, since there is inadequate information about the position of Wellington Street on the floor plans, the annotation of the plans is very poor, no elevations are shown, so it is not even known how the present shop front is to be treated, if at all. There is also concerns in relation to the problems being experienced by the neighbours of another HMO in Dale Road and their constant loss of amenity and experience of noise and nuisance. This location is in the midst of a densely populated residential area, so the impact is likely to be enormous. Added to that is the complete lack of any off street parking, which would also impact on the daily lives of local residents. Therefore, it is considered that this inadequate application fails to satisfy the normal standards expected, so should be rejected, pending the submission of further information. Finally, in view of my observations above, it is requested that the application be referred to the Planning Committee.

Cllr Wain is concerned by the lack of detail in the application and having received a couple of phone calls from local residents, it is not clear what exactly the applicant wishes to do with this property and how it is to be managed. He is aware that the rear of the property is very compact and noise is likely to be an issue if this property is ineffectively managed. There is also a potential issue regarding the storage of any refuse if each individual property is to receive a single bin. The property is in a quiet residential area where many families reside and is also in close proximity to Matlock Bank Conservation Area. Due to the topography of the area, without detailed planning considerations there could be serious negative impacts on the amenity of those living below and overlooked by the property. This will be exacerbated as there is to be a multiple rear access/egress to the property and use of the rear terrace.

To the front of the property there is limited parking and regularly vehicles have to wait while the residents park in one of the few on street spaces. There are also concerns regarding excessive speed on this road and this has been targeted by the local community neighbourhood speed group. He is surprised by the comments made by the DCC and would ask whether they have physically visited the site, or whether the assessment was done as a tabletop exercise.

The parking in the area is at saturation point and he is surprised by the comments in the application, stating 'it is unlikely to exceed that generated by current use'. If the current use of the property is for one occupant /owner and the occasional visitor to the Tanning Centre, that may account for two vehicles. It does not however account for the other three rooms which if dual occupied could potentially yield up to 6 additional vehicles, if each person was to have a vehicle. It is believed that the provision of a cycle store is there just to tick the environmental and climate change box. He does not believe the average occupant would use a pedal cycle for transport in such a location and is afraid that unfortunately the car will be king.

Whilst appreciating there is a need for houses of multiple occupancy in certain areas, it is not considered that this application would benefit the community and would have a negative impact on its amenity and the request for it to be sent to Committee is supported, if you are minded to recommend approval.

7. OFFICER APPRAISAL

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

- Principle of development
- Impact on residential amenity
- Character and appearance
- Highway safety

Principle of development

7.2 The site is located within the settlement boundary of Matlock and within Matlock Bank Conservation Area therefore Local Plan Policies S3 and PD2 are relevant. Matlock is one of the main towns within the District where Policy S2 considers towns to be the primary focus for growth and development, providing significant levels of jobs and homes.

7.3 Within settlement boundaries Policy S3 allows development that:- is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located, retains existing buildings that make a positive contribution to the area and the proposed access and parking provision is appropriate. The site is within a sustainable location within walking distance of facilities and services and accessible by a choice means of transport, therefore, residential development is acceptable in principle.

Impact on residential amenity

7.4 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. This also includes developments being designed to minimise opportunities for anti-social or criminal behaviour and to promote safe living environments. This proposal would involve a change to the property from a mixed commercial and residential use to a solely residential one with the provision of two additional bedrooms. Therefore, there would no longer be customer activity during the opening hours within the ground floor with the resultant parking requirements as this would be replaced by residential occupants.

7.5 The residential sub-division of dwellings is controlled by Policy HC9 which requires a regard to adequate vehicular access, amenity space and bin storage, suitable internal accommodation in terms of privacy, natural light and outlook, impact on the character and appearance of the area, no significant new extensions, the sustainability based on the site's location including accessibility to shops, services and facilities and minimising built form through conversion of outbuildings. The proposal is located in an existing residential

area where properties are in close proximity. The lower ground floor and terrace and first floor is already in residential use and as such the relationship with adjacent properties exists, however, the proposal would result in the window serving the salon on the ground floor rear elevation changing to a bedroom window. This window would be at a higher level than the first floor bedroom window of the property to the rear (1 Oldham Villas) with an outlook approximately in line or above its ridge at a distance of 7m. This is considered acceptable as it is similar to existing relationships between dwellings that exist in the vicinity. The occupants would have adequate sized bedrooms with en-suite facilities whilst sharing a kitchen and sitting room. The small terrace would provide some amenity space and would not have an adverse impact on the ground floor or rear gardens of the properties to the rear due to its higher land level and outlook.

- 7.6 The landlord usually has extra legal responsibilities if the property is a house in multiple occupation or HMO. The landlord must get a license from the Council if it has five or more unrelated people live in it or has two or more separate households living there. The extra rules are there to reduce the risk of fire and to make sure that people living in shared houses or flats have adequate facilities.

Landlords of HMOs must make sure that:

- proper fire safety measures are in place, including working smoke alarms
- annual gas safety checks are carried out
- electrics are checked every 5 years
- the property is not overcrowded
- there are enough cooking and bathroom facilities for the number living there
- communal areas and shared facilities are clean and in good repair
- there are enough rubbish bins/bags

- 7.7 Concern has been raised by residents that the HMO occupants may create noise, disturbance and potentially anti-social behaviour. The agent has provided a document 'Statement of Occupational Policy' outlining the guidance for tenants in terms of mandatory house rules and terms of occupation and this indicates that the behaviour of occupants would be suitability controlled to avoid adverse impacts on the amenity of neighbouring properties together with compliance with fire and safety regulations.

- 7.8 Therefore, the Local Planning Authority has to consider the planning balance. There is clearly a level of local concern over the provision of the HMO and residents consider that this is wrong location for such a building use due to its close proximity to neighbouring properties and the lack of on-street parking. However, the location of the building is highly sustainable as residents would not be solely reliant on the private car as shops and facilities are within walking distance. The provision of four bedrooms is not considered excessive as the size of building suits the level of accommodation. The National Planning Policy Framework advocates the development of under-utilised buildings, especially if this would help to meet identified needs for housing where land supply is constrained in paragraph 118.

- 7.9 Given the above, it is considered that the re-use of the premises in the manner proposed would not significantly harm the amenity of local residents to such an extent that could reasonably justify a recommendation of refusal and it is not for the Local Authority to determine how people may wish to live by refusing such accommodation in sustainable locations within the District which may be welcome to the tenants.

Character and appearance

- 7.10 Policy PD1 requires development to be of a high quality that respects the character and context of the area, contributes positively to an area's character in terms of scale,

height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features. Policy PD2 requires proposals in a Conservation Area to demonstrate how the proposal has taken account of the local distinctive character and setting of the Conservation Area including open spaces and natural features and how this has been reflected in the layout, design, form, scale, mass, use of materials and detailing, in accordance with Character Appraisals where appropriate.

- 7.11 The application is accompanied by a Supporting Statement which clearly states that “*there will be no alterations to the exterior of the building*”. In terms of the Conservation Area this means that the original sash windows to the front elevation are to remain in-situ. Whilst the existing shopfront is also to remain in-situ, its modern design and detailing do not contribute to the architectural quality of the remaining building. As no details of what is to be put in its place have been provide, it is deemed important from a conservation area perspective that details of the shopfront fascia are submitted for consideration by condition prior to any changes being made.

Highway safety

- 7.12 The Highways Authority have assessed the application and they acknowledge that is not ideal that there is no off street parking available within the site curtilage. However given the existing use of the property as a hairdressers and residential dwelling it is not considered that the proposal would result in a significant increase in use. Any on street parking would need to be in a safe and legal manner. In view of this it is not considered that a highway objection could be sustained. The proposal is therefore considered acceptable in this location within the town of Matlock which is accessible by a choice means of transport in accordance with Policies S3 and HC19.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions.

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

Reason:

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

2. The development hereby permitted shall not be brought into use until a scheme of works for noise insulation, both to cover noise between rooms and noise leaving the property, has been submitted to and approved in writing by the Local Planning Authority and implemented in full. The approved scheme shall be maintained in accordance with the approved details at all times thereafter.

Reason:

In order to safeguard the amenity of neighbouring residents in accordance with Policies PD1 of the Adopted Derbyshire Dales Local Plan (2017).

3. The internal arrangements of the building shall be laid out fully in accordance with the submitted ‘Plans as proposed’ scale 1:100 prior to the first occupation of the premises and shall not be altered unless otherwise agreed in writing by the Local Planning further to the submission of a planning application.

Reason:

To safeguard the amenities of the building and the wider area to comply with Policies S3 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

4. The development hereby approved, once first occupied for the approved purpose, shall be operated fully in accordance with the Statement of Operational Policy received on 25th January 2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the amenities of local residents to comply with Policies S1, S3 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

5. Prior to the first occupation of the premises full details of works to the shop fascia shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.

Reason:

To safeguard the character and appearance of the Conservation Area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

9. NOTES TO APPLICANT:

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

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

This decision notice relates to the following documents:

Location Plan Scale 1:1250

Block Plan Scale 1:500

Plans are proposed Scale 1:100

Supporting Statement

Statement of Operational Policy

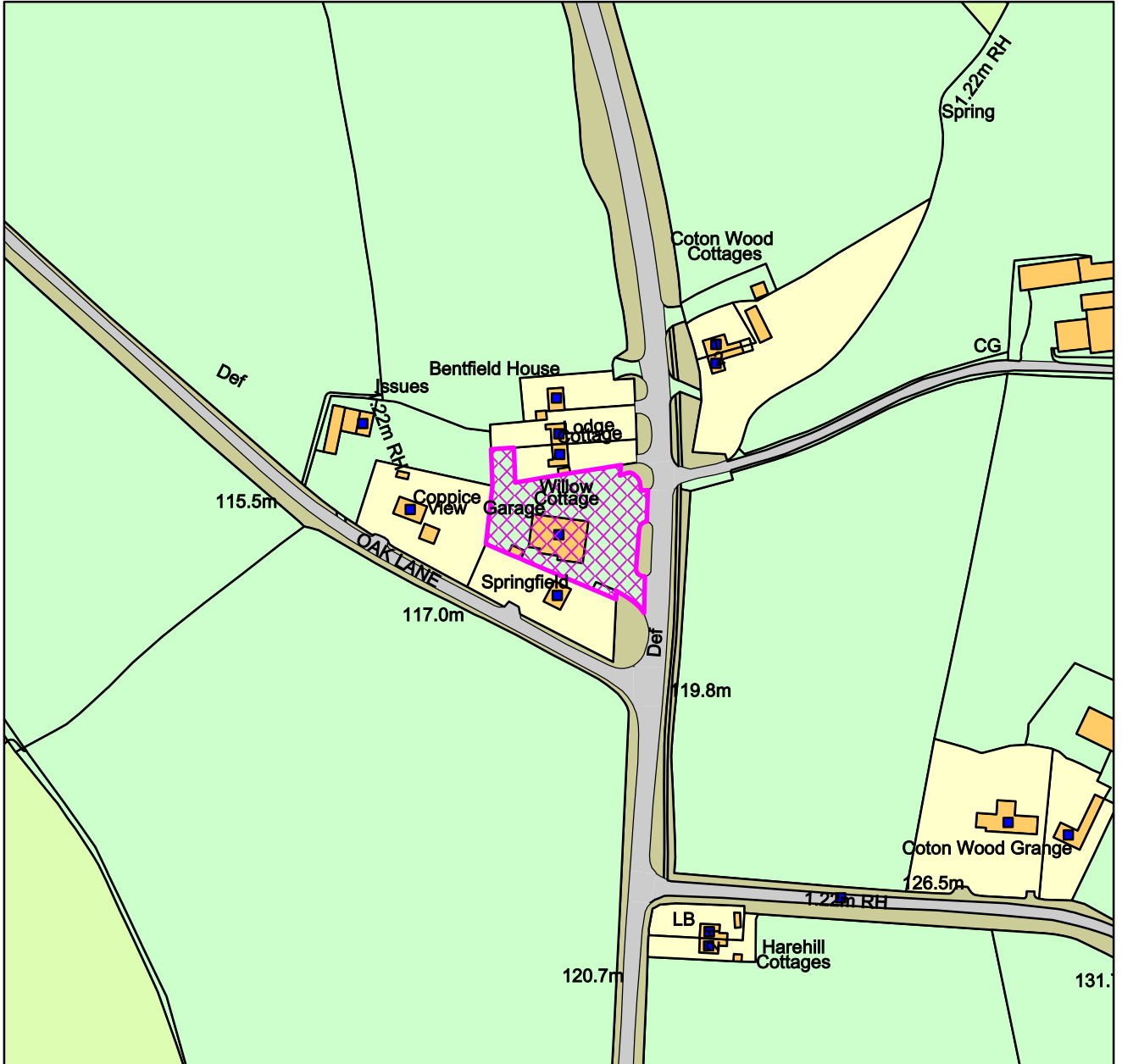
APPLICATION NUMBER		20/01223/FUL	
SITE ADDRESS:		Former Hallmark Tractor Site, Ashbourne Road, Sudbury	
DESCRIPTION OF DEVELOPMENT		Demolition of depot building and erection of 4 no. dwellinghouses	
CASE OFFICER	Andrew Stock	APPLICANT	Matthew James Homes
PARISH/TOWN	Sudbury	AGENT	Fisher German
WARD MEMBER(S)	Cllr Jacqueline Allison	DETERMINATION TARGET	27 th January 2021
REASON FOR DETERMINATION BY COMMITTEE	Departure from the development plan	REASON FOR SITE VISIT (IF APPLICABLE)	N/A

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • The principle of development, having regard to the buildings existing use and location; • Impact on the character and appearance of its surroundings; • Whether the development would result in a significant loss of amenity for residents of neighbouring properties, and; • Whether there would be any adverse highway safety implications.

RECOMMENDATION
Refusal.

20/01223/FUL

Former Hallmark Site, Ashbourne Road, Sudbury



Derbyshire Dales DC

1:2,500

Date: 27/01/2021

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The site is located along the A515 Ashbourne to Sudbury road, just north of the staggered Somersal and Boylestone crossroads within a small hamlet of properties in the countryside. The area comprises several residential properties, the former Hallmark Tractors site (the subject of this application) and the recently developed site for the relocation of Hallmark Tractors depot building to the north.
- 1.2 The application site is part of the former Hallmark Tractors business premises which comprises a large depot/maintenance shed with an enclosed compound to the side where vehicles, plant and equipment were stored. To the rear is a further storage area, which was used to store vehicles and machinery. This area has recently benefited from planning permission for the erection of 4no. dwellinghouses (application refs: 20/00343/REM and 17/00329/FUL).
- 1.3 The site is access directly off the A515 via the existing vehicular access.



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the demolition of the former Hallmark Tractors business premises (General Industrial (B2 Use Class)) and the erection of 4 no. dwellinghouses with associated garaging, as illustrated on submitted plans date stamped 2nd December 2020.
- 2.2 The development comprises two detached dwellings (Plots 1 and 4) and two semi-detached dwellings (Plots 2 and 3). The two storey dwellings incorporate a number of design detailing including; gables to the principle (front) elevation, decorative chimney stacks which straddle the roofline on the gables ends, arched window heads, stone quoins, timber porch canopies and brick plinth detailing. The dwellings would be constructed from red brick and set under a plain tiled roof. A 3 no. bay garage building is proposed to the rear of the application site, behind the proposed dwellings.

- 2.3 The residential development would utilise the existing two access points which currently serve the site, directly off the Ashbourne Road (A515). A single parking space would be allocated forward of the dwellings with a further 2 no. spaces (each) provided to the rear of the site (Plots 2, 3 and 4 would benefit from an enclosed space within the proposed garage building). A total of 3 no. parking spaces is proposed for each residential unit.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1 Sustainable Development Principles
 - S4 Development in the Countryside
 - S9 Rural Parishes Development Strategy
 - PD1 Design and Place Making
 - PD3 Biodiversity and Natural Environment
 - PD9 Pollution Control and Unstable Land
 - PD7 Climate Change
 - PD8 Flood Risk Management and Water Quality
 - HC1 Location of Housing Development
 - HC19 Accessibility and Transport
 - HC21 Car Parking Standards
 - EC1 New and Existing Employment Development
 - EC3 Existing Employment Land and Premises

- 3.2 National Planning Policy Framework (2019)

4. RELEVANT PLANNING HISTORY

- | | | |
|-----|----------------|---|
| 4.1 | 20/00482/FUL | Change of use from General Industrial (B2) to Commercial, Business and Service Uses (Class E) – WITHDRAWN |
| 4.2 | 20/00343/REM | Approval of reserved matters for the erection of 4no. dwellinghouses (hybrid planning permission 17/00329/FUL) (resubmission) – GRANTED |
| 4.3 | 19/01159/REM | Approval of reserved matters for the erection of 4 no. dwelling houses (hybrid planning permission 17/00329/FUL) – WITHDRAWN |
| 4.4 | 17/00329/FUL | Hybrid Application - Residential Development of up to 4 no. dwellings and access (Outline) and erection of building for B2/B8 Use and associated access (Full) – GRANTED |
| 4.5 | 09/00762/VCOND | Section 73 Application - Extension of existing building, creation of new access road and use of land for storage of vehicles (Variation to Condition 3 of planning permission 09/00468/FUL) – REFUSED |
| 4.6 | 09/00468/FUL | Extension of existing building, creation of new access road and use of land for storage of vehicles (modifications to planning permission 08/00649/FUL) – GRANTED |
| 4.7 | 08/00649/FUL | Extension of existing building, creation of new access road and use of land for storage of vehicles - GRANTED |

5. CONSULTATION RESPONSES

5.1 Local Highway Authority (Derbyshire County Council)

No objection, subject to conditions.

5.2 Parish Council

Objection - A maximum of 3 small houses would be more than adequate and would be in keeping with the cottages surrounding the area.

5.3 Derbyshire Wildlife Trust

It is recommended as a minimum that a Preliminary Bat Roost Assessment is undertaken prior to determination by a suitably qualified ecologist. Evidence of nesting bird activity should also be recorded. This survey can be undertaken any time of the year and no works of any kind should be undertaken to the buildings until this assessment has been undertaken and a decision has been made by the Local Planning Authority.

6. REPRESENTATIONS RECEIVED

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

Impact on residential amenity:

- Loss of light
- Overbearing
- Loss of view

Character and appearance:

- Over development
- Houses forward of existing dwellings

Other matters:

- Principle of development
- Lack of marketing of existing site
- Existing employment capabilities

6.2 A total of 6 letters of support for the redevelopment of the site have been received, however concerns have been expressed over the number of dwellings proposed. The common theme is that the redevelopment should be no more than 3 no. dwellinghouses.

7. OFFICER APPRAISAL

7.1 Having regard to the policies of the development plan the main issues to assess are:

- The principle of development, having regard to the buildings existing use and location;
- Impact on the character and appearance of its surroundings;
- Whether the development would result in a significant loss of amenity for residents of neighbouring properties, and;
- Whether there would be any adverse highway safety implications.

The principle of development, having regard to the buildings existing use and location

- 7.2 The application site is located within the countryside, between Ashbourne and Sudbury. Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) advises that development in the countryside should protect and where possible, enhance 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) seeks to protect existing employment sites and premises in order to ensure that development would not result in the loss of land or buildings from employment use; unless the proposals accord with Local Plan Policy EC3.
- 7.4 Policy EC3 of the Adopted Derbyshire Dales Local Plan (2017) advises development proposals involving the redevelopment or change of use of existing business or industrial land or premises (falling within Use Classes B1, B2 or B8) for non-employment uses will only be permitted where:
- a) the continuation of the land or premises in industrial or business use is constrained to the extent that it is no longer suitable or commercially viable for industrial or business use as demonstrated by marketing evidence commensurate with the size and scale of development; and the proposed use is compatible with neighbouring uses; or
 - b) an appropriate level of enabling development is required to support improvements to employment premises or supporting infrastructure. In such cases, a viability appraisal should be submitted to demonstrate that a change of use or redevelopment of the site is required to fund the improvements. Mixed-use proposals should not create any environmental, amenity or safety issues.
- 7.5 The preamble text of Policy EC3, set out in paragraph 7.17 of the Derbyshire Dals Local Plan (2017), advises that in order to demonstrate effective marketing of a site, applicants will be required to provide evidence of a marketing exercise over at least a six month period by a commercial property agent with good knowledge of the property and the appropriate local, national or niche market for Class B use land and premises. Evidence that criteria (a) to (f) of Policy EC3 should be undertaken as a minimum requirement of the District Council or the application should be accompanied by a comprehensive financial viability appraisal that sets out costs and values of development as well as all the options that have been considered which incorporate employment provision, for the re-use of the land premises.
- 7.6 The application is only accompanied by a Planning, Design and Access Statement which states that due to COVID-19 the market for commercial, retail and business uses has dropped drastically and the demand for the former Hallmark Tractors property for modern commercial/business use post pandemic is so diminished it has become an unviable option. However it is noted that an application for the change of use of the existing premises to retail (A1), cafe (A3) and office (B1(a)) uses has recently been promoted by the applicants (application ref: 20/00482/FUL), where in their supporting Planning, Design and Access Statement confirmed that the change of use would compliment the existing use of the building and would provide much needed office space to serve business that operate in rural areas. The application was recommended for approval by the Local Planning Authority but was withdrawn (13th October 2020) by the applicant prior the application being formally determined by Members of the Planning Committee.

- 7.7 No formal marketing has been undertaken by any commercial estate agents at an appropriate price to reflect its use or a comprehensive financial viability appraisal. There is a distinct lack of evidence to support the applicants' claims. In absence of a comprehensive marketing exercise or viability appraisal the application has failed to demonstrate that the existing land or premises is no longer suitable or commercially viable for industrial or business uses.
- 7.8 Notwithstanding the above, in accordance with Policy S2 of the Adopted Derbyshire Dales Local Plan (2017), residential development will be directed towards the most sustainable locations. A settlement hierarchy forms a useful basis for taking forward the principles of sustainable development, as it allows for new development to be brought forward in a sustainable way, where local services are available and the need to travel is reduced. The towns and villages of Derbyshire Dales have been classified into a settlement hierarchy on the basis of the availability of local services, local employment opportunities and the ease of access to them.
- 7.9 The application site does not fall within one of the five tiers identified within Policy S2 of the Local Plan, but lies within 'Other Rural Areas' where it is acknowledged that such areas, including those villages, hamlets and isolated groups of buildings where nearly all services and facilities must be accessed in higher order settlements are for the purposes of this plan, considered as 'countryside'. In these locations, as set out in Policy S2, development will be strictly limited to that which has an essential need to be located in the countryside.
- 7.10 Therefore, the proposed development of 4 no. open market dwellinghouse would represent an unwarranted and unsustainable form of residential development within the countryside, contrary to Policies S1, S2, S4 and HC1 the Adopted Derbyshire Dales Local Plan (2017) and the guidance contained with the National Planning Policy Framework (2019).

Impact on the character and appearance of its surroundings

- 7.11 Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) advises that all development should seek to make a positive contribution towards the achievement of sustainable development and, in doing so, seek to secure development which are of high quality, locally distinctive and inclusive design and layout and which provides a high standard of amenity for all existing and future occupants of buildings.
- 7.12 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, development on the edge of settlements to enhance and/or restore landscape character, contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.13 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.
- 7.14 Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design.
- 7.15 Whilst it is acknowledged that existing Hallmark Tractors business premises has fallen into disrepair following the relocation of their operation to new site (application ref:

17/00329/FUL) just north of the application site, the building could after refurbishment have a positive impact on the character and appearance area, as illustrated on submitted plans considered under withdrawn application 20/00482/FUL.

- 7.16 The application site is bounded by Willow Cottage to the north, Springfield to the south and Coppice View to the west, which are all of traditional appearance and constructed from red brick, set under plain tiled roofs. Given the uniform styles, material choice and detailing a traditional design concept is generally considered to be acceptable in this location. However the extent of design detailing including; decorative chimney stacks, arched window heads, stone quoins and brick plinths are considered to be excessive and should be reduced. The use of red brick and plain roof tiles is considered to be acceptable.
- 7.17 It is important to consider, amongst other matters, the impact of new residential development on the character and appearance of the landscape and settlement pattern. Whilst the application site benefits from a wide frontage onto Ashbourne Road, the proposed development of 4 no. dwellinghouse appears to be contrived and cramped within the available frontage. This is exaggerated by the dwellings projecting significantly forward of the existing well established building line, resulting in the inclusion of an incongruous cranked style house along the southern boundary of the site. Furthermore, the creation of central through road access to the rear of the site is an uncommon addition within the immediate street-scene.
- 7.18 Whilst it is noted that dwellings have been designed to reduce greenhouse emissions with the inclusion of an air source heat pump, high standards of insulation and energy efficiency through building design, it is considered that the proposed development, by reason of its siting, form and number of units is such that it would introduce an incongruous and cramped form of development on this visually prominent site that does not respect the character, identity and context of this part of the countryside. As such it would represent an intrusive and uncharacteristic form of residential development within the defined countryside.

Whether the development would result in a significant loss of amenity for residents of neighbouring properties

- 7.19 The site is located along the A515 Ashbourne to Sudbury within a small hamlet of residential properties and was the former Hallmark Tractors business premises and compound which until recently included a compound to the side, rear and front of the site where vehicles, plant and equipment was stored. The application site is bounded by Willow Cottage to the north, Springfield to the south and Coppice View to the west. The proposed redevelopment of the site for residential uses is therefore considered to be acceptable in amenity terms.
- 7.20 Given the separation of the proposed dwellings to neighbouring properties the development of 4 no. two storey dwellinghouse is not considered to have an overbearing impact on nearby dwellings and would not result in any significant loss of privacy or amenity for the occupants of neighbouring properties.

Whether there would be any adverse highway safety implications

- 7.21 The residential development would utilise the existing two access points which currently serve the site, directly off the Ashbourne Road (A515), which is a classified road subject to a 50mph speed limit. The Local Highway Authority comment that given the previous use of the site and the wide highway verge fronting the site there are no highway objections to the proposal, subject to conditions.

Other matters

- 7.22 The application is not accompanied by any ecological information. Following consultation with Derbyshire Trust it has been advised that they are not aware of any nature conservation or biodiversity features at this location but it is recommended, as a minimum, that a Preliminary Bat Roost Assessment and assessment of nesting bird activity is undertaken prior to determination by a suitably qualified ecologist to establish whether the building could support both bat and bird species. It is advised that the results of the assessment should be presented in accordance with current guidelines, such as Ecological Report Writing (CIEEM, 2017), British Standard BS 42020: 2013 and Bat Conservation Guidelines (Collins, 2016) in line with the good practice guidelines (Collins, 2016) prior to determination of the planning application.
- 7.23 The application, as submitted, therefore fails to provide sufficient information to fully demonstrate that demolition of the existing building would not harm protected species that may be present within the building.

Conclusion

- 7.24 In conclusion, whilst the existing premises have since become redundant following the completion of the new Hallmark Tractors depot building (application ref: 17/00329/FUL), insufficient information has been submitted to demonstrate that the existing industrial land or premises (falling within Use Classes B2) is no longer suitable or commercially viable for industrial or business uses. The retention of the site for industrial or business uses would significantly contribute towards the creation and retention of employment opportunities within the rural area.
- 7.25 Notwithstanding the above, the proposed development of 4 no. open market dwellinghouses, by reason of their siting, form and number of units are such they it would introduce an incongruous and cramped form of residential development on this visually prominent site that does not respect the character, identity and context of this part of the countryside. As such the development would represent an unwarranted, uncharacteristic and unsustainable form of residential development within the countryside.
- 7.26 Taking the above into consideration the application fails to satisfy the relevant provision of the Adopted Derbyshire Dales Local Plan (2017). Accordingly the application is recommended for approval.

8. RECOMMENDATION

That planning permission be Refused for the following reason(s):

1. In absence of a comprehensive marketing exercise or viability appraisal the application has failed to demonstrate that the existing business or industrial land or premises (falling within Use Classes B2) is no longer suitable or commercially viable for industrial or business uses, contrary to Policies EC1 and EC3 of the Adopted Derbyshire Dales Local Plan (2017).
2. The proposed development of 4 no. open market dwellinghouse would represent an unwarranted and unsustainable form of residential development within the countryside, contrary to Policies S1, S2, S4 and HC1 the Adopted Derbyshire Dales Local Plan (2017) and the guidance contained with the National Planning Policy Framework (2019).
3. The proposed residential development, by reason of their siting, form and number of units are such they it would introduce an incongruous and cramped form of residential development on this visually prominent site that does not respect the character, identity

and context of this part of the countryside, contrary to Policies S1, S2, S4, HC1, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and the guidance contained with the National Planning Policy Framework (2019).

4. The application fails to provide sufficient information to fully demonstrate that demolition of the existing building would not harm protected species that may be present in the building. The application therefore conflicts with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

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

2. This decision notice relates to the following documents:
Submitted plans date stamped 2nd December 2020.

Ashbourne North

ENF/18/00038	Breach of Conditions 6, 16, 17, 18, 19, 21, 22 and 23 of Planning Permission 09/00496/FUL (Allowed on appeal)	The Mount 4 North Avenue Ashbourne Derbyshire DE6 1EZ	Notice Issued
ENF/19/00016	Installation of artificial grass to steps, neon internal signage and spotlights to Grade II Listed Building	5 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
ENF/19/00082	Siting of caravan and alterations to associated access track	Land To The Rear Of Woodcock Delph And Adjacent To Herdsman Close Farm Ashbourne Road Fenny Bentley Derbyshire	Pending Consideration
ENF/19/00154	Breach of Conditions 19 and 20 of Planning Permission 09/00496/FUL (Allowed on appeal)	The Mount 4 North Avenue Ashbourne Derbyshire	Pending Consideration
ENF/20/00003	Installation of solar panels to roof	13 Church Street Ashbourne Derbyshire DE6 1AE	Notice Issued
ENF/20/00055	Unauthorised engineering works to facilitate a vehicular access and parking space onto a classified road, 23 Buxton Road, Ashbourne.	23 Buxton Road Ashbourne Derbyshire DE6 1EX	Pending Consideration

Ashbourne South

ENF/17/00038	Unauthorised works to listed building	Avanti Jewellers 2 - 4 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
ENF/18/00125	Breach of Conditions 6 (Soft Landscaping), 7(Landscape Management Plan), 8 (Amenity and Play Areas laid out before first occupation) and 27 (Landscape and Ecological Management Plan) of 14/00722/FUL	Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB	Notice Issued
ENF/18/00164	Unauthorised siting of caravan for residential purposes.	Land To The Rear Of Mayfield Road Cadet Hut Mayfield Road Ashbourne Derbyshire DE6 1AR	Pending Consideration
ENF/19/00040	Breach of Condition 10 (Construction Management Plan) of planning permission 15/00060/OUT	Land Off Lathkill Drive Ashbourne Derbyshire	Pending Consideration

ENF/19/00114	Provision of traffic regulation order and markings to restrict parking secured via section 106 agreement not yet in place, landscaping/ damaged fencing on site and unauthorised signage (banner sign and advanced sign) for local housing site being displayed. Related planning approval 18/00180/FUL	Unit 6 Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire	Pending Consideration
ENF/20/00030	Breach of Condition 24 (Tree Protection) of planning approval 17/00250/REM and damage to protected trees	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Pending Consideration

Brailsford

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

Carsington Water

ENF/16/00034	Unauthorised erection of Dog kennels	Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ	Notice Issued
ENF/18/00013	Building not built in accordance with approved plans	Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR	Pending Consideration
ENF/18/00196	Works to Holiday Let - Installation of chimney, erection of conservatory and extension to single storey element. Other Works - Caravan hookups, associated timber structure and extension to shower block	New Harboro Farm Manystones Lane Brassington Derbyshire DE4 4HF	Pending Consideration

ENF/19/00067	Unauthorised engineering works to create a raised platform base for the approved building, and a new access and access track onto land off Manystones Lane, Brassington.	Land North Of Wirksworth Dale Brassington Derbyshire	Pending Consideration
ENF/19/00096	Unauthorised change of use of the building known as Shaws Barn, from B8 (Limited storage and distribution) use, to a use including the sale of alcohol.	Shaws Barn Winn Lane Atlow Derbyshire DE6 1NS	Pending Consideration
ENF/20/00128	Erection of shed and boundary fence	3 Haven View Mill Lane Bradbourne Derbyshire DE6 1PA	Pending Consideration

Clifton And Bradley

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

Darley Dale

ENF/12/00034	Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.	Stancliffe Quarry, Darley Dale, Matlock.	Notice Issued
ENF/17/00016	Breach of pre commencement conditions on planning permission 15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building.	Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT	Pending Consideration
ENF/17/00139	Works comprising the siting of an office building on "the land"	Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR	Pending Consideration
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/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
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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	Pending Consideration
ENF/20/00010	Change of use of land to site a crane and condition 4 (landscaping works to screen mounding) of planning permission 11/00806/FUL not fully implemented	Steve Foster Crane Hire Units 1 To 3 Derby Road Doveridge Derbyshire DE6 5JU	Pending Consideration
ENF/20/00129	Formation of a car park in association with the fishing club	Land Between Dove Villa And Tollgate Cottage Doveridge Derbyshire	Pending Consideration

Hulland

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

Masson

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

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

Matlock St Giles

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

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

Norbury

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

Stanton

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

Winster And South Darley

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

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

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

Total Open Cases

92

Enforcement Investigations Closed

In the Month Prior to 27/01/2021



Ashbourne South

ENF/20/00127	Positioning of dwellinghouse built as part of planning permission 17/00250/REM	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Justification from Officer	18/01/2021
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Brailsford

ENF/19/00095	Has access road been built to correct width and planting on verge (related planning permissions - 16/00567/OUT (outline) and 18/00397/REM and 19/00467/REM (reserved matters))	Land Off Main Road Brailsford Derbyshire	Complied Voluntarily	18/01/2021
ENF/20/00071	Land clearance works	Land To The Rear Of Dovelands Old Hall Farm Church Lane Brailsford Derbyshire	Planning Application Received	18/01/2021

Carsington Water

ENF/20/00028	Siting of 1no. caravan/ mobile home	Land East Of Turlowfields Lane Hognaston Derbyshire	Complaint Unfounded	18/01/2021
ENF/20/00060	Extension of residential curtilage, change of use to garden land, removal of retaining walls, alterations to land levels and creation of additional parking area	Parkview The Town Carsington Derbyshire DE4 4PX	Planning Application Received	04/01/2021

Darley Dale

ENF/20/00073	Erection of outbuilding	14 Darley House Estate Hackney Derbyshire DE4 2QG	Complaint Unfounded	06/01/2021
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Hulland

ENF/19/00106	Unauthorised engineering works including the creation and extension of a new access, the re-surfacing of an access track and the excavation of new footings around the existing hay barn, on land opposite Hulland Grange, Upper Lane, Hulland Ward.	Hay Barn Upper Lane Hulland Ward Derbyshire	Planning Application Received	19/01/2021
ENF/20/00050	Building not built in accordance with permission reference 16/00675/AGR and untidy land	Land Adjacent Field Farm Field Lane Kirk Ireton Derbyshire	Not in the Public interest to pursue	18/01/2021

Masson

ENF/21/00006	Land clearance works	Land Adj. Woodseats Farm Willersley Lane Cromford Derbyshire	Complaint Unfounded	25/01/2021
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Matlock St Giles

ENF/19/00080	Engineering works and changes to land levels	64 Tor Rise Matlock Derbyshire DE4 3DL	Planning Application Received	05/01/2021
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Norbury

ENF/20/00004	Installation of flues and finished levels of development	Mushroom Farm Rodsley Lane Yeaveley Derbyshire DE6 2DT	Planning Application Received	19/01/2021
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Total Closed Cases **11**

NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 09th February 2021

PLANNING APPEAL – PROGRESS REPORT

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
18/00662/LBALT	Brook Cottage, Pethills Lane, Kniveton	WR	Appeal being processed
20/00108/FUL	1 Church Street, Ashbourne	WR	Appeal being processed
20/00109/LBALT	1 Church Street, Ashbourne	WR	Appeal being processed
20/00286/FUL	3 to 5 Rodsley Lane, Yeaveley	WR	Appeal being processed
ENF/20/00006	Land east of Grove Lane, Somersal Herbert	IH	Appeal being processed
Central			
20/00493/FUL	10 Thatchers Croft, Tansley	HOUSE	Appeal dismissed – copy of the decision attached
20/00625/FUL	114 Northwood Lane, Darley Dale	HOUSE	Appeal being processed
20/00902/CLPUD	214 Dale Road, Matlock	WR	Appeal being processed
ENF/19/00167	Land And Barn At The Corner Of Thatchers Lane And Alders Lane Tansley	WR	Appeal being processed
ENF/20/00092	Land And Barn At The Corner Of Thatchers Lane And Alders Lane Tansley	WR	Appeal being processed
ENF/20/00120	North Park Farm, Whitworth Road Darley Dale	IH	Appeal being processed

ENF/17/00139	Bent Farm / Ameycroft Farm Farley Hill Matlock	WR	Appeal being processed
20/00610/FUL	Elmcroft, Derby Road, Cromford	WR	Appeal being processed
20/00581/FUL	5 Asker Lane, Matlock	IH	Appeal being processed

WR - Written Representations

IH - Informal Hearing

PI – Public Inquiry

LI - Local Inquiry

HH - Householder

OFFICER RECOMMENDATION:

That the report be noted.



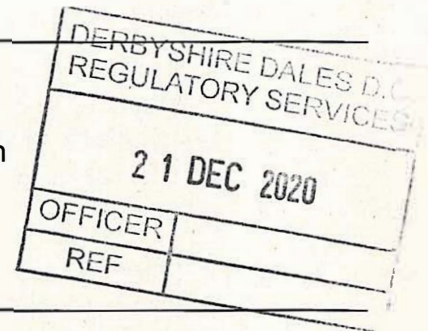
Appeal Decision

Site visit made on 23 November 2020 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2020



Appeal Ref: APP/P1045/D/20/3258152

10 Thatchers Croft, Tansley, DE4 5AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Helen Ward against the decision of Derbyshire Dales District Council.
- The application Ref 20/00493/FUL, dated 1 June 2020, was refused by notice dated 27 July 2020.
- The development proposed is described as a fence installed to rear of property on the inside of part of the boundary wall on the lowest side.

Decision

1. The appeal is dismissed.

Appeal Procedure

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

Preliminary Matters

3. The fence that is the subject of this appeal has already been constructed. I have dealt with the appeal on that basis.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the street scene.

Reasons for the Recommendation

5. The appeal site comprises a detached dwelling in a residential area of Tansley. The site is a on large, prominent corner plot that is bound on three sides by Thatchers Croft and Thatchers Lane. Permission is sought for a fence that is attached to the side boundary wall of the rear garden adjacent to Thatchers Lane.
6. The street scene is characterised by the layout of the buildings and open space. As a result of the street pattern, some dwellings including the appeal site have their rear gardens fronting the street. No 5 Thatchers Croft has a large side garden area adjacent to and visible from the street and Nos 1-4 Thatchers Croft have rear gardens that back onto and are visible from Nottingham Road, which is the main road through Tansley. Boundary treatments tend to be low

stone walls which allow views across the space and contribute to the sense of openness. Overall, the street has a spacious and pleasant character and appearance.

7. The stone boundary wall to the property is 0.96m in height with the fence projecting 0.84m above it, giving a total height of 1.8m. While the fence is not particularly visible from the junction of Thatchers Lane with Nottingham Road, the fence is very prominent in Thatchers Lane immediately around the appeal site.
8. Policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (December 2017) (LP) require, amongst other things, that development respects the character, appearance and distinctiveness of the settlement. In this case the height and extent of the fence would create a sense of enclosure that would fail to retain the open, spacious character and appearance of the street. The fence is picket-style and has been painted anthracite grey which lessens the visual impact. However, the fence remains an obtrusive feature in the street scene.
9. Three properties in Thatchers Croft have fences around part or all of their front gardens and the appellant has provided photographs of other fences and trellises in Thatchers Lane. However, these fences do not have the same combination of height, length and prominence as the fence in this case. Moreover, they are not defining characteristics of the street scene. As such the presence of these fences does not justify the proposal.
10. For the reasons given above, I conclude that the proposal causes significant harm to the character and appearance of the street scene. The proposal would therefore conflict with Policies S1, S3 and PD1 of the LP.

Other Matters

11. I accept that the fence provides a degree of privacy to the rear garden, although the appellant accepts that the rear garden will always be overlooked, and security for a dog. I have sympathy with these concerns and have taken them into account. However, there is no reason why security and privacy could not be provided by other forms of boundary treatment, including landscaping, which would not have such a harmful impact on the character and appearance of the area as the fence.
12. For the reasons given above and having had regard to all other matters raised, including the letters of support for the proposal, I recommend that the appeal should be dismissed.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR

BACKGROUND PAPERS

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

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

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

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

BACK TO AGENDA